General Administration

9.0010 **Title.** Chapter 9 of the Eugene Code, 1971, is known and may be cited as the "land use code." When referring to specific sections of the Eugene Code, 1971, the letters EC should precede the numerical designation. References to "this code" are references to the Eugene Code, 1971.

(Section 9.0010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0020 **Purpose.** The purpose of the land use code is to protect and promote the health, safety, and general welfare of the public and to preserve and enhance the economic, social, and environmental qualities of the community. The land use code is intended to effectively and efficiently implement the Metro Plan, Growth Management Study, and applicable state and federal laws. The land use code is designed to help:

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

(Section 9.0020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0030 **Authority.** The Eugene Charter of 1976 empowers the city to adopt all forms of regulations including those related to land use. Oregon Revised Statutes, including Chapters 92, 197, and 227, also provide authority for this land use code.

(Section 9.0030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0040 **Land Use Code and Decision Interpretation.**

(1) The planning director is authorized to interpret this land use code and decisions issued pursuant to this land use code. Requests for interpretations shall be submitted on a written form approved by the city manager and accompanied by a fee established pursuant to EC Chapter 2. Within 10 days of receipt of the written request, the planning director shall make a written interpretation and mail or deliver a copy to the party requesting the interpretation. Appeals of these
interpretations shall be heard by a hearings official in the manner set out in EC 9.7600 - 9.7635.

(2) Notwithstanding subsection (1) of this section, or any other section of this land use code, the planning director may appeal to the planning commission any interpretation by a hearings official, including both interpretations rendered as part of an appeal under subsection (1) of this section and interpretations rendered as part of any other land use matter. Appeals by the planning director pursuant to this subsection shall be filed not later than 7 days following the date of the hearings official’s decision. If the hearings official’s decision is appealed by another person, the appeals of the decision and interpretation shall be merged and determined in one appeal proceeding. The planning commission’s review under this subsection shall be limited to determining whether the hearings official made an incorrect interpretation. Prior to reaching a decision, the planning commission shall hold at least one public hearing, and shall provide the parties with at least 7 days notice of the date and time of the hearing. If the planning commission concludes that the hearings official erred, the planning commission shall remand the decision to the hearings official with instructions to issue a new decision consistent with the interpretation rendered by the planning commission. The hearings official’s written revised decision shall be mailed or delivered to the parties within 15 days from the date of the planning commission’s remand.

(3) In lieu of appealing an interpretation of a hearings official pursuant to subsection (2), the planning director may request the planning commission to issue a general interpretation of a code section or its application. Prior to reaching a decision, the planning commission shall hold at least one public hearing. The interpretation issued by the planning commission pursuant to this subsection shall not affect previous land use decisions that applied the code section for which the planning director requested the interpretation. Unless the planning commission reconsiders its interpretation, the interpretation shall apply in all decisions issued following the date of the planning commission’s interpretation except those made by the city council.

(Section 9.0040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0050 Interpretation of Purpose Sections. Many of the divisions of this land use code contain “introduction” and “purpose” sections which are intended in most instances to provide general explanatory information concerning subsequent code sections. The content of these sections shall not constitute approval criteria or be used to interpret such criteria unless the sections are specifically referenced for that purpose in another section of this land use code.

(Section 9.0050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Compliance with Standards Prior to Issuance of Permit. Unless otherwise provided in this code, development permits shall not be approved unless the applicant has demonstrated compliance with, or obtained an approved adjustment or variance to:

1. All applicable general development standards;
2. All development standards specifically applicable in the subject base zone, special area zone, or overlay zone; and
3. All development standards applicable to the specific use proposed. Such compliance may be demonstrated as part of approval of a land use application or approval of a development permit as provided in this code. Development permits shall not be granted for uses not allowed by this land use code. If a requirement of this land use code conflicts with a federal or state statute, the federal or state statute shall control.

(Section 9.0060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Religious Exercise. A person believing that the application of a land use regulation in this Chapter would violate the federal Religious Land Use and Institutionalized Persons Act of 2000 may assert such claim by submitting a written request for review to the city. Within 15 days of receipt of the written request, the planning director shall issue a written decision as to whether the city will waive the application of the provision. Appeals of these decisions shall be heard by a hearings official in the manner set out in EC 9.7600 to 9.7635.

(Section 9.0080, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Code Enforcement & Penalties

Inspection and Right of Entry. When necessary to investigate a suspected violation of this land use code, or an application for or revocation of any permit issued under this land use code, the city manager may enter on any site or into any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. Absent a search warrant, no site or structure that is closed to the public shall be entered without the consent of the owner or occupant. No owner or occupant or agent thereof, shall, after reasonable notice and opportunity to comply, refuse to permit entry authorized by this section. If entry is refused, the city manager shall have recourse to the remedies provided by law to secure entry.

(Section 9.0200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.0210 **Abatement.** Any use or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this land use code is unlawful and a public nuisance, and may be abated as provided in EC Chapter 6.
(Section 9.0210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0220 **Legal Proceedings by City Attorney.** The city attorney, upon request of the city manager, shall institute any necessary legal proceedings to enforce the provisions of this land use code. The proceedings may include, but are not limited to, suit in circuit court to prohibit the continuance of any use, occupation, building, structure, or sign or the carrying on of other conduct or activities in violation of any provision of this code.
(Section 9.0220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0230 **Stop Work Orders.**
(1) The city manager may order work stopped whenever the city manager has reason to believe work is being performed contrary to this land use code or to a permit issued under this land use code, or that the project for which the work is being performed is in violation of a provision of this land use code.

(2) The city shall post a written notice of the stop work order at the project site, or serve such notice on any person engaged in the work or causing such work to be performed. Upon the posting or service of notice, all persons engaged in the work or causing the work to be performed shall immediately stop such work until authorized in writing by the city manager to proceed. Failure to stop work shall be independent grounds for penalties and additional enforcement actions.

(3) Any person to whom a stop work order is issued pursuant to this section may file a written notice of appeal in the manner prescribed in EC 2.021 Appeal Procedures. Notwithstanding any provisions of this code to the contrary, the filing of an appeal shall not stay an order issued hereunder, which shall remain in effect until the final determination of the appeal, or the city manager issues a revised order lifting the stop work order.
(Section 9.0230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0240 **Stop Use Orders.**
(1) The city manager may order a use regulated by this land use code stopped or limited when:
   (a) The use of any building, structure, or land is contrary to the provisions of this land use code or a permit issued pursuant to this land use code; or
   (b) The use becomes hazardous to life, health, or property, but only to the extent it poses a danger to life, health, or property.

(2) The city shall post a written notice of the stop use order on the property or serve such notice on any person engaged in the use of the property. The notice shall fix a time limit for compliance with the order. After the time limit has expired,
no person shall use or occupy a structure, premises, or property or portion thereof in violation of the order.

(3) Any person to whom an order is issued pursuant to this section may file a written notice of appeal in the manner prescribed in EC 2.021 Appeal Procedures. Notwithstanding any provisions of this code to the contrary, the filing of an appeal shall not stay an order issued hereunder, which shall remain in effect until the final determination of the appeal, or the city manager issues a revised order lifting the stop use order.

(Section 9.0240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0260 Revocation of Conditional Use Permits.

(1) If revocation proceedings are initiated by the planning director, a conditional use permit may be revoked under this section upon a finding by the hearings official that:

(a) The permit was issued on the basis of erroneous or misleading information or a material misrepresentation;

(b) The development violates the permit or other applicable law; or

(c) There was a failure to pay an administrative penalty as provided under EC Chapter 2 or EC 9.0270 Administrative Civil Penalties for violations relating to the subject development site.

(2) The hearings official shall conduct a public hearing concerning a potential revocation of a conditional use permit according to the Type III procedures in this land use code. After a public hearing and determination by the hearings official that one or more of the criteria in subsection (1) are satisfied, the hearings official may, by issuing a written notice of such determination, suspend or revoke a conditional use permit issued under the provisions of this land use code.

(3) The permit holder shall be entitled to appeal the decision of the hearings official in the manner provided in EC Chapter 2.

(Section 9.0260, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0270 Administrative Civil Penalties.

(1) In addition to, and not in lieu of any other enforcement mechanism authorized by this land use code, upon determination by the city manager that a person has violated a provision of this land use code, the city manager may impose an administrative civil penalty, as provided in EC Chapter 2, upon the responsible person. For purposes of this section, “responsible person” includes the violator and, if the violator is not the owner of the building or property at which the violation occurs, the owner.

(2) In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative penalty imposed pursuant to subsection (1) of this section shall be grounds for the city manager to:
9.0270  

(a) Withhold issuance of any requested permits or licenses other than those issued pursuant to EC Chapter 8; or 
(b) Issue a stop work order or stop use order. 

(Section 9.0270, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0275  

Penalties - Specific. 
(1) The illegal removal of trees shall be subject to the penalties set forth in EC Chapter 6. 
(2) Violation of any other provision of this land use code is punishable by a fine not to exceed $1,000 for each day the violation exists, or confinement in jail not to exceed 100 days, or both such fine and imprisonment. 

(Section 9.0275, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.0280  

Remedies - Cumulative. The remedies provided for in sections 9.0200 Inspection and Right of Entry to 9.0275 Penalties - Specific are cumulative and not mutually exclusive. 

(Section 9.0280, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Definitions

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

Adjustment Review - Major. An adjustment review that includes a request to adjust at least 2 of the following:
(A) Maximum front yard setbacks,
(B) Building orientation,
(C) Building entrances,
(D) On-site pedestrian circulation,
(E) Block requirements or street layout,
when such request is for a large commercial facility, large multi-tenant commercial facility, or multiple family development.

Adjustment Review - Minor. Any adjustment review that is not defined as “major.” This includes all adjustments to any proposed project that does not contain a large commercial facility, large multi-tenant commercial facility, or multiple-family development.

Arborist, Certified. A person certified by the International Society of Arboriculture as having specialized knowledge, experience and training related to arboriculture, including, but not limited to, knowledge of best management practices for tree pruning and maintenance, construction impacts to trees, tree pests and diseases, and hazardous tree evaluation.

Access. The place, means, or way by which pedestrians, bicyclists, or vehicles have ingress and egress to a property, use, or parking space.

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site.

Accessory Use. A use incidental to the primary use of the development site.

Adversely Affected Person. A person whose personal use and enjoyment of property owned or occupied by that person will be directly negatively affected by the land use decision. A person is not adversely affected due to actual or prospective economic loss from increased business competition that may result from the decision.

Alley Access Lot/Parcel. A lot or parcel abutting an alley and created from the rear portion of an existing lot or parcel.
Amateur Radio Antenna Structure. An antenna and any structure supporting an antenna that a federally licensed amateur radio operator uses to transmit or receive electromagnetic waves.

Annexation. An extension of the boundaries of a city or special district.

Appeal. A formal challenge to a land use decision or interpretation to a higher authority.

Assisted Care. The 24-hour care and boarding of persons by a paid caregiver who is not the parent or guardian of and is not related by blood, marriage, or legal adoption to the persons served, or other support services for adult transitory individuals. Services provided may include the training or rehabilitation for physically, mentally, or socially dependent persons requiring assisted living care. Services provided may also include meals, housekeeping, and personal care assistance. "Assisted Care" does not include temporary housing or other support services for adult transitory individuals. For purposes of determining residential density, if the design of the facility does not contain dwellings, as defined in this land use code, then every 1.5 beds equals 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g., 2 beds equals 2 dwellings.

Athletic Field(s). Open playing fields applicable to team-oriented sports such as football, baseball, softball, soccer, rugby, field hockey, ultimate frisbee, and other field-based activities. Athletic fields are distinguished from parks or playgrounds that provide for a greater range of use.

Banner. A sign made of any non-rigid material that is not contained by an enclosing framework and is allowed some freedom of movement. Banners include (but are not limited to) streamers, pennants, and flags.

Bar or Tavern. An establishment licensed as a bar or tavern by the OLCC for the sale and consumption of alcoholic beverages on the premises.

Base Flood. As used in sections 9.6705 to 9.6709, the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

Bed and Breakfast Facility. A dwelling together with at least one room where travelers are lodged for sleeping purposes on an overnight or weekly basis, with a morning meal provided, and for which compensation is paid and received.

Bicycle Path. A bikeway that is physically separated from motor vehicle traffic by an open space or barrier, that may be within the public right-of-way, easement, or other publicly-owned land.
Billboard. Any sign with a sign face of 200 square feet or greater in surface area.

Biofiltration. Deliberate filtering of sediments and other pollutants from stormwater runoff by directing flow through a vegetated area.

Block. Lots, parcels, or other units of land that are surrounded on all sides by public street right-of-way.

Block Length. The distance along a street between the centerline of two intersecting through public streets, including "T" intersections but excluding cul-de-sacs.

Blood Bank. An organization that accepts human whole blood, donated voluntarily, and for which no financial compensation is received.

Boarding and Rooming House. At least one dwelling together with 3 or more rooms that are offered for rent, but which rooms, individually or collectively, do not constitute separate dwellings. A rooming and boarding house is designed to be occupied by long term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Boardwalk. A raised walkway with railings, that allows humans to enter a sensitive natural area without damaging plants or compacting soils.

Building. A structure designed and used as a place of occupancy, storage, or shelter.

Building Addition. An expansion, extension or increase in the gross floor area or height of a building or facility. The terms "building addition" and "building expansion" are used interchangeably in this land use code.

Building Alteration. Development that does not result in a building addition.

Building Articulation. The design emphasis given to architectural elements such as walls, windows, balconies, and entries that serve to provide visual interest and elements of scale.

Building Bulk. The spatial dimensions of a structure.

Building Facade. The exterior wall of a building exposed to public view where the building, or a portion thereof, is located within 40 feet of public right-of-way, private drives, or public pedestrian way.

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

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

(B) The reference datum is 10 feet higher than the lowest grade when the highest ground surface described in item (A) above is 10 feet or more above the lowest grade.

(See Figure 9.0500 Building Height Calculation.)

**Building, Main.** A structure within which the primary use permitted on the lot or parcel is conducted.

**Building Mass and Scale.** The building mass is the three-dimensional bulk of a structure defined by the height, width, and depth of the horizontal and vertical planes of a building. Building scale is the relative or apparent size of a building, the relationship between the mass of a building and its surroundings, including the width of the street, open space, and the size of surrounding buildings.

**Building Official.** The person authorized by the city manager to carry out the duties of the city’s building official under this code, or the building official’s designee.

**Building Offset.** Change in vertical planes along the facade of a structure.

**Building Offset Interval.** The distance between change of vertical planes of a structure.

**Business Occupant.** An owner, lessee, or renter of a non-residential use of a development site. Each user that has an independent or distinct property right in the development shall be considered a separate business occupant.

**Business Park.** A planned development with an integrated physical environment and characterized by a variety of industrial, and to a lesser extent, office and related commercial use.

**Carpool.** A group of two or more commuters, including the driver, who share the ride to and from work on a regularly scheduled basis.

**Campus Living Organization.** A structure having sleeping facilities and a common kitchen, used for providing living facilities for a student organization, including a fraternity or sorority, that received official sanction from an institution of higher learning.
Canopy Tree. A horizontally branching deciduous tree species that generally grows to have a mature canopy width of at least 50 feet.

Cemetery. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes. Columbaria, crematories, mausoleums, and mortuaries are considered part of the cemetery when operated in conjunction with and within the boundary of the cemetery.

Change of Use.
(A) Except as provided in (B), a change from the existing use to another land use according to the land use and permit requirement tables in this land use code.
(B) As used in Willamette Greenway Permits beginning at EC 9.8800, making a different use of the land or water than that which existed on December 6, 1975. It includes only a change that requires construction, alterations of the land, water, or other areas outside of existing buildings or structures and that substantially affects the land or water. It does not include a change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building for purposes of defining “change of use” with regard to Willamette Greenway permits.

Channel Maintenance. Periodic removal of debris, sediment, vegetation, litter and other material within the bed or banks of a stream or channel recognized as part of the city's stormwater drainage system, and performed by the city or in accordance with city policy.

Channelize, Channelizing. Human alteration of the bed or banks of a natural stream or river to maintain or increase its conveyance or capacity characteristics without maintaining its natural character, typically by straightening its course, increasing its depth and removing obstructions in the bed or on the banks.

City Manager. The city manager of the city of Eugene, or his or her designee.

Clinic. Single or multiple offices for State of Oregon licensed physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts providing out patient care.

Cluster Subdivision. A subdivision with 6 or more lots with dwellings grouped in a manner that achieves protection of natural environmental features or creates common open space that is suitable for use by residents through the relaxation of the lot and development standards. The subdivision shall include reductions in the minimum lot area requirements.
Collection Center. A temporary, portable structure or trailer placed on or near private parking areas by charitable non-profit organizations to collect donations of used household goods, clothing, or other useful materials.

Common Open Space. An area for the use or enjoyment of all residents of a development site, excluding parking areas, streets, and other areas designed for motor vehicle circulation or storage. Common open space may include areas that provide for the preservation or enhancement of natural resource habitats.

Community Center. A building owned and operated by the city or other public agency, and used for recreational, social, educational, and cultural activities.

Constructed Wetlands. A facility that exhibits wetland characteristics but was constructed for the express purpose to perform a utility need, such as a sedimentation pond, and is not eligible for mitigation credit or subject to the jurisdictional requirements of federal and state wetland law.

Controlled Income and Rent Housing. A housing project, or that portion of a larger project, consisting of any dwelling type or types exclusively for low-income individuals and/or families, sponsored by a public agency, a non-profit housing sponsor, a developer, a combination of the foregoing, or other alternatives as provided for in the Oregon Revised Statutes or Federal Statutes to undertake, construct, or operate housing for households that are low-income. For the purposes of this definition, low-income means having income at or below 80 percent of the area median income. (See Map 9.2740 Areas Unavailable for Controlled Income and Rent (CIR) Housing with Increased Density.)

Corner Cut-Off. An area of right-of-way or easement provided at a corner in addition to the standard street width, to allow additional room for vehicle clearance and vision clearance at the corner and for construction of sidewalks.

Corner Lot or Parcel. A lot or parcel with 2 or more front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line. (See Figure 9.0500 Corner Lot or Parcel.)

Correctional Facility. A facility designed for the short and/or long term confinement of persons held in lawful custody, involving the treatment of offenders through penal, parole and probation programs. Correctional facilities are staffed 24 hours a day and may include related uses such as legal and medical access, (courtrooms or clinics), counseling and rehabilitative services, recreation activities, and administrative offices.
Critical Root Zone (CRZ). That area surrounding a tree that:
(A) Has a radius of 18 inches times the diameter breast height expressed in inches of
the tree trunk or trunks; or
(B) Encompasses an area determined for an individual tree to be the necessary root
area for the tree’s continued normal growth as demonstrated in a written report
by a certified arborist and based on documented field investigation and non-
destructive physical testing, including, but not limited to non-destructive
excavation to delineate the root system to a minimum depth of 24 inches below
grade, and no more than 48 inches below grade.

Cul-de-sac. A dead-end street intended for local traffic that terminates with a bulb or
other turnaround suitable for use by appropriate vehicles, including emergency
vehicles.

Cut-off Light Fixture. A light fixture designated as cut-off when the candlepower
per 1000 lamp lumens does not numerically exceed 25 (2 ½ %) at an angle of 90
degrees above nadir (horizontal), and 100 (10%) at a vertical angle of 80 degrees
above nadir. This applies to any lateral angle around the lighting fixture.

Day Care. Care or supervision of 3 or more persons by a paid caregiver who is not
the parent, guardian, or related by blood or marriage to the persons being served. Day
care does not include boarding or temporary care or other support services for adult
transitory persons.

Decision-Maker. The person or hearing body designated in provisions beginning at
9.7000 of this land use code to make a decision on an application.

Density (gross). The number of dwelling units per each acre of land, including areas
devoted to dedicated streets, neighborhood parks, sidewalks, and other public
facilities.

Density (net). The number of dwelling units per each acre of land in residential use,
excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and
other public facilities.

Develop. To bring about growth or availability; to construct or alter a structure, to
conduct a mining operation, to make a physical change in the use or appearance of
land, to divide land, or to create or terminate rights to access. “Develop” includes,
but is not limited to, new building, building alterations or additions, site
improvements, or a change in use.

Development. The act, process or result of developing. As used in sections 9.6705
to 9.6709, any man-made change to improved or unimproved real estate, including
but not limited to buildings or other structures, mining, dredging, filling, grading,
paving, excavation or drilling operations located within the area of special flood hazard.

Development Permit.
(A) A permit authorized or required by the Oregon Structural Specialty Code and Oregon One and Two Family Dwelling Code, including but not limited to permits for:
  1. New buildings.
  2. Additional square footage added to a building.
  5. Change of occupancy.
  6. Grading/Fill.
  7. Site improvements.
(B) Open waterway permits are not development permits.

Development Site. A tract of land under common ownership or control, either undivided or consisting of two or more contiguous lots of record. Property under common ownership that is bisected by a public street or alley shall be considered one development site, unless the land was legally divided.

Diameter Breast Height (d.b.h.). The diameter of the trunk or trunks of a tree measured at 4.5 feet above mean ground level at the base of the trunk or trunks.

Direct Connection. The shortest reasonable connection between two points. A connection is direct if it does not involve travel more than 40% above the most direct route practicable between two points.

Drive Through Only Establishment. An establishment providing services solely to customers that do not enter the building.

Dwelling. A building, or portion thereof, designed and used as a residence for occupancy by 1 family. This includes both buildings constructed on-site and manufactured homes.

Dwelling, Duplex. A building designed and used as dwellings for 2 families living independently of each other and having separate housekeeping facilities for each family. A building is not a duplex if one of the dwellings is a secondary dwelling.

Dwelling, Four-Plex. A building designed and used as dwellings for 4 families living independently of each other and having separate housekeeping facilities for each family.
Dwelling, Multiple-Family. One or more buildings on a single lot or parcel that are designed and used for 3 or more families, all living independently of each other, and having separate housekeeping facilities for each family. The dwellings may share common walls, common roofs, or common foundations. Multiple-family dwellings include condominium and apartment units without regard to ownership status.

Dwelling, Secondary. A dwelling unit that is located on the same parcel as a primary one-family dwelling that is clearly subordinate to the primary one-family dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot.

Dwelling, One-Family. A dwelling that may have a common wall, roof or foundation with another one-family dwelling on a separate lot or may share a common wall, roof, or foundation with a secondary dwelling on the same lot.

Dwelling, Row House. A dwelling that shares 1 or more walls with 1 or more dwellings and which is located on a row house lot.

Dwelling, Tri-Plex. A building designed and used as dwellings for 3 families living independently of each other and having separate housekeeping facilities for each family.

Easement of Record. A valid easement that is recorded and on file at the Lane County Recorder’s office.

Electronic Message Center. A sign, or portion of a sign, that conveys information through a periodic automatic change of message on a lampbank, through the use of fiber optics, or through mechanical means. A sign on which any portion less than an entire sign rotates shall be considered an electronic message center.

Enhanced Pedestrian Amenity. Permanent pedestrian amenities as described under the definition of Enhanced Pedestrian Space.

Enhanced Pedestrian Space. A paved area for use by pedestrians characterized by the incorporation of permanent amenities such as textured paving, planters connected to the earth and planting areas, kiosks, colonnades, drinking fountains, public art, etc. A paved area with portable seating adjacent to a restaurant is also an enhanced pedestrian space.

Enhancement. To increase or improve natural values in one or more of the following ways:

(A) Increasing the wildlife habitat value by increasing the supply and diversity of natural food sources throughout the year, increasing the diversity and duration of water features throughout the year or increasing the diversity in size and
structure of plants.
(B) Improving water quality by reducing the amount of pollutants entering the water or removing pollutants already in the water.
(C) Improving the natural character by encouraging and allowing natural vegetation to grow in natural patterns according to soil and water conditions.
(D) Removing litter, refuse and unnatural fill.
(E) Improving the capacity of the area to contain, detain or filter stormwater runoff.

Equipment, Heavy. Any piece of equipment weighing 1 ton or more.

Equipment, Light. Machinery, tools and implements that are typically operated by hand and used for maintenance of yards, gardens and households.

Eugene Zoning Map. The official zoning map for the City of Eugene. The Eugene Zoning Map may also include overlay zones.

Evidence. Facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
(A) Any number of persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
(B) A maximum of 5 unrelated persons;
(C) Two unrelated persons and any parents or children related to either.

Flag. The official flag or banner of any governmental entity.

Flag Lot. A lot with less frontage on a public street than is generally required by this land use code and where that frontage serves primarily as a vehicular access corridor. The “flag pole” of a flag lot is the access corridor to the “flag portion” of the lot. The “flag portion” of the flag lot is located behind a lot that has the generally required street frontage. (See Figure 9.2775(2) Residential Flag Lot Description.)

Flashing Sign. A sign or sign structure where some part of the display is provided by light-emitting elements which abruptly change color or intensity of illumination, including intermittent periods of illumination and non-illumination, or where the effect of flashing is achieved through mechanical means, including rotation.

Flood, or Flooding. As used in sections 9.6705 to 9.6709, a general and temporary condition of partial or complete inundation of normally dry land areas from:
(A) The overflow of inland or tidal waters or
(B) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). As used in sections 9.6705 to 9.6709, the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. As used in sections 9.6705 to 9.6709, the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas designated as a floodway by the Federal Emergency Management Agency.

Floor Area. The floor area of a building, except areas used exclusively for the service of the building, such as: mechanical equipment spaces and shafts; elevators; stairways, escalators and ramps; rest rooms; loading docks or ramps. The term "Floor Area," when calculated for the purpose of determining the Floor Area Ratio (FAR), includes all of the entire floor area of the building except for the basement.

Floor Area Ratio (FAR). The floor area of all buildings on a lot divided by the total lot area. (See Figure 9.4530(3) Floor Area Ratio Calculation.)

Freestanding Sign. A sign other than a billboard supported by a structure that is anchored in the ground and is independent from any other structure.

Front Lot Line. A lot line abutting a public street or in cases of private streets or access easements, the front lot line shall be considered to be the boundary of the private street or access easement. (See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)

Front Yard Setback. An area extending between lot lines that intersect a street lot line, from a front lot line to a minimum depth required by zone standards. (See Figure 9.0500 Front and Interior Yards.)

Glare. Intense, direct light emitted by a lamp(s) that causes reduced vision, momentary blindness, or eyestrain.

Grade. For purposes of determining building height, the grade shall be the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within a five foot horizontal distance of the exterior wall of the building. For purposes of determining sign height, grade shall be measured as if all portions of a sign were projected vertically onto the ground and the grade was measured by using such
projections as a building wall. For all signs, grade shall be measured according to the
lower of the existing grade prior to construction or the newly established grade after
construction, exclusive of any filling, berming, mounding, or excavating solely for
locating the sign. (See Figure 9.0500 Building Height Calculation and Figure
9.6640(3)(f) Sign Height Calculation.)

**Grassy Swales.** Shallow ditches lined with grass or other vegetation for the purpose
of filtering sediments and other pollutants from stormwater runoff.

**Ground Cover.** A living plant species that normally reaches a height of less than 3
feet upon maturity, planted in such a manner so as to form a continuous area of living
plants.

**Hand-Carried Sign.** A sign that is displayed and used while being carried by a
person.

**Hazardous Tree.** A tree that is dead, or is so affected by a significant structural
defect, damage or disease that falling or failure appears imminent, and the tree poses a
threat to life or property.

**Hearings Official.** A person appointed by the city manager or designee to hold
hearings and issue decisions under this land use code.

**Heritage Tree.** A living, standing tree having exceptional value to the community
due to its size and species. The specific methodology of classifying a tree as a
heritage tree shall be established by administrative rule of the city manager adopted
pursuant to section 2.019 City Manager - Administrative and Rulemaking Authority
and Procedures.

**Historic Architectural Significance.** A historic property that:
(A) Portrays the environment of a group of people in an era of history characterized
by a distinctive architectural style;
(B) Embodies those distinguishing characteristics of an architectural type;
(C) Is the work of an architect or master builder whose individual work has
influenced the development of the city, region, or state; or
(D) Contains elements of architectural design, detail, materials, or craftsmanship
that represented a significant innovation.

**Historic District.** A geographic area possessing a significant concentration, linkage,
continuity or design relationship of historically significant sites, structures, landscape
features, or objects unified by past events or physical development, that is 3 blocks or
larger in size.

**Historic Ensemble.** A geographic area possessing a significant concentration,
linkage, continuity or design relationship of historically significant sites, structures,
landscape features, or objects unified by past events or physical development, which is less than 3 blocks in size.

**Historic Landmark.** A historic resource designated by the city according to EC 9.8165 Historic Landmark - Designation Approval Criteria in this land use code.

**Historic Landscape Feature.** A decorative or functional change to land or vegetation, including trees, gardens, hedges, arbors, canopies, walkways, fences, retaining walls, water features, gazebos, pavilions, and similar site features.

**Historic Preservation.** The process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property.

**Historic Property.** A historic resource that is:
(A) Designated by the city as a historic landmark; or
(B) Listed in the National Register of Historic Places, or within a National Register historic district.

**Historic Property Alteration.** To remove significant historic building materials, or significantly change the physical appearance of any part of the exterior of a historic resource or to change the appearance of historic landscape features that are identified as a significant part of the historic resource in the historic property application. Maintenance is not considered alteration of a historic property.

**Historic Property Demolition.** To raze, destroy, dismantle, deface or, in any other manner, cause significant partial or total ruin of a historic property.

**Historic Property Mitigation Report.** A report containing photographs of the historic property and its site and additional graphic history, data, and commemorative materials. The documentation materials will become the property of the city. The planning director may require that certain specific artifacts, architectural features, materials, or equipment be preserved or documented through measured architectural drawings.

**Historic Property Moving.** The relocation of a historic resource.

**Historic Rehabilitation.** The return of a historic resource to a state of utility, through repair or alteration, which makes possible an efficient contemporary use and preserves the property’s historic value.

**Historic Resource.** Includes, but is not limited to, districts, ensembles, thematic groups, corridors, structures, bridges, buildings, sites, cemeteries, landscape features, signs, plaques, archaeological sites or artifacts, or other objects that have historic, cultural and/or architectural significance, locally, regionally, or nationally. A historic
site is the location of a historic or archaeological event, activity, occupation, structure, object, or landscape feature, including existing buildings or structures on the site, which has historic significance.

**Historic Restoration.** The process of accurately recovering the form and details of a historic resource and its setting as they appeared at a particular historic period by means of the removal of later work or the replacement of missing earlier work.

**Historic Significance.** Those historic resources that have a relationship to events or conditions of the human past. The historic resource:

(A) Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state, or nation;

(B) Is the site of a historic event with an effect upon society;

(C) Is identified with a person or group of persons who had an influence on society; or

(D) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

**Historic Thematic Group.** A group of resources linked through a common theme, not necessarily geographical. Examples include buildings designed by a famous architect, common landscape features, resources related by a significant development theme, and buildings of the same architectural style, use or era.

**Homeless Shelter.** A non-profit or public agency providing food, temporary housing, clothing and other support services primarily for adult, transitory individuals.

**Home Occupation.** An activity that is incidental to a dwelling's residential use and which involves the profit or non-profit exchange of goods or services.

**Hospital.** An institution that maintains and operates facilities for the 24 hour diagnosis, treatment and care of 2 or more non-related individuals, and which is devoted primarily to the rendering of in-patient or emergency 24 hour healing, curing, obstetric, and/or nursing care.

**Hotel/Motel.** A building or group of buildings containing 6 or more guest rooms that are used, rented, or hired out for sleeping purposes on a nightly or weekly basis. Guest rooms may have cooking facilities and may or may not be accessible from an outdoor parking area.

**Improved Public Right-of-Way.** A public right-of-way that has been developed with improvements for use by the public.

**Institutional Use.** Includes, but is not limited to churches, hospitals, schools, public parks (other than neighborhood parks), libraries, post offices, and convention centers.
Intensification (as used in Willamette Greenway Permits beginning at EC 9.8800). Any additions that increase or expand the area or amount of an existing use, or the level of activity. Remodeling the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair that is usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one’s home. Landscaping, construction of driveways, modification of existing structures or construction of facilities adjacent to the residence or placement of such subsidiary structures as are usual and necessary to such use and enjoyment shall not be considered an intensification. Seasonal increases in gravel operations shall not be considered an intensification of use.

Interior Lot Line. Any lot or parcel line that is not a front lot line. (See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)

Interior Yard Setback. An area of a lot that is adjacent to a property line that is not also a street lot line. The minimum depth of the area is as required by zoning standards. Interior yards include side and rear yards. (See Figure 9.0500 Front and Interior Yards.)

Interpretive Center. A facility that is open to the public and constructed and used for the purpose of educating people about the local environment and cultural history.

Interpretive Information Kiosk. A multiple faced sign constructed and used for the purpose of educating people about the local environment and cultural history.

Jurisdictional Wetland. See wetland.

Kennel. An establishment or premises on which 3 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation.

Lamp. Any source of artificial light, such as bulbs, tubes, globes, spotlights, lasers, etc.

Land Division. Creation of legal lots or parcels through a partition or subdivision process.

Lands Committed to Urban Use (as used in Willamette Greenway Permits beginning at EC 9.8800). Those properties that are inappropriate for non-urban uses due to economic, developmental, and/or locational factors. Economic, developmental, and locational factors include, but are not limited to: established
ports, industrial, commercial, residential, or recreational uses on or near the subject property; the effect such established uses have upon the subject property; previous public decisions regarding the subject property (as contained in ordinances and adopted plans); and other public actions that affect the subject property.

**Legal Lot.** A lot of record that has boundary lines that were established:
(A) Through a partition or subdivision procedure, or
(B) By a deed recorded before April 2, 1962.

**Legal Lot Lines.** The property boundaries of a legal lot.

**Living Area.** The gross floor area of the portion of a building designed and used primarily for human habitation.

**Loading Space.** An off-street space or loading dock that abuts a street, alley, or other appropriate means of ingress and egress, and which is on the same lot as a main building or which is contiguous to a group of buildings, used for the temporary parking of commercial vehicles while loading or unloading.

**Lot.** A unit of land that is created by the subdivision of land as provided for in this land use code. Otherwise, the words “lot” and “parcel” are used interchangeably. (Note: See also definition of “Parcel,” “Legal Lot,” and “Lot of Record.”)

**Lot Coverage.** That portion of a lot which, when viewed directly from above, would be covered by a building or structure, or any part thereof, except any area covered by a building or structure where 50 percent or more of the perimeter of the building or structure is open from grade.

**Lot Depth.** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. (See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)

**Lot Frontage.** That portion of a single lot abutting the street. (See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)

**Lot Rear Line.** The lot line that is opposite to and most distant from the lot or parcel front line. (See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)

**Lot Side Line.** Any lot or parcel line that is not a lot or parcel front or rear line. (See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)

**Lot of Record.** A tract of land described on a document that is on record at the Lane County Recorder’s office and that conforms with all applicable state and local land
use requirements, including approval thereof, in effect when the document creating the lot was recorded.

**Lot Width.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard setback. Alley access parcel width is the distance between side lot lines measured along the alley property line. (See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)

**Main Entrance.** The principal entry through which people enter the building. A building may have more than one main entrance. For places of business, a main entrance door may not be a door that is locked during normal business hours.

**Manufactured Home/Manufactured Dwelling.** A “manufactured home” is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. A “manufactured dwelling” includes a residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and was constructed before January 1, 1962, a mobile home meeting the above requirements that was constructed between January 1, 1962 and June 15, 1976 and met the construction requirements of Oregon mobile home law in effect at the time of construction, and a manufactured home meeting the above requirements. “Manufactured dwelling” does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer. A manufactured home accessory building or structure includes:

(A) Any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule of the Director of the State Department of Consumer and Business Services.

**Manufactured Home/Dwelling Park.** Any place where 4 or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than 1 manufactured dwelling per lot if the subdivision was approved by the city.
Marquee. Any permanent roof-like structure, other than an awning, projecting beyond a building and generally designed and constructed to provide protection from the weather.

Marquee Sign. A sign on or above a marquee and attached only to a marquee. Marquee signs do not include under-marquee signs.

Metro Plan. The Eugene-Springfield Metropolitan Area General Plan, is the comprehensive land use plan for the cities of Eugene and Springfield and those parts of Lane County within the Eugene-Springfield urban growth boundary. The jurisdictional boundary of the plan includes a slightly larger geographic area outside the urban growth boundary.

Metro Plan Amendment Home City. The City of Springfield shall be the home city for all site specific Type I and Type II Metro Plan amendments east of Interstate 5. The City of Eugene shall be the home city for all site specific Type I and Type II Metro Plan amendments west of Interstate 5. The applicability of home city shall have no basis with respect to non-site specific Type I Metro Plan amendments.

Metro Plan Amendment Initiation. Any of the three governing bodies may initiate a Type I Metro Plan amendment at their discretion or, at their discretion, initiate a Type I Metro Plan amendment on behalf of a citizen who has made such a request. Any of the three governing bodies or a citizen who owns property that is the subject of the proposed amendment may initiate a Type II Metro Plan amendment at any time.

Metro Plan Amendment Regional Impact. Site specific Metro Plan amendments have regional impact if the change in plan designation or site location will:
  (A) Require an amendment of a jointly adopted functional plan including the Public Facilities Plan, a Natural Resources Functional Plan, or an amendment to TransPlan, when the Transportation Planning Committee (TPC) determines the necessary amendment to be regional, or necessary in order to provide the subject properties with an adequate level of necessary urban services or facilities; or
  (B) Have a demonstrable impact on the water, storm drainage; sanitary sewer or transportation facilities of the non-home city; or
  (C) Affect the buildable land inventory in such a way as to impact the regional supply by:
    1. Significantly decreasing the net inventory of needed buildable land in the following plan designation categories: Medium Density Residential, High Density Residential, Commercial; or
    2. Significantly increasing the net inventory of buildable land in the following plan designation categories: Low Density Residential, Special Light Industrial, Light-Medium Industrial, Heavy Industrial; except in the following two cases:

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a. A jurisdiction may amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or

b. A jurisdiction may change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.

The non-home city may choose to participate in the site specific plan amendment process, excluding amendments within city limits, if the non-home city adopts a resolution determining that the proposed amendment has regional impact. Lane County shall participate in all Metro Plan amendments outside of city limits.

Metro Plan Type I Amendment. Any change to the Metro Plan which (1) changes the urban growth boundary or the jurisdictional boundary of the Plan; (2) requires a goal exception not related to a UGB expansion to be taken under statewide planning goal 2; or, (3) is a non-site specific amendment of the Plan text.

Metro Plan Type II Amendment. An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which:
(A) Changes the plan diagram; or
(B) Is a site-specific plan text amendment.

Metropolitan Policy Committee. An intergovernmental committee created to promote problem-solving and to resolve intergovernmental disagreements among Eugene, Springfield and Lane County, the membership of which includes 2 elected officials from each jurisdiction, and when considering transportation matters, 2 members of the Lane Transit District.

Native Plants, Native Vegetation. Plant species that grow and propagate themselves in the southern Willamette Valley through natural processes, are adapted to the weather, soils and hydrology of the area, and have evolved in the area or been introduced to the area by natural causes. Distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

Natural Drainageways. Natural rivers, streams, channels, creeks, or other areas that naturally convey stormwater runoff or portions thereof that have not been channelized, and which retain a predominantly natural character.

Natural Functions and Values. Characteristics of a site that contribute to the healthy and effective functioning of natural processes on the site, along with the contribution made by the site to the healthy and effective functioning of the larger natural resource system of which the site is a part; including but not limited to improvement of water quality, provision of food, water and cover for wildlife, storage capacity for flood waters, protection against erosion, sediment removal, fisheries
habitats, and groundwater recharge or discharge.

Natural Resource Area. The area within the mapped boundaries of any locally inventoried wetland, pond, stream, channel, river, lake or upland wildlife habitat area.

Neighborhood Activity Center. A building or premises used for recreational, social, educational, or cultural activities, open to the public or a designated part of the public, which is a common destination or focal point for community activities. Includes primary and secondary schools, neighborhood parks and playgrounds, and shopping centers.

Nodal Development. A mixed use, pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

North-South Dimension. The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it intersects another lot line. For irregularly shaped lots, the midpoints of the 2 southernmost lot lines shall be connected to form a line for the purpose of determining north-south dimension. (See Figure 9.2790(2)Solar Lot Requirements and Figure 9.2795 Solar Setback Standards.)

Northern Lot Line. The lot line that creates the smallest angle with a line drawn east-west and intersecting the northmost point of the lot. If the north line abuts an undevelopable area on another lot other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If 2 lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line. (See Figure 9.2790(2)Solar Lot Requirements.)

Nursing Home. A residence, institution, or other place other than a hospital or assisted care facility that operates and maintains facilities providing 24-hour convalescent or chronic care, or both, for 2 or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick. For purposes of determining residential density, if the design of the facility does not contain dwellings, as defined in this land use code, then every 1.5 beds equals 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g. 2 beds equals 2 dwellings.

Open Space. Unless otherwise specified in this land use code, the portion of a development site not devoted to buildings, parking, or driveways.
Open Waterway. A natural or human-made swale, creek, stream, open channel, ditch or other similar water feature, that has a defined and identifiable channel with slopes, that is predominantly of earthen material, and that has the specific function of conveying and/or storing stormwater runoff.

Outdoor Lighting Fixture. The assembly that holds the lamp(s) in a luminaire, including the ballast, housing, attachment parts, and the elements designed to control the output of the light, such as a reflector (mirror) or refractor (lens).

Outdoor Living Area. An area designed to provide an outdoor or semi-outdoor environment for the occupants of a dwelling. It includes natural ground area, paved and rooftop areas, balconies, porches, patios, terraces, verandas, and similar areas developed for active or passive recreational activities. Portions of exterior balconies required for building exits are not included in "outdoor living area."

Owner. An individual, association, partnership, or corporation having legal or equitable title to land other than legal title held only for purpose of security. For the purpose of notice, the owner may be determined using the latest Lane County assessment roll.

Parcel. A unit of land that is created by the partition of land as provided for in this land use code. See also “Lot of Record,” “Legal Lot,” and “Lot.”

Parking Area. Any area which can be used by motor vehicles, recreational vehicles, trailers, and boats for parking, including driveways and access aisles providing access to the parking stalls.

Parking Court. A parking area designed to provide parking spaces for a group of dwellings in a manner that is attractively designed.

Parking Space. A permanently maintained space with proper access for 1 motor vehicle as indicated in this land use code.

Partition. The division of a tract of land, in accordance with this land use code, into two or three parcels within a calendar year. A partition does not include:
(A) Divisions of land resulting from lien foreclosures.
(B) Divisions of land resulting from the creation of cemetery lots.
(C) Adjustment of a lot or parcel line by the relocation of a common boundary where an additional parcel or lot is not created and where the existing parcel or lot reduced in size by the adjustment is not in conflict with any applicable law or ordinance, including but not limited to provisions pertaining to minimum area, frontage, average width and required setbacks.
(D) Divisions of land resulting from foreclosures of recorded contracts for sale of real property.
(E) The sale of a lot in a recorded subdivision, even though the lot may have been acquired by a single owner with other contiguous lots or properties prior to the sale.

(F) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and state law.

**Peak Hour.** The 4 highest contiguous 15-minute traffic volume periods.

**Pedestrian Facilities.** Improvements, including sidewalks, walkways, and crosswalks that provide for public pedestrian traffic, together with related improvements, such as lighting and benches.

**Pedestrian Scale Lighting.** Light standards or placements no greater than 14 feet in height located along walkways.

**Performance Agreement.** An agreement guaranteeing compliance with conditions of approval required by provisions of this land use code to be executed by an applicant and the city prior to issuance of certain permits.

**Performance Bond.** A financial commitment as required by the city and executed by an Oregon licensed surety company.

**Perimeter Wall.** The exterior wall of a building.

**Petition for Improvement.** A petition as required by the city and submitted to and accepted by the city council or city engineer for construction of public improvements as required by this code.

**Planning and Development Department Director.** The person authorized by the city manager to carry out the duties of the city’s planning and development department director, or the planning and development department director’s designee.

**Planning Commission.** The commission created by the city council to help plan for the orderly growth and development of the city.

**Planning Director.** The person authorized by the city manager to carry out the duties of the city’s planning director under this code, or the planning director’s designee(s).

**Plat.** The final map, drawing, and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision, partition, or replat thereof.

**Porch.** A structure attached to a building to shelter an entrance or serve as a semi-enclosed space, usually roofed and generally open sided.
Portable Sign. A sign placed in one location that is not permanently connected to the ground or a structure, or carried or moved during display. Portable signs include, but are not limited to: signs designed to be transported by means of wheels, signs converted to A- or T-frame, menu and sandwich board signs, and signs attached to or painted on parked vehicles. Hand-carried signs are not portable signs.
Portico. A porch or covered walk attached to a building supported by columns sheltering an entrance or serving as a semi-enclosed space.

Practical/Practicable. Attainable or feasible without undue financial hardship or violation of other laws or regulations.
Practical/Practicable, to the Maximum Extent. The greatest degree attainable or feasible without undue financial hardship or violation of other laws or regulations.

Primary Windows. Windows that serve areas where most daytime activities occur, primarily living rooms, dining rooms, family rooms, greatrooms, and kitchens.

Private Access Agreement/Easement. A recorded legal document in a form acceptable to the city, in which one property owner irrevocably grants to the owner(s) of 1 or more neighboring lots or parcels, and their successors in interest, a right to pass over his or her property to gain access to a public or private street together with any appropriate maintenance responsibilities.

Private Open Space. A semi-enclosed area that is intended for use by the occupants of one dwelling unit. Private open space may include porches, patios, balconies, terraces, roof-top gardens, verandas, and decks.

Projecting Sign. A sign other than a wall sign that projects from and is supported by a wall of a building or structure.

Property Lines. The boundaries of an ownership of a tract of land. These property lines do not necessarily indicate the boundaries of legal lots and may not coincide with “tax lots”, as depicted on the Lane County Assessor’s Maps.

Protected Wetland, Protected Natural Resource. A wetland or other natural resource identified for protection in an adopted plan or located on a lot zoned NR natural resource.

Public Accessway. A publicly owned or controlled interconnecting paved way that provides pedestrian and/or bicycle passage.

Public Notice. A description of a land use proposal, application, decision, or permit that is provided to inform citizens of a development proposal in the process of being
Public Notice. A description of a land use proposal, application, decision, or permit that is provided to inform citizens of a development proposal in the process of being reviewed by city staff or city officials, or of a land use decision or permit that has been approved by city staff or city officials.

Public Way. Any street, road, alley, right-of-way, pedestrian or bicycle easement or accessway, or utility easement for public use that is controlled by the city, county, or state.

Rare Plants. Any plant species which are listed or officially proposed to be listed on adopted local, state or federal "Rare, Threatened or Endangered Species" lists.

Readerboard Sign. A sign with a sign face of less than 200 square feet, or a portion of any such sign, on which characters, letters, or illustrations can be changed or rearranged manually without otherwise altering the surface of the sign.

Reconfiguration of Lots or Parcels. Changes to legal lot lines that result in any of the following:
(A) Creation of an additional lot or parcel;
(B) More than 2 changes to any of the boundaries of an individual lot or parcel within 1 calendar year;
(C) A change in the size of a lot or parcel by more than 200 percent;
(D) Creation of substandard public facilities or services, including, but not limited to, streets (access and widths), access easements, and public utility easements; or
(E) A change in the number of platted lots and parcels.

Recreational Vehicle. A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and that has a gross floor area not to exceed 400 square feet in set up mode.

Recycling-Composting Facility. Activities requiring a general permit from the Department of Environmental Quality that produce more than 2,000 tons in a calendar year for green feedstocks and more than 5,000 tons in a calendar year for yard debris and wood waste only.

Recycling-Large Collection Facility. A facility occupying an area of more than 1,000 square feet, that may include permanent structures, primarily designed for the collection of recyclable materials. A recycling facility does not include storage containers used solely for the collection of recyclable materials generated on the parcel.

Recycling-Reverse Vending Machine. An automated mechanical device that accepts 1 or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable
credit slip with a value not less than the container’s redemption value as determined by State law. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

**Recycling-Small Collection Facility.** A facility primarily designed for the collection of recyclable materials. A recycling facility does not include storage containers used solely for the collection of recyclable materials generated on the parcel. The facility occupies 1,000 square feet or less and may include:

(A) A mobile unit for the collection of recyclable materials;
(B) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
(C) Kiosk-type units that may include permanent structures.

**Refinement Plan.** A detailed examination of the service needs and land use issues of a specific area, topic, or public facility. Refinement plans of the Metro Plan can include specific neighborhood plans, special area plans, or functional plans (such as TransPlan) that address a specific Metro Plan element or sub-element on a city-wide or regional basis.

**Residential Treatment Center.** A professionally operated 24-hour care facility administering a planned system of medical, psychological, social work and/or rehabilitative procedures and activities designed to relieve or minimize mental, emotional or behavioral disorders. Residential treatment centers serve people admitted by court order, and others on a voluntary basis. Residential treatment centers normally serve less than 50 persons and can provide a security system alarming staff if residents under care leave the facility. For purposes of determining residential density, if the design of the facility does not contain dwellings, as defined in this land use code, then every 1.5 beds equals 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g. 2 beds equals 2 dwellings.

**Roof Sign.** A sign constructed upon or which projects above the roof or parapet of a structure.

**Screening.** A method of visually shielding or obscuring an area through the use of fencing, walls, berms, or densely-planted vegetation.

**Secondary Windows.** Those windows serving bedrooms, bathrooms, kitchens, stairwells, and corridors.

**Sedimentation Ponds.** A basin or pond with a controlled stormwater release structure that is intended to collect and store sediment and that is designed to allow sediment to settle out of the flow before being released from the pond.

**Setback.** See “Yard”, “Front Yard Setback”, or “Interior Yard Setback”.

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Service Station. A place where motor fuel and oil for motor vehicles is sold. Incidental services consist of selling, servicing and installing tires, batteries, accessories and related products, as well as minor repair and service when conducted entirely within an enclosed building. "Minor repair and service," as used in this definition, excludes activities such as painting, body work, steam cleaning, tire recapping, major engine or transmission overhaul or repair involving removal of a cylinder head or crankcase, and mechanical car washing that includes equipment to wash more than one car at a time.

Shade Point. The part of a building that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 22.6 degrees and an azimuth ranging from 30 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole or wire. The height of the shade point shall be measured from the shade point to lowest grade directly below the shade point. If the shade point is located at the north end of the ridgeline of a building oriented within 45 degrees of the true north-south line, the shade point may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of the true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof. (See Figure 9.2795(2) Shade Point Height (SPH) Measurement, Figure 9.2795(2)(a) R-1 Solar Setback Calculation, and Figure 9.2795(2)(b) R-2 Solar Setback Calculation.)

Shadow Pattern. A graphic representation of an area that would be shaded by 22.6 degrees and an azimuth ranging between 30 degrees east and west of true north-south axis. (See Figure 9.2795(2) Shade Point Height (SPH) Measurement, Figure 9.2795(2)(a) R-1 Solar Setback Calculation, and Figure 9.2795(2)(b) R-2 Solar Setback Calculation.)

Shopping Center. A development site with at least 50,000 square feet of gross floor area and with 2 or more business occupants engaged in retail trade.

Sign. Any device, fixture, placard, or structure that is not entirely within an enclosed building, when its message is visible from a public or private way or another development site, and which uses any word, letter, or logo to advertise or to communicate information of any kind. For purposes of the Eugene sign regulations, searchlights, beacons, strings of lights, banners, flags, pennants, and inflated devices shall be considered signs.

Sign Clearance. The distance between the lowest portion of a sign and the finished surface clearance of the ground, paving, or sidewalk under the sign.
Sign Construction. The act of building, erecting, or otherwise placing a sign in use, including any work done on an existing sign other than sign maintenance.

Sign Contractor. A person engaged in the business of sign construction or sign maintenance required to be registered by the Oregon Construction Contractors Board.

Sign Direction. The direction a sign or sign element faces, including all directions in which the display copy is visible.

Sign Element. That portion of a sign wholly contained within a separating sign trim or otherwise presenting a self-defined unit.

Sign Face. The functional surface of a sign, including all sign elements facing in the same direction.

Sign Height. The vertical distance from the grade to the highest point of a sign or sign structure. All sign heights, including roof signs, shall be measured from the grade. (Refer to Figure 9.6640(3)(f) Sign Height Calculation.)

Sign Maintenance. Work to preserve and use a sign, including manual changes in the display copy on signs designed and intended for such changes. Sign maintenance includes repairs to damaged signs unless the cost of the repair exceeds 50 percent of the value of the sign during the most recent period of use before repairs are to be initiated.

Sign Orientation. The general direction the sign faces from which the sign copy is designed to be seen and is most easily visible. A sign face parallel to a street and not oriented toward another direction of travel shall be considered to be oriented toward both directions of travel along the street.

Sign Structure. Any materials used to support or contain a sign, but not including buildings or other structures constructed primarily for purposes other than sign support.

Sign Surface Area. The total area of each sign face.

Significant Vegetation. Vegetation that is healthy, structurally sound, and environmentally appropriate for the site. Vegetation that lacks any of these factors is not significant.

Significant Tree. A living, standing tree having a trunk with a minimum cumulative 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.
**Single Room Occupancy.** A building containing at least 9 residential rooms for occupancy by individuals. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with another single room occupancy (SRO) room(s). Four SRO rooms shall constitute 1 SRO dwelling. For purposes of determining residential density, 4 SRO rooms equal 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g. 5 SRO rooms equal 2 dwellings.

**Site Improvements.** Includes, but is not limited to, landscaping, parking lot improvements, bicycle parking improvements, fences, sheds, paving, and any other development, except building alteration.

**Solar Access.** Unobstructed exposure to direct sunlight.

**Solar Feature.** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a building, heating or pumping of water, and generating electricity. Examples of a solar feature include a window oriented to within 45 degrees east-west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall or window. A south-facing wall enclosing an unheated area, and without windows and without other features that use solar energy is not a solar feature for the purposes of this land use code (for example, an unheated garage).

**Solar Setback.** The shortest horizontal distance from the northern lot line to the shade point.

**South.** True south or within 20 degrees east of magnetic south.

**South Wall.** A wall of any building oriented no more than 45 degrees from due south or any wall so defined by rules adopted under this land use code.

**Special Setback.** A setback instituted to prohibit development within areas of planned future right-of-way acquisition. The special setback is measured from the location of the planned future right-of-way line.

**Specialty Retail.** A type of retail presenting distinctive merchandise in a unique way, such as shops offering one-of-a-kind merchandise (such as a fine luggage store), or traditional goods presented in an interesting format (such as a boutique). Typically, specialty retail stores are relatively small with retail space frequently ranging from 400 to 2,000 square feet.
Stand of Trees. A group of three or more significant trees, whose canopies touch or whose critical root zones overlap; and that includes the trees, shrubs and groundcover plants that occupy the ground area beneath the canopies.

Start of Construction. The date the development permit was issued, provided the actual start of repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piling, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations, or erection of temporary forms; nor the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

Street. An improved or unimproved public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots or parcels, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of land for forestry, mining, or agricultural purposes. A “street” includes the land between right-of-way lines within the ingress/egress easement areas serving multiple residential lots but excluding “flagpole” portions of flag lots.

Street Lot Line. A lot line separating a street from other land.

Streetscape. The built and planted elements of a street that define the street’s character.

Street Tree. A living, standing tree with a trunk diameter or, for trees with multiple trunks, a cumulative trunk diameter, of at least 1-1/2 inches at a point 6 inches above mean ground level at the base of the trunk, and that is located within the public street right-of-way, or shown on an approved street tree plan.

Structure. Anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structured Parking. A publicly or privately owned structure having one or more tiers of height, designed and used for parking 4 or more motor vehicles.

Subdivision. Either an act of subdividing land, or an area or tract of land subdivided into 4 or more lots within a calendar year, as provided in this land use code.
Tax Lot. A tract of land defined by ownership or tax status as defined by the Lane County Assessment and Taxation office. A tax lot is not necessarily a legal lot.

Telecommunications Ancillary Facilities. The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, ventilation and other mechanical equipment.

Telecommunications Antennas. An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.

Telecommunications Attachment. An antenna or other piece of related equipment affixed to a transmission tower, building, light or utility pole, or water tower.

Telecommunications Collocation. Placement of an antenna on an existing transmission tower, building, light or utility pole, or water tower where the antenna and all supports are located on the existing structure.

Telecommunications Facility. A facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices, including transmission towers, telecommunications antennas and ancillary facilities. For purposes of this Land Use Code, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “telecommunication facilities.”

Telecommunications Facility Stealth Design. A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment.

Telecommunications Provider. A person in the business of designing and using telecommunications facilities including cellular radio-telephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Tentative Plan. A preliminary drawing or diagram concerning a partition, subdivision, or planned unit development.

Theater. A building used for public presentations of entertainment or cultural events.

Through Lot. A lot, other than a corner lot, with frontage on more than one street. Through lots with frontage on two streets may be referred to as “double-frontage” lots.

Topping. Cutting of the branches or trunks of a tree, where such cutting removes: (A) More than 30 percent of the branches 6 inches in diameter or larger; or
(B) The main trunk or trunks, or as otherwise defined in the edition of the American National Standards Institute (ANSI) Section A300, Tree, Shrub and Other Woody Plant Maintenance Standard Practices in effect at the time the topping occurs, except that topping shall not in any context mean pruning measures commonly used to maintain trees grown for the purpose of crop production.

Traffic Control Device. Any sign, signal, or other device placed, operated or erected under authority of a road authority, as defined by state law, for the purpose of guiding, directing, warning or regulating vehicular or pedestrian traffic.

Transit Authority. A transit district established under ORS 267.010 to 267.390.

Transit, Neighborhood Improvement. Transit amenities such as a bus stop, shelter, or shared-use park and ride with less than 25 spaces where the park and ride use is accessory to an existing church, shopping area, or other principal use. Neighborhood transit improvements may accommodate up to 2 buses.

Transit Park and Ride, Major. Public parking areas accommodating 100 or more motor vehicles, designed to provide access to transit and other transportation services, and which is managed by a public transit agency. These parking areas may function as shared parking areas with other land uses. A major park and ride facility generally includes buses operating off-street and passenger amenities provided off-street, such as larger-style bus shelter, lighting, passenger information, and bicycle storage facilities. Restrooms may be provided for transit employees or the public.

Transit Park and Ride, Minor. Public parking areas accommodating 99 or fewer motor vehicles, designed to provide access to transit and other transportation services, and which is managed by a public transit agency. These parking areas may function as shared parking areas with other land uses. Buses do not generally operate on the site. Buses may serve the park and ride facility from an on-street bus stop that may include a bus turnout and a standard size bus shelter adjacent to the stop.

Transit Station, Major. A transit station that provides on a regular basis, room for 4 or more buses to facilitate customer transfers and/or bus operations. A major transit station may include off-street parking and restrooms for transit employees or the public, and passenger amenities associated with major park and ride facilities. A major transit station may be an off-street or on-street facility or a combination of the 2.

Transit Station, Minor. A transit station that provides on a regular basis, room for 2 or 3 buses to facilitate customer transfer or bus operations. A minor transit station is usually designed as a large bus turnout near key intersections and is usually an on-street facility. Minor transit stations may include off-street parking.
Transmission Tower. The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this land use code, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “transmission towers.” Transmission towers include the following:

Transmission Guyed Tower. A transmission tower that is supported by the use of cables (guy wires) which are permanently anchored.

Transmission Lattice Tower. A transmission tower characterized by an open framework of lateral cross members which stabilize the tower.

Transmission Monopole. A single upright transmission pole, engineered to be self-supporting and does not require lateral cross supports or guy wires.

Tree. A self supporting, perennial woody plant characterized by one main trunk, or in some cases, multiple trunks, and one main canopy of leaves, usually growing to a height of 15 feet or more.

Tree Preservation. Protection of an existing tree from damage or stress such that the tree is likely to survive and continue to grow normally in a healthy condition, through measures that avoid or minimize damage to branches, canopy, trunk and roots of the tree. Such measures may include, but are not limited to, installation of tree protective fencing, mulching and watering of roots, supervision of work by an arborist, installation of aeration or drainage systems, root pruning, and use of non-destructive excavation techniques.

Tree Removal. To fell or sever a tree or to use any procedure the natural result of which is to cause the death or substantial destruction of the tree. Substantial destruction includes actions that destroy more than 30% of the critical root zone of a tree, or topping, or severing the cambial material on 50% or more of the circumference of the tree trunk. Remove does not in any context include those pruning standards as defined in the edition of American National Standards Institute (ANSI) Section A300, Tree, Shrub and Other Woody Plant Maintenance Standard Practices in effect at the time the pruning occurs.

Trim. The moldings, batten, capping, nailing strips, latticing, and platforms which are attached to a sign.

Truck, heavy. A truck of one-ton capacity or more and not bearing a state recreational vehicle insignia.

Under-Marquee Sign. A sign that is attached only to a marquee or awning and which is suspended or projects downward from a marquee or awning and has no portion of the sign above the bottom surface of the marquee or awning structure.
Under-Story Tree. A tree that at maturity is smaller than, and does not meet the definition of, a canopy tree as defined in this land use code.

Unimproved Public Right-Of-Way. A public way that has not been developed with improvements for use by the public.

Urban Forester. The person authorized by the city manager to carry out the duties and responsibilities of the city’s urban forester under provisions of this code.

Urban Growth Boundary, UGB. A site-specific line, delineated on a map or by written description, that separates the projected urban service area from rural land.

Use. The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is occupied or maintained.

Vanpool. A group of 7 to 15 commuters, including the driver, who share the ride to and from work on a regularly scheduled basis.

Variance. A grant of relief from an identified development standard that permits activity that would otherwise be prohibited by those sections.

Vegetation Removal. Destruction, physical removal, removal of the majority of the plant above ground, up-rooting, or lethal application of herbicides.

Vehicle Use Area. Parking spaces, driveways, interior roadways, loading areas, and fleet vehicle storage areas.

Vision Clearance Area. A triangular area within a lot immediately adjacent to the intersection of streets to provide a clear area for viewing approaching traffic for public safety purposes. For the intersection of 2 improved public rights-of-way, the vision clearance area is the triangular area of the lot at the intersection of two lot lines. At the intersection of a public street and a private street, the vision clearance area is the triangular area of the lot at the intersection of the lot line and each edge of the street. For all vision clearance areas, the apex is located at the intersection of the two legs, extended if necessary. The base of the triangle extends diagonally across the lot intersecting the two legs an equal distance from the apex. (See Figure 9.0500 Vision Clearance Area.)

Wall Sign. Any sign painted upon or attached to the wall of a building which does not project more than 12 inches from the surface of a wall. Signs placed on or attached to a mansard roof are considered wall signs provided they do not project or extend above the roof line.
Water Features. Permanent or intermittent bodies of water, including streams, ponds, rivers, lakes, drainage channels, open waterways and jurisdictional wetlands.

Wetland. Any parcel or portion of a parcel which meets the state or federal definition of wetlands that are under the jurisdiction of state or federal laws. Synonymous with "jurisdictional wetland".

Wetland Boundary. Any mapped wetland boundary produced by methods consistent with state and federal law and policy and for which a concurrence has been made in writing by the applicable state or federal agencies. Synonymous with "accepted jurisdictional wetland boundary" and "jurisdictional wetland boundary".

Wildlife Care Center. A place were rehabilitation of an injured, sick, or immature wild bird, mammal, amphibian, or reptile occurs to a condition where it is capable of being released into the wild or, if incapable of survival on its own, retained for educational purposes or transferred to an organization, educational institution, museum, publicly funded zoo or other facility as determined by the Oregon Department of fish and Wildlife.

Wrecking Yard, Motor Vehicles and Building Materials. A premise used for the storage and dismantling of used motor vehicles, manufactured dwellings, recreational vehicles, machinery and/or building materials, or parts thereof. May also include sale of parts or materials.

Yard. Required space on the same lot with a building, unoccupied, and unobstructed from a point 30 inches above grade upward, except as otherwise provided herein. (See also Front Yard Setback and Interior Yard Setback.)

(Section 9.0500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)
Zoning - General Provisions

General

9.1000 Introduction. Land in Eugene is zoned to provide areas suitable for certain types of development. Each zone provides a set of regulations governing the uses, lot size, building setbacks, height, and other development regulations. Property may also be subject to an overlay zone. The overlay establishes additional regulations beyond the base zone to address specific community objectives, such as protection of environmentally sensitive areas or improving the efficient use of public transit. In some cases, overlays may provide an exception to the standard regulations for the base zone.

(Section 9.1000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1010 Purpose of Zoning Regulations. The broad purpose of zoning regulations is to protect and promote the public health, safety, and welfare, and to provide the economic, social and environmental advantages which result from an orderly, planned use of land resources. Such regulations generally are designed to implement the Metro Plan, Growth Management Study and other applicable adopted plans and policies.

(Section 9.1010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1020 Applicability of Zoning Regulations. The city does not enforce any easement, covenant or other agreement between private parties, nor is this land use code generally intended to abrogate, annul, or impair such easements, covenants or agreements. In those instances where zoning regulations impose a greater restriction or higher standard than required by an easement, covenant or other agreement between private parties, or where the zoning regulations otherwise conflict with those private party agreements, the zoning regulations shall control.

(Section 9.1020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1030 Establishment and List of Zones. The zones listed in Table 9.1030 Zones are established as follows:

<table>
<thead>
<tr>
<th>Broad Zone Category</th>
<th>Zone</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>AG</td>
<td>Agricultural Zone</td>
</tr>
<tr>
<td>Commercial</td>
<td>C-1</td>
<td>Neighborhood Commercial Zone</td>
</tr>
<tr>
<td></td>
<td>C-2</td>
<td>Community Commercial Zone</td>
</tr>
<tr>
<td></td>
<td>C-3</td>
<td>Major Commercial Zone</td>
</tr>
</tbody>
</table>

Table 9.1030 Zones

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### Table 9.1030 Zones

<table>
<thead>
<tr>
<th>Broad Zone Category</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-4</td>
<td>Commercial/Industrial Zone</td>
</tr>
<tr>
<td>GO</td>
<td>General Office Zone</td>
</tr>
<tr>
<td>Government and Education</td>
<td>PL</td>
</tr>
<tr>
<td>Industrial</td>
<td>I-1</td>
</tr>
<tr>
<td></td>
<td>I-2</td>
</tr>
<tr>
<td></td>
<td>I-3</td>
</tr>
<tr>
<td>Park and Open Space</td>
<td>NR</td>
</tr>
<tr>
<td></td>
<td>PRO</td>
</tr>
<tr>
<td>Residential</td>
<td>R-1</td>
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<td></td>
<td>R-1.5</td>
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<tr>
<td></td>
<td>R-2</td>
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<td></td>
<td>R-3</td>
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<tr>
<td></td>
<td>R-4</td>
</tr>
<tr>
<td>Special</td>
<td>S-DW</td>
</tr>
<tr>
<td></td>
<td>S-E</td>
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<td></td>
<td>S-F</td>
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<td>S-H</td>
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<td>S-HB</td>
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<tr>
<td></td>
<td>S-RN</td>
</tr>
<tr>
<td></td>
<td>S-RP</td>
</tr>
<tr>
<td></td>
<td>S-W</td>
</tr>
</tbody>
</table>

(Section 9.1030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

### 9.1040 Establishment and List of Overlay Zones

The overlay zones listed in Table 9.1040 Overlay Zones are established as follows:

<table>
<thead>
<tr>
<th>Overlay</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>/#</td>
<td>Residential Density Range Overlay Zone (# indicates density range)</td>
</tr>
<tr>
<td>/BW</td>
<td>Broadway Overlay Zone</td>
</tr>
<tr>
<td>/CAS</td>
<td>Commercial Airport Safety Overlay Zone</td>
</tr>
<tr>
<td>/HD</td>
<td>Hillside Development Overlay Zone</td>
</tr>
<tr>
<td>/ND</td>
<td>Nodal Development Overlay Zone</td>
</tr>
<tr>
<td>/PD</td>
<td>Planned Unit Development Overlay Zone</td>
</tr>
<tr>
<td>/SR</td>
<td>Site Review Overlay Zone</td>
</tr>
<tr>
<td>/TD</td>
<td>Transit Oriented Development Overlay Zone</td>
</tr>
<tr>
<td>/UL</td>
<td>Urbanizable Land Overlay Zone</td>
</tr>
<tr>
<td>/WP</td>
<td>Waterside Protection Overlay Zone</td>
</tr>
<tr>
<td>/WB</td>
<td>Wetland Buffer Overlay Zone</td>
</tr>
<tr>
<td>/WG</td>
<td>Willamette River Greenway Overlay Zone</td>
</tr>
</tbody>
</table>

(Section 9.1040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)
Reclassification of Prior Zones. The zoning classifications shown in Table 9.1045 Reclassification of Zones are reclassified effective August 1, 2001.

<table>
<thead>
<tr>
<th>Old Zone Title</th>
<th>New Zone Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA Suburban Residential District</td>
<td>R-1 Low Density Residential Zone</td>
</tr>
<tr>
<td>R-2 Limited Multiple Family Residential District</td>
<td>R-2 Medium Density Residential Zone</td>
</tr>
<tr>
<td>R-3 Multiple Family Residential District</td>
<td>R-3 Limited High Density Residential Zone</td>
</tr>
<tr>
<td>R-4 High Rise Multiple Family Residential District</td>
<td>R-4 High Density Residential Zone</td>
</tr>
<tr>
<td>C-2 General Commercial District</td>
<td>C-2 Community Commercial Zone</td>
</tr>
<tr>
<td>I-1 Special Industrial District</td>
<td>I-1 Campus Industrial Zone</td>
</tr>
<tr>
<td>Downtown Westside Mixed Use District</td>
<td>S-DW Downtown Westside Special Area Zone</td>
</tr>
<tr>
<td>MU-E Elmira Road Mixed Use District</td>
<td>S-E Elmira Road Special Area Zone</td>
</tr>
<tr>
<td>Fifth Avenue Development District</td>
<td>S-F Fifth Avenue Special Area Zone</td>
</tr>
<tr>
<td>Historic Districts</td>
<td>S-H Historic Zone</td>
</tr>
<tr>
<td>H Blair Boulevard Historic Commercial Area</td>
<td>S-HB Blair Boulevard Historic Commercial Special Area Zone</td>
</tr>
<tr>
<td>Riverfront Park Special Development District</td>
<td>S-RP Riverfront Park Special Area Zone</td>
</tr>
<tr>
<td>MU-W Whiteaker Mixed Use District</td>
<td>S-W Whiteaker Special Area Zone</td>
</tr>
</tbody>
</table>

(Section 9.1045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1050 Establishment of Zone Boundaries and Overlay Zone Boundaries by Map. Zone boundaries shall be depicted on an official map titled, “Eugene Zoning Map.” Overlay zone boundaries shall be indicated on the “Eugene Zoning Map,” or on an official map titled, “Eugene Overlay Zone Map.” The text of this land use code may include a boundary description or list of uses subject to overlay zone regulations. The “Eugene Zoning Map” and “Eugene Overlay Zone Map” may be divided into geographic units for convenience of use and to more readily identify locations on the map. Where the text of a zone change decision or the text of this land use code specifically define boundaries (such as the TD or CAS overlay zones), conflicts between that text and map boundaries shall be resolved in favor of the text.

(Section 9.1050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1060 Changes in Zone Boundaries and Overlay Zone Boundaries. Changes in zone boundaries or overlay zone boundaries shall be processed pursuant to the Type III Application Procedures (EC 9.7300 - 9.7340) or, if processed concurrently with a refinement plan or code amendment, Type IV Application Procedures (EC 9.7400 - 9.7455). Decisions shall be based on the criteria contained in EC 9.8865 Zone Change Approval Criteria.

(Section 9.1060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.1070 Uncertainty of Zone Boundaries and Overlay Zone Boundaries. Where uncertainty exists as to the boundary of any zone or overlay zone as shown on the "Eugene Zoning Map" or "Eugene Overlay Zone Map," the planning director shall apply the following rules to make a determination of a boundary:

(1) Where the boundaries are indicated as approximately following street lines, alley lines or lot lines, those lines shall be construed to be the boundaries.

(2) In the case of unsubdivided property where a zone boundary divides a lot, the location of the boundaries, unless they are indicated by dimensions, shall be determined based on the proposed subdivision, location of future public ways, and natural resource features.

(3) Areas of public ways and railroad right-of-way, other than those designated on the zoning map, shall be deemed to be unzoned and, in the case of railroad right-of-way, shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock.

(4) Public way that is officially vacated is zoned consistent with the zone of the property to which the vacated area is attached, including any overlay zone.

(5) Upon written notification from the owner that railroad right-of-way has been abandoned as railroad right-of-way, no new use shall be allowed and no development permit shall be issued until the property is zoned according to this land use code. Abandoned railroad right-of-way is automatically determined to have the same zone as the property to which the abandoned railroad right-of-way is attached, including any overlay zones.

(Section 9.1070, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1080 Zone Verification. Zone verification is used by the city to evaluate whether a proposed building or land use activity would be a permitted use or be subject to land use application approval or special standards applicable to the category of use and the zone of the subject property. The city may use zone verification as part of the review for a land use application or development permit, or where required by this land use code. As part of the zone verification, the planning and development director shall determine whether uses not specifically identified on the allowed use list for that zone are permitted, permitted subject to an approved conditional use permit or other land use permit, or prohibited, or whether a land use review is required due to the characteristics of the development site or the proposed site. This determination shall be based on the requirements applicable to the zone, applicable standards, and on the operating characteristics of the proposed use, building bulk and size, parking demand, and traffic generation. Requests for zone verification shall be submitted on a form approved by the city manager and be accompanied by a fee pursuant to EC Chapter 2.

(Section 9.1080, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Legal Nonconforming Situations

9.1200 Purpose for Regulation of Nonconforming Situations. Nonconforming lots or parcels, uses, and structures are detrimental to the orderly development and general welfare of citizens and property. This land use code provides for the orderly termination of legal nonconforming situations in order to promote the public health, safety, and general welfare, and bring these lots, uses, or structures into compliance with this land use code. Sections 9.1210 through 9.1230 are intended to:

(1) Minimize the impacts of the nonconforming situation by establishing standards that limit the expansion of the nonconformity.

(2) Provide for the correction or removal of nonconforming situations in an equitable, reasonable, and timely manner.

(Section 9.1200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1210 Legal Nonconforming Lots of Record. Lots or parcels legally created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses will comply with all other provisions of this land use code.

(Section 9.1210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1220 Legal Nonconforming Use. A use that was legally established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this land use code is considered a legal nonconforming use. Change of ownership, tenancy, or management of a legal nonconforming use shall not affect its legal nonconforming status. The continuation of a legal nonconforming use is subject to the following:

(1) If a legal nonconforming use is discontinued for a period of 365 days, it shall lose its legal nonconforming status, and the use of the property thereafter shall conform with the existing provisions of this land use code. If the use was discontinued because the structure was damaged to an extent of 50% or more of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, the use may be reinstated within 2 years.

(2) If a legal nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

(3) No legal nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

(Section 9.1220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.1230 **Legal Nonconforming Structure.** A structure that was legally established but no longer conforms to all development standards of this land use code (such as height or setbacks) is considered a legal nonconforming structure. Notwithstanding development standard requirements in this code, minor repairs and routine maintenance of a legal nonconforming structure are permitted. The continuation of a legal nonconforming structure is subject to the following:

(1) A legal nonconforming structure that is damaged to an extent of 50% or more of its replacement cost may be restored only if the damage was not intentionally caused by the property owner and the nonconformity is not increased. Any residential structure(s), including multiple-family, in a residential zone damaged beyond 50% of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, may be reconstructed at the original density provided the reconstruction is commenced within 2 years after the catastrophe.

(2) A legal nonconforming structure may be altered to bring the structure closer to compliance with existing regulations, but shall not be altered in a manner that increases its nonconformity.

(3) A legal nonconforming structure that is moved loses its nonconforming status and must then conform to all requirements of this land use code.

(Section 9.1230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.1240 **Legal Pre-Existing Uses.** The uses listed in Table 9.1240 Legal Pre-Existing Uses shall be considered to be pre-existing uses. These uses may continue, and are not subject to the provisions of sections 9.1200 through 9.1230. Determinations as to whether a particular use qualifies as a pre-existing use shall be made by the planning commission.

<table>
<thead>
<tr>
<th>R-1 Low-Density Residential</th>
<th>Nursing Home</th>
<th>Limited to those in existence on August 1, 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2 Medium-Density Residential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>R-1 Low-Density Residential</th>
<th>Theater, Live Entertainment</th>
<th>Limited to those in existence on April 27, 1987 and operated by a non-profit organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 Low-Density Residential</td>
<td>Equestrian Academy and Stable</td>
<td>Limited to those in existence on August 1, 2001</td>
</tr>
<tr>
<td>R-1 Low-Density Residential</td>
<td>Equestrian Trail</td>
<td>Limited to those in existence on August 1, 2001</td>
</tr>
<tr>
<td>R-1 Low-Density Residential</td>
<td>Golf Course</td>
<td>Limited to those in existence on August 1, 2001</td>
</tr>
</tbody>
</table>

(Section 9.1240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Base Zones

Agricultural Zone

9.2000  **Purpose of AG Agricultural Zone.** The purpose of the AG agricultural zone is to allow agricultural uses within the urban growth boundary until land is converted to urban development. Agricultural uses are considered interim uses until public facilities and services can be provided in an economical manner and urban development of the site would result in compact urban growth and sequential development.

(Section 9.2000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2010  **Agricultural Zone Land Use and Permit Requirements.** The following Table 9.2010 Agricultural Zone Uses and Permit Requirements, identifies those uses in the AG Agricultural Zone that are:

(P) Permitted, subject to zone verification.

(C) Subject to a conditional use permit, or an approved final planned unit development.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

Examples shown in Table 9.2010 are for informational purposes, and are not exclusive. Table 9.2010 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out in EC 9.8465.

<table>
<thead>
<tr>
<th>Table 9.2010 Agricultural Zone Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accessory Uses</strong> (Examples include storage of farm products or livestock and other uses normal and incidental to agricultural uses.)</td>
</tr>
<tr>
<td>Accessory Use:</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>P</td>
</tr>
<tr>
<td><strong>Agricultural; Resource Production and Extraction</strong></td>
</tr>
<tr>
<td>Community and Allotment Garden</td>
</tr>
<tr>
<td>Display and Sale of Agricultural Products, primarily based on products raised or grown on the premises</td>
</tr>
<tr>
<td>Farm Animals, including pastureland, excluding a slaughter house (See EC 9.5250)</td>
</tr>
<tr>
<td>Horticultural Use. Examples include field crops, orchards, berries, and nursery or flower stock.</td>
</tr>
<tr>
<td>Mineral Resources Mining, Recovery, Stockpiling, Processing, excluding smelters and ore reductions</td>
</tr>
<tr>
<td><strong>Education, Cultural, Religious, Social and Fraternal</strong></td>
</tr>
<tr>
<td>Grange Hall</td>
</tr>
<tr>
<td>Library</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Table 9.2010 Agricultural Zone Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Entertainment and Recreation</strong></td>
</tr>
<tr>
<td>Equestrian Academy and Stable</td>
</tr>
<tr>
<td>Equestrian Trail</td>
</tr>
<tr>
<td>Farm Related Educational Activities and Events. Examples include harvest festivals or tours of heritage farms. Excludes rodeos and other events that are not related to on-going farm operations.</td>
</tr>
<tr>
<td>Park and Playground, excluding indoor recreation</td>
</tr>
<tr>
<td><strong>Government</strong></td>
</tr>
<tr>
<td>Government Services, not specifically listed in this or any other uses and permit requirements table. An example could include: a fire station.</td>
</tr>
<tr>
<td><strong>Lodging</strong></td>
</tr>
<tr>
<td>Bed and Breakfast (See EC 9.5100)</td>
</tr>
<tr>
<td><strong>Motor Vehicle Related Uses</strong></td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
</tr>
<tr>
<td>Dwellings</td>
</tr>
<tr>
<td>One-Family Dwelling, 1 Per Lot</td>
</tr>
<tr>
<td><strong>Utilities and Communication</strong></td>
</tr>
<tr>
<td>Amateur Radio Antenna Structure (See EC 9.5050)</td>
</tr>
<tr>
<td>Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
</tr>
<tr>
<td>Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
</tr>
<tr>
<td>Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
</tr>
<tr>
<td>Telecommunication Tower or Facility (See EC 9.5750)</td>
</tr>
<tr>
<td>Water Reservoir, elevated above ground level</td>
</tr>
<tr>
<td><strong>Other Commercial Services</strong></td>
</tr>
<tr>
<td>Home Occupation (See EC 9.5350)</td>
</tr>
<tr>
<td>Kennel</td>
</tr>
<tr>
<td>Temporary Activity (See EC 9.5800)</td>
</tr>
<tr>
<td>Wildlife Care Center (See EC 9.5850)</td>
</tr>
</tbody>
</table>

(Section 9.2010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2020 **Agricultural Zone Lot and Development Standards.** In addition to applicable development standards contained elsewhere in this code, the development standards listed in Table 9.2020 Agricultural Zone Lot and Development Standards shall apply to all development in the agricultural zone.
<table>
<thead>
<tr>
<th>Lot Area Minimum</th>
<th>20 acres</th>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Front Yard Setback</td>
</tr>
<tr>
<td>Maximum Height</td>
<td></td>
<td>Interior Yard Setback</td>
</tr>
<tr>
<td>Main Building</td>
<td>30 feet</td>
<td></td>
</tr>
<tr>
<td>Accessory Buildings</td>
<td>No Limit</td>
<td></td>
</tr>
</tbody>
</table>

(Section 9.2020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Commercial Zones**

9.2100 **Purpose of C-1 Neighborhood Commercial Zone.** The C-1 Neighborhood Commercial zone is designed to implement the Metro Plan by providing commercial areas to serve the day-to-day needs of the surrounding neighborhood. Neighborhood commercial areas should enhance rather than intrude on the character of a neighborhood by providing landscaped buffering and ensuring sufficient street frontage to provide safe and efficient access. These areas are usually 5 acres or less in size. Some uses not necessarily oriented to daily consumer needs, but similar in size and external impacts to convenience commercial and personal service uses, are also included in the C-1 zone.

(Section 9.2100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2110 **Purpose of C-2 Community Commercial Zone.** The C-2 Community Commercial zone is designed to implement the Metro Plan by providing areas for community commercial uses. These areas usually include at least 5 acres and not more than 40 acres, and are intended to include a wide range of purchaser goods and entertainment, office, and service needs for a support population smaller than that of the metropolitan area but larger than that of a neighborhood. Housing is also permitted in this zone, which may occur independently on individual lots or parcels, or be located in clusters that share parking facilities and other common areas.

(Section 9.2110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2120 **Purpose of C-3 Major Commercial Zone.** The C-3 Major Commercial zone is designed to implement the Metro Plan by providing areas for regional commercial uses. These uses include a wide range of purchaser goods, educational opportunities, entertainment, offices, travel accommodations, and services that attract people from the entire metropolitan area, Lane County, and adjacent counties.

(Section 9.2120, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.2130 **Purpose of C-4 Commercial/Industrial Zone.** The C-4 Commercial/Industrial zone is designed to implement the Metro Plan by providing areas that allow a compatible mix of commercial and industrial uses that are largely oriented to automobile traffic. The zone is intended to provide for commercial uses and complimentary processing, assembling, packaging, or repairing of previously manufactured products. (Section 9.2130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2140 **Purpose of GO General Office Zone.** The GO General Office zone is designed to implement the Metro Plan by providing areas that allow a compatible mix of office and residential development. The zone is intended to provide for small- to medium-sized office buildings, often in transitional locations between residential and commercial uses. Developments shall be compatible with nearby residential uses in terms of scale, bulk, building and parking coverage, traffic generation, and other external factors. This zone also encourages a compatible mix of dwellings and offices on the same or adjacent properties. Retail uses are also permitted. (Section 9.2140, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2150 **Commercial Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:

1. **C-1 Neighborhood Commercial.**
   a. New C-1 zones shall be located within convenient walking or bicycling distance of an adequate support population. For new C-1 areas between 4½ and 5 acres, an adequate support population is 4,000 people (existing or planned) within an area conveniently accessible to the site.
   b. New C-1 areas larger than 1.5 acres shall be located on a collector or arterial street.
   c. Existing neighborhood commercial areas shall not be allowed to expand to greater than 1.5 acres unless the development area site abuts a collector or arterial street.

2. **C-4 Commercial/Industrial.** The application of the C-4 zone is limited to development sites with all of the following:
   a. Strip or Street-Oriented Commercial designation in the Metro Plan.
   b. Direct access to and from an arterial street.
   c. A mix of commercial and industrial establishments in the area.

(Section 9.2150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

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

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

<table>
<thead>
<tr>
<th>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accessory Uses</strong></td>
</tr>
<tr>
<td>Accessory Use. An example includes storage and distribution</td>
</tr>
<tr>
<td>incidental to the primary use of the site. Parking areas that</td>
</tr>
<tr>
<td>are accessory to a primary use on the same development site</td>
</tr>
<tr>
<td>shall comply with EC 9.2161(5).</td>
</tr>
<tr>
<td>C-1 C-2 C-3 C-4 GO</td>
</tr>
<tr>
<td>P P P P P</td>
</tr>
</tbody>
</table>

| **Agricultural, Resource Production and Extraction**         |
| Horticultural Use. Examples include field crops, orchards,   |
| berries, and nursery or flower stock.                        |
| C-1 C-2 C-3 C-4 GO                                          |
| P P P P                                                   |

| **Eating and Drinking Establishments**                       |
| Bar and Tavern                                              |
| Delicatessen                                                 |
| Restaurant                                                  |
| Specialty Food and Beverage. Examples include bagel, candy, |
| coffee, donut, and ice cream stores. Products manufactured  |
| on-site shall comply with manufacturing allowances for food  |
| and beverage products.                                      |
| C(I) P P P P (2)                                            |
| P (1) P P P (2)                                            |

| **Education, Cultural, Religious, Social and Fraternal**    |
| Artist Gallery/Studio                                       |
| Ballet, Dance, Martial Arts, and Gymnastic                 |
| School/Academy/Studio                                       |
| Church, Synagogue, and Temple, including associated         |
| residential structures for religious personnel             |
| Club and Lodge of State or National Organization            |
| Community and Neighborhood Center                           |
| Library                                                     |
| Museum                                                      |
| School, Business or Specialized Educational Training (excludes |
| driving instruction)                                        |
| School, Driving (including use of motor vehicles)           |
| School, Elementary through High School                      |
| University or College                                        |
| C(1) P P                                                   |
| P (1) P P                                                 |
| P (1) P P                                                 |
| P (1) P P                                                 |
| P (1) P P                                                 |
| P                                                   |
| P                                                   |
| P                                                   |

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### Table 9.2160 Commercial Zone Land Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Entertainment and Recreation</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>GO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Center (Arcade, pool tables, etc.)</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arena, Indoors</td>
<td></td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic Facility and Sports Club</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course, Miniature Indoor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course, Miniature Outdoor</td>
<td>SR</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Driving Range</td>
<td>SR</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park and Playground (Refer to Park, Recreation, and Open Space zone for examples of activities within this use.)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theater, Live Entertainment</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Theater, Motion Picture</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Financial Services</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated Teller Machine (ATM)</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bank, Savings and Loan Office, Credit Union</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Government, not specifically listed in this or any other uses and permit requirements table. An example could include: a fire station.</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information Technology Services</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer Networking (includes services and technical support center)</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>E-commerce (includes on-site shipping via truck)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-commerce (excludes on-site shipping via truck)</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Internet and Web Site (includes services and technical support center)</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Software Development (includes services and technical support center)</td>
<td>P (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lodging</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homeless Shelter not in existence as of January 1, 1984</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel, and similar business providing overnight accommodations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle Park, may include tent sites (See EC 9.5600)</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 9.2160 Commercial Zone Land Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Manufacturing</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>GO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing Allowance in C-1, manufacturing is permitted if the following standards are met:</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— No external air emissions required a permit from an air quality public agency.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— All industrial activity completely enclosed within building.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>— Industrial uses limited to apparel, food and beverage, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— Each individual business is limited to 5,000 square feet of area exclusive of parking area.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing Allowance in C-2 and C-3, manufacturing is permitted if the following standards are met:</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— No external air emissions requiring a permit from an air quality public agency.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— All industrial activity completely enclosed within building.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— Industrial uses limited to apparel, food and beverage products, electronic communication assembly, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-2 and C-3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>— Each individual business is limited to 10,000 square feet of floor area exclusive of parking area. These types of businesses are limited in size to assure that they will not dominate the commercial area and to limit any negative external impacts on commercial and residential uses.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing Allowance in C-4, manufacturing use in C-4 is regulated the same as in the I-2 Light-Medium Industrial district</td>
<td></td>
<td></td>
<td>See I-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling, reverse vending machine</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recycling, small collection facility (See EC 9.5650)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

Medical, Health, and Correctional Services

| | | | | | |
| Blood Bank | P | P | P | | |
| Correctional Facility, excluding Residential Treatment Center | C | C | C | C | |
| Clinic or other Medical Health Treatment Facility (including mental health). Clinics are not permitted in the following area: — In the neighborhood commercial area in the Coburg/Crescent area. (See Willakenzie Plan.) | P (1) | P | P | P | |
| Drug Treatment Clinic - Non-residential | P (3) | P (3) | P (3) | | |
| Hospital | C | C | C | | |
| Laboratory, medical, dental, X-ray | P | P | P | | |
| Meal Service, Non-Profit | C | P | P | | |
| Nursing Home | P | P | P | | |
| Plasma Center, must be at least 800 feet between Plasma Centers | P | | | | |
| Residential Treatment Center | P | P | C | | |

Motor-Vehicle Related Uses

<p>| | | | |
| | | | |
| Car Wash | P | C | P | |</p>
<table>
<thead>
<tr>
<th>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Sales/Rental/Service, excluding motorcycles,</td>
</tr>
<tr>
<td>recreational vehicles and heavy trucks</td>
</tr>
<tr>
<td>C-1 C-2 C-3 C-4 GO</td>
</tr>
<tr>
<td>P C P</td>
</tr>
<tr>
<td>Motorcycle Sales/Rental/Service</td>
</tr>
<tr>
<td>P C P</td>
</tr>
<tr>
<td>Parking Area not directly related to a primary use on the</td>
</tr>
<tr>
<td>same development site</td>
</tr>
<tr>
<td>SR (4) P (5) P</td>
</tr>
<tr>
<td>Parts Store</td>
</tr>
<tr>
<td>P P P</td>
</tr>
<tr>
<td>Recreational Vehicles and Heavy Truck, Sales/Rental/Service</td>
</tr>
<tr>
<td>C P</td>
</tr>
<tr>
<td>Repair, includes paint and body shop</td>
</tr>
<tr>
<td>P P</td>
</tr>
<tr>
<td>Service Stations, includes quick servicing</td>
</tr>
<tr>
<td>P C P</td>
</tr>
<tr>
<td>Structured Parking, up to two levels not directly related</td>
</tr>
<tr>
<td>to a primary use on the same development site</td>
</tr>
<tr>
<td>P P P</td>
</tr>
<tr>
<td>Structured Parking, three or more levels not directly</td>
</tr>
<tr>
<td>related to a primary use on the same development site</td>
</tr>
<tr>
<td>C P P</td>
</tr>
<tr>
<td>Tires, Sales/Service</td>
</tr>
<tr>
<td>P C P</td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
</tr>
<tr>
<td>P P P</td>
</tr>
<tr>
<td>Transit Park and Ride, Major</td>
</tr>
<tr>
<td>P P P</td>
</tr>
<tr>
<td>Transit Park and Ride, Minor</td>
</tr>
<tr>
<td>C P P</td>
</tr>
<tr>
<td>Transit Station, Major</td>
</tr>
<tr>
<td>C SR SR P SR</td>
</tr>
<tr>
<td>Transit Station, Minor</td>
</tr>
<tr>
<td>C P P</td>
</tr>
<tr>
<td>Office Uses</td>
</tr>
<tr>
<td>Administrative, General, and Professional Office</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Scientific and Educational Research Center</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Personal Services</td>
</tr>
<tr>
<td>Barber, Beauty, Nail, Tanning Shop</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Day Care Facility (Not associated with a residence.)</td>
</tr>
<tr>
<td>P P P</td>
</tr>
<tr>
<td>Dry Cleaner</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Film, Drop-off/Pick-up</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Locksmith Shop</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Laundromat, Self-Service</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Mailing and Package Service</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Shoe Repair Shop</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Tailor Shop</td>
</tr>
<tr>
<td>P (1) P P P</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Dwellings</td>
</tr>
<tr>
<td>One-Family Dwelling</td>
</tr>
<tr>
<td>P (6) P (6)</td>
</tr>
<tr>
<td>Rowhouse (One-Family on Own Lot Attached to Adjacent</td>
</tr>
<tr>
<td>Residence on Separate Lot with Garage or Carport Access to</td>
</tr>
<tr>
<td>the Rear of the Lot</td>
</tr>
<tr>
<td>S (6) S (6)</td>
</tr>
<tr>
<td>Duplex (Two-Family Attached on Same Lot)</td>
</tr>
<tr>
<td>P (6) P (6)</td>
</tr>
<tr>
<td>Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5500)</td>
</tr>
<tr>
<td>S(6) S(6) S</td>
</tr>
<tr>
<td>Four-plex (Four-Family Attached on Same Lot) (See EC 9.5500)</td>
</tr>
<tr>
<td>S(6) S(6) S</td>
</tr>
<tr>
<td>Multiple Family (3 or More Dwellings on Same Lot) (See EC</td>
</tr>
<tr>
<td>9.5500)</td>
</tr>
<tr>
<td>S(6) S(6) S</td>
</tr>
<tr>
<td>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</td>
</tr>
<tr>
<td>Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)</td>
</tr>
<tr>
<td>Assisted Care (6 or more people living in facility)</td>
</tr>
<tr>
<td>Day Care (3 to 12 people served)</td>
</tr>
<tr>
<td>Day Care (13 or more people served)</td>
</tr>
<tr>
<td>Rooms for Rent Situations</td>
</tr>
<tr>
<td>Boarding and Rooming House</td>
</tr>
<tr>
<td>Campus Living Organization, including Fraternities and Sororities</td>
</tr>
<tr>
<td>Single Room Occupancy (SRO)</td>
</tr>
<tr>
<td>University and College Dormitories</td>
</tr>
<tr>
<td>Trade (Retail and Wholesale)</td>
</tr>
<tr>
<td>Agricultural Machinery Rental/Sales/Service</td>
</tr>
<tr>
<td>Appliance Sales/Service</td>
</tr>
<tr>
<td>Bicycle Rental/Sales/Service</td>
</tr>
<tr>
<td>Boat and Watercraft Sales/Service</td>
</tr>
<tr>
<td>Book Store</td>
</tr>
<tr>
<td>Building Materials and Supplies</td>
</tr>
<tr>
<td>Computer Store</td>
</tr>
<tr>
<td>Convenience Store</td>
</tr>
<tr>
<td>Drug Store (excluding Drug Treatment Centers)</td>
</tr>
<tr>
<td>Electrical Appliances and Supplies</td>
</tr>
<tr>
<td>Equipment, Light, Rental/Sales/Service</td>
</tr>
<tr>
<td>Equipment, Heavy, Rental/Sales/Service; includes truck and tractor sales</td>
</tr>
<tr>
<td>Fabric Store</td>
</tr>
<tr>
<td>Floor Covering Store</td>
</tr>
<tr>
<td>Furniture and Home Furnishing Stores</td>
</tr>
<tr>
<td>Garden Supply/Nursery</td>
</tr>
<tr>
<td>General Merchandise (includes supermarket and department store)</td>
</tr>
<tr>
<td>Hardware/Home Improvement Store</td>
</tr>
<tr>
<td>Healthcare Equipment and Supplies</td>
</tr>
<tr>
<td>Liquor Store</td>
</tr>
<tr>
<td>Manufactured Dwelling Sales/Service/Repair</td>
</tr>
<tr>
<td>Office Equipment and Supplies</td>
</tr>
<tr>
<td>Plumbing Supplies</td>
</tr>
<tr>
<td>Regional Distribution Center</td>
</tr>
<tr>
<td>Retail trade when secondary, directly related, and limited to products manufactured, repaired or assembled on the development site</td>
</tr>
<tr>
<td>Storage Facility, Household/Consumer Goods, enclosed</td>
</tr>
<tr>
<td>Specialty Store (an example includes a gift store)</td>
</tr>
<tr>
<td>Toy and Hobby Store</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th><strong>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category</strong></td>
</tr>
<tr>
<td>Video Store</td>
</tr>
<tr>
<td>Wholesale Trade (excluding regional distribution center)</td>
</tr>
<tr>
<td><strong>Utilities and Communication</strong></td>
</tr>
<tr>
<td>Amateur Radio Antenna Structure (See EC 9.5050)</td>
</tr>
<tr>
<td>Broadcasting Studio, Commercial and Public Education</td>
</tr>
<tr>
<td>Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
</tr>
<tr>
<td>Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
</tr>
<tr>
<td>Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
</tr>
<tr>
<td>Telecommunication Tower or Facility (See EC 9.5750)</td>
</tr>
<tr>
<td>Water Reservoir, elevated above ground level</td>
</tr>
<tr>
<td><strong>Other Commercial Services</strong></td>
</tr>
<tr>
<td>Building Maintenance Services</td>
</tr>
<tr>
<td>Catering Services</td>
</tr>
<tr>
<td>Collection Center, Collection of Used Goods (See EC 9.5150)</td>
</tr>
<tr>
<td>Home Occupation (See EC 9.5350)</td>
</tr>
<tr>
<td>Mortuary</td>
</tr>
<tr>
<td>Photographers' Studio</td>
</tr>
<tr>
<td>Picture Framing and Glazing</td>
</tr>
<tr>
<td>Printing, Blueprinting, and Duplicating</td>
</tr>
<tr>
<td>Publishing Service</td>
</tr>
<tr>
<td>Temporary Activity (See EC 9.5800)</td>
</tr>
<tr>
<td>Train Station</td>
</tr>
<tr>
<td>Upholstery Shop</td>
</tr>
<tr>
<td>Veterinarian Service</td>
</tr>
</tbody>
</table>

(Section 9.2160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

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

1. **Small Business Incentives in C-1.** Each individual business is limited to 5,000 square feet of floor area. Individual businesses shall be permitted to occupy up to 10,000 square feet of floor area on development sites that have a floor area ratio (FAR) of at least .65.

2. **Retail Sales and Personal Services Allowance in GO.** Retail sales and
personal services are allowed in the GO zone only if the use is located within a building that already contains office and/or residential uses. The retail sales and personal services area must be limited to 10 percent of the floor area of the building.

(3) **Drug Treatment Clinic - Non-Residential Allowance in C-2, C-3 and C-4.** Use is permitted on property located within a quarter of a mile of a transit route.

(4) **Parking Areas in C-2.** Any parking area established after August 1, 2001 that is not directly tied to a specific development shall require approval through the site review process.

(5) **Parking Areas in C-3.** For surface parking spaces created after August 1, 2001, there shall be at least 1,000 square feet of floor area on the development site for each new parking space created. The maximum number of surface parking spaces on a development site shall be 20. All parking spaces in excess of these limits shall be in structured parking.

(6) **Residential Use Limitation in C-1 and C-2.** Residential dwellings are allowed in the C-1 and C-2 zones if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments.

<table>
<thead>
<tr>
<th>Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial Uses Requirements in Mixed-Use Residential Developments</strong></td>
</tr>
<tr>
<td>Minimum Percent of Building Street Frontage in Commercial Use.</td>
</tr>
<tr>
<td>Building street frontage shall be measured along the length of the building at</td>
</tr>
<tr>
<td>the ground level within the maximum front yard setback. As used herein, “com-</td>
</tr>
<tr>
<td>mercial” includes any non-residential use occupying a space at least 15 feet</td>
</tr>
<tr>
<td>deep from the street facade of the building, excluding parking areas and garages.</td>
</tr>
<tr>
<td>C-1</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>80%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Percent of Ground Floor Area in Commercial Use.</th>
<th>C-1</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>80%</td>
<td>20%</td>
<td></td>
</tr>
</tbody>
</table>

(7) **Broadcasting Studios, Commercial and Public Education Allowance in GO.** Any number of receiving antennas, and up to 1 station-to-station transmitter-link antenna not to exceed 10 watts are permitted in the GO zone.

(Section 9.2161, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(1) **Intent.** These commercial zone development standards are intended to achieve the following:

(a) Improve the quality and appearance of commercial development in the city.

(b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.

(c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
(d) Increase opportunities for use of alternative modes of transportation.
(e) Regulate the intensity of use allowed on a site.
(f) Control the overall scale of commercial buildings.
(g) Promote streetscapes that are consistent with the desired character of the various commercial zones.
(h) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.

(2) Application of Standards. In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones except the following:
(a) Maximum Front Yard Setback,
(b) Minimum Landscape Area,
(c) Drive-Through Facilities,
which shall be subject to the special development standards of EC 9.2171(5), EC 9.2171(8) and EC 9.2171(15).

In cases of conflict, the standards specifically applicable in commercial zones shall apply.

<table>
<thead>
<tr>
<th>Table 9.2170 Commercial Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>(See EC 9.2171 Special Development Standards for Table 9.2170.)</td>
</tr>
<tr>
<td>C-1</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td><strong>Maximum Building Height (1) (2) (3)</strong></td>
</tr>
<tr>
<td><strong>Minimum Front Yard Setback (4) (16)</strong></td>
</tr>
<tr>
<td><strong>Maximum Front Yard Setback (5) (16)</strong></td>
</tr>
<tr>
<td><strong>Minimum Interior Yard Setback (4) (6) (7)</strong></td>
</tr>
<tr>
<td><strong>Minimum Landscape Area (8)</strong></td>
</tr>
<tr>
<td><strong>Fences (9)</strong></td>
</tr>
<tr>
<td><strong>Outdoor Storage Areas (10)</strong></td>
</tr>
<tr>
<td><strong>Outdoor Merchandise Display (11)</strong></td>
</tr>
<tr>
<td><strong>Garbage Screening (12)</strong></td>
</tr>
<tr>
<td><strong>Utilities (13)</strong></td>
</tr>
<tr>
<td><strong>Delivery and Loading Facilities (14)</strong></td>
</tr>
<tr>
<td><strong>Drive-Through Facilities (15)</strong></td>
</tr>
<tr>
<td><strong>Large Commercial Facilities (See EC 9.2173)</strong></td>
</tr>
<tr>
<td><strong>Large Multi-Tenant Commercial Facilities (See EC 9.2175)</strong></td>
</tr>
</tbody>
</table>

(Section 9.2170, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Special Commercial Zone Development Standards for Table 9.2170.

(1) Exceptions to the general height restrictions for commercial structures stated in Table 9.2170 Commercial Zone Development Standards are contained in:
(a) EC 9.6715 Height Limitation Areas.
(b) EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.

(2) Subject to the limitations in subsection (1) of this section, in the C-2, C-3, or C-4 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.

(3) Subject to the limitations in subsection (1) of this section, the maximum permitted building height for main or accessory buildings in the GO zone shall not exceed 35 feet in height within 50 feet of an abutting AG, R-1, or R-2 zone. Otherwise, main and accessory building height maximums shall not exceed 50 feet.

(4) Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone Development Standards are contained in:
(a) EC 9.6745 Setbacks - Intrusions Permitted.
(b) EC 9.6750 Special Setback Standards.

(5) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone Development Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing the street by at least 100%. In addition, all new buildings and the portion of the development site specifically affected by the new building are subject to the requirements of this subsection. (See Figure 9.2171(5) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)
(a) In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.
(b) In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal private way is permitted in compliance with EC 9.2173(4)(a).
(c) Vehicular parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.
(d) Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street.
(e) The land between the portion of a building complying with EC 9.2171(5)(a) or (b) and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square
feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection. (See Figure 9.2171(5)(e) Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)

(f) The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. (See Figure 9.2171(5)(e) Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)

(6) Where lot lines are not property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet.

(7) Minimum interior yard setbacks for large commercial facilities on a lot adjacent to or facing a residential zone shall be 30 feet.

(8) In addition to the minimum landscape area requirements of Table 9.2170 Commercial Zone Development Standards, the following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.

(a) Minimum Landscape Area Required. In all commercial zones, except C-3, a minimum of 10 percent of the development site shall be landscaped with living plant materials. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.

(b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).

(c) Landscaping In Front Yard Setbacks. If a front yard setback contains a landscape planting bed, the planting bed shall be a minimum of 7 feet in width and shall comply, at a minimum, with EC 9.6210(1) Basic Landscape Standard (L-1).

(d) Landscaping In Interior Yard Setbacks Abutting Residential Zones. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).

(e) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.
(9) Fences.
   (a) Types. The type of fence, wall or screen used in any situation is limited
       only by specific requirements stated in landscape standards beginning at
       EC 9.6200 Purpose of Landscape Standards.
   (b) Locations and Heights.
       1. Fences up to 42 inches in height are permitted within the minimum
          or maximum front yard setback whichever is greater.
       2. Fences up to 8 feet high are allowed in interior yard setbacks.
       3. The height of fences that are not in required setback areas is the same
          as the regular height limits of the zone.
          (See Figure 9.2171(9) Fencing Standards in Commercial Zones
          and Figure 9.6500 Vision Clearance Area.)

(10) Outdoor Storage Areas. Except for plant nurseries, outdoor storage is not
      permitted in any commercial zone. All merchandise to be stored must be
      enclosed entirely within buildings or structures.

(11) Outdoor Merchandise Display.
   (a) Except for plants and garden supply products, outdoor merchandise
       display is not allowed in C-1 and GO zones.
   (b) In the C-2 and C-4 zones, outdoor display of the uses listed in subsection
       1. of this subsection, is permitted when in conformance with the standards
       listed in subsection 2. of this subsection.
       1. Plants and garden supply products; motor vehicle sales, service, and
          repair; new and used boat sales; large equipment sales and rentals;
          service station pump islands; vending machines; manufactured home
          sales; children's outdoor play equipment; and hot tubs.
       2. Outdoor merchandise display is not permitted in required setback
          areas. Except for plant and garden supply displays, outdoor display
          areas shall be set back a minimum of 7 feet from the front lot lines
          with required setbacks landscaped to at least the EC 9.6210(1) Basic
          Landscape Standard (L-1).
   (c) In the C-3 zone, outdoor merchandise display is permitted if all products
       are placed in an enclosure after business hours.

(12) Garbage Screening. All outdoor garbage collection areas shall be screened on
      all sides within a solid perimeter enclosure that meets the following standards:
      (a) Materials within enclosures shall not be visible from streets and adjacent
          properties.
      (b) Required screening shall comply with EC 9.6210(6) Full Screen Fence
          Landscape Standard (L-6).
      (c) Garbage collection areas shall not be located within required setbacks.
          Trash or recycling receptacles for pedestrians are exempt from these
          requirements.

(13) Underground Utilities. All utilities on the development site shall be placed
      underground, unless adjusted pursuant to EC 9.8030(5). Refer also to EC
      9.6775.
(14) Delivery and Loading Facilities.
   (a) Delivery and loading facilities are not permitted in required setback areas.
   (b) On lots abutting parcels with a residential zone, delivery and loading facilities shall be set back a minimum of 10 feet from property lines with required interior yard setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(15) Drive-Through Facilities.
   (a) Application. The regulations in (b) through (e) of this subsection apply to the establishment of new drive through facilities, the addition of travel lanes for existing drive-through facilities in existing developments, and the relocation of an existing drive-through facility.
   (b) Drive-Through Facilities in C-1 Zone. Drive-through facilities are not permitted in C-1 zones.
   (c) Service Areas Setback and Landscaping. Service areas and stacking lanes shall be set back a minimum of 10 feet from all lot lines. Setback areas abutting a street shall be landscaped to at least the standards in EC 9.6210(1) Basic Landscape Standard (L-1). Interior yard setback areas must be landscaped to at least the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
   (d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.
   (e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6420 Parking Area Standards.
   (f) Adjustments. Except for lots adjacent to land zoned residentially, adjustments to subsection (c) Service Areas Setback and Landscaping may be made based on criteria at EC 9.8030(2) Setback Standards Adjustment.

(16) Adjustments. Adjustments to the minimum and maximum front yard setbacks in this section may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment.

(Section 9.2171, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.2173 Commercial Zone Development Standards - Large Commercial Facilities.
(1) Description and Purpose. The intent of these regulations is to:
   (a) Improve the appearance and function of large commercial developments in any commercial zone.
   (b) Encourage efficient use of land resources and urban services.
   (c) Encourage mixed use.
   (d) Support transportation options.
   (e) Promote detailed, human-scale site and building design.

(2) Application of Standards. In addition to the standards of EC 9.2170

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Commercial Zone Development Standards - General, the standards in this section apply to any new building with 25,000 square feet or more of floor area, and the portion of the development site specifically affected by the new building.

(3) Building Entrances.
   (a) All building sides that face an adjacent street shall feature at least one customer entrance. (See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)
   (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
   (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. (See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)

(4) Off-Street Parking.
   (a) No off-street parking shall be located between the front facade of any building(s) and the primary adjacent street. This standard applies to buildings constructed or completely reconstructed after August 1, 2001.
   (b) Individual parking areas may be no larger than 55,000 square feet in size. Separation between individual parking areas may be achieved by placement of internal accessways. Such accessways used to separate parking areas shall have at least one travel lane, curbs, and sidewalks at least 8 feet in width on both sides of the accessway.

(5) Vehicle Connections Between Sites. For development sites that abut an arterial or collector street, at least one internal vehicle accessway connection must be made between the subject development site and adjacent sites zoned for commercial use.

(6) On-Site Pedestrian Circulation. In place of standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large commercial facilities:
   (a) A continuous internal pedestrian walkway, no less than 8 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.
   (b) Sidewalks, no less than 8 feet in width, shall be provided along the full length of building walls featuring a customer entrance, and along any wall abutting public parking areas. Such sidewalks shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
   (c) Sidewalks, no less than 8 feet in width, shall be provided for direct connection to entrances of all new and existing buildings on the development site to one another, except entrances used for loading and
unloading freight.

(d) Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.

(e) At least one pedestrian accessway connection, a minimum of 8 feet in width, shall be made to connect the buildings on the subject development site to all adjacent sites either developed or zoned for commercial, office, residential, or institutional use.

(f) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(7) Interior Yard Landscaping. Interior yards abutting a lot with a residential zone shall be provided with landscaping that meets the requirements in EC 9.6210(7) Massed Landscape Standard (L-7). The required landscaping may be pierced by pedestrian and vehicular access ways.

(8) Service and Loading Areas.

(a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.

(b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2171(11) Outdoor Merchandise Display.

(9) Delivery and Loading Facilities. On lots abutting parcels zoned for residential development, delivery and loading facilities shall be set back a minimum of 30 feet from property lines with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(10) Exterior Wall Articulation, Facades, and Ground Floor Windows.

(a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. (See Figure 9.2173(10)(a) Large Commercial Facilities-Exterior Wall Articulation.)

(b) Ground floor facades that face streets adjacent to the development site shall have arcades, colonnades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. (See Figure 9.2173(10)(b) Large Commercial Facilities-Exterior Facades.)

(c) Except for building walls facing an alley, ground floor walls shall contain

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windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to any head height. The portion of window area meeting this standard is from the sill (bottom edge) to the head (top edge) including portions up to 9 feet above the finished grade. Alcoves, entryways, and extruding portions of the wall shall be treated by measuring through such areas as though along the flat wall of a building. (See Figure 9.2173(10)(c) Large Commercial Facilities-Ground Floor Window Calculation.) Solid walls are prohibited along street frontages. This standard does not apply to parking structures.

1. **General Standard.** The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The bottom of the windows shall be no more than 4 feet above the finished grade.

2. **Corner Lots.** On corner lots, the general ground floor window standard stated in subsection (c) must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. The applicant may choose on which street to apply the general standard.

(11) **Adjustments.** Adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. (Section 9.2173, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2175 **Commercial Zone Development Standards - Large Multi-Tenant Commercial Facilities.**

(1) **Description and Purpose.** The intent of these regulations is to assure that the design and layout of large multi-tenant commercial facilities (e.g. shopping centers) facilitates pedestrian safety, comfort, and convenience.

(2) **Application of Standards.** In addition to the standards in EC 9.2170 Commercial Zone Development Standards - General, and the standards in EC 9.2173 Commercial Zone Development Standards - Large Commercial Facilities the standards in this section apply to all development projects proposing at least 50,000 square feet of floor area within 3 or more new buildings on a development site, and the portion of the development site specifically affected by the new buildings.

(3) **On-Site Vehicle Circulation.** Site plans for large multi-tenant commercial facilities shall clearly indicate the types of circulation facilities to be built on site. (See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.) Types to be identified include the following:

(a) **Internal Accessways.** Accessways are used to provide separation and circulation between individual parking areas on the site. See EC
9.2173(4)(b). Accessways used to provide separation between parking areas shall have at least one travel lane, curbs, and sidewalks (minimum 8' in width) on both sides of the accessway.

(b) **Private Drive.** Private drives are used to provide general circulation around the site and must include the following elements: two travel lanes, sidewalks (minimum 8' in width) on both side of the streets; street trees with an average spacing of 50'; pedestrian-scale lighting and on-street parking (except in required fire lanes).

(c) **Shopping Streets.** Shopping streets are part of the general circulation system, are designed to provide a comfortable and pleasant shopping environment for the pedestrian, and may be either public or private streets. Shopping streets must include the following elements: two travel lanes, sidewalks (minimum 12' in width) on both sides of the street; street trees planted within planting strip and with an average spacing of 50'; pedestrian-scale lighting; curb extensions at intersections and on-street parking. *(See Figure 9.2175(3)(c) Shopping Street Standards.)*

(4) **Shopping Street Site Layout.**

(a) To insure that large multi-tenant centers include pedestrian-oriented areas, the site plan must include a shopping street designed to accommodate and stimulate pedestrian activity.

(b) Shopping streets blocks shall not exceed 400' in length.

(c) Buildings shall occupy at least 80% of the frontage on both sides of the shopping street. *(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)*

(5) **Building Orientation.**

(a) All buildings on the site must be oriented to either a public street, a private drive, or a shopping street. The building orientation standard is met when the building is placed within the maximum setback established for the zone. The maximum setback may be exceeded if the area between the building and the street or private drive is landscaped or is an enhanced pedestrian space. *(See Figure 9.2175(3)(c) Shopping Street Standards.)*

(b) Private drives used to meet building orientation standards must incorporate street design elements described in EC 9.2175(3)(b). When private drives are used, the setback is measured from the back of the sidewalk.

(c) On all buildings that meet the building orientation standard, building entries must be in compliance with EC 9.2173(3)(b). *(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)*

(6) **Pedestrian Amenities and Community Spaces.**

(a) Each development site subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing a space where at least two of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower or other similar focal feature or amenity. Any such area shall have direct access to the public sidewalk network and be placed
in a visible location that is convenient for use as a public gathering area.

(b) The review authority may find compliance with this standard if the proposed pedestrian amenities and community spaces are incorporated as part of the shopping street. Examples include wider sidewalks, special paving, ornamental lighting, planters, public benches and seating walls, and public art. (See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)

(7) Adjustments. Adjustments to the standards in this section may be made, based on criteria at EC 9.8030(7) Large Multi-tenant Commercial Facilities Standards Adjustment.

(Section 9.2175, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2180 Commercial Zone Lot Standards. The following Table 9.2180 sets forth lot standards within commercial zones. The numbers enclosed within (#) indicate a special development standard of EC 9.2181.

<table>
<thead>
<tr>
<th>Table 9.2180 Commercial Zone Lot Standards (See EC 9.2181 Special Standards for Table 9.2180.)</th>
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<tbody>
<tr>
<td><strong>Area Minimum (1)</strong></td>
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<tr>
<td>All Lots</td>
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<tr>
<td>Frontage Minimum (1)</td>
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<tr>
<td>Interior Lot</td>
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<tr>
<td>Corner Lot</td>
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<tr>
<td>Curved Lot</td>
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<tr>
<td>Cul-de-sac Bulb</td>
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<tr>
<td>Flag Lot</td>
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<tr>
<td>1 Lot</td>
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<tr>
<td>2 to 4 Lots</td>
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<tr>
<td>Average Width Minimum (1)</td>
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<tr>
<td>Interior Lot</td>
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<tr>
<td>Corner Lot</td>
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<tr>
<td>Curved Lot</td>
</tr>
<tr>
<td>Cul-de-sac Bulb</td>
</tr>
<tr>
<td>Flag Lot</td>
</tr>
</tbody>
</table>

(Section 9.2180, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)
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.) 
(Section 9.2181, see chart at front of Chapter 9 for legislative history from 2/26/01 through 
6/1/02.)

Industrial Zones

9.2400 Purpose of I-1 Campus Industrial Zone. The purpose of the I-1 Campus Industrial 
zone is to implement the Metro Plan by providing large areas for specialized light 
industrial firms to locate in a campus-like setting. In general, this zone is designed for 
firms that will help achieve economic diversification objectives and that typically have a 
large number of employees per acre. The activities of such firms do not generate 
ofensive external impacts and usually do not tolerate substantial noise, pollution, or 
vibration from surrounding uses. The zone is designed to provide sites for large-scale 
offices that provide a scientific and educational research function or directly serve 
manufacturing uses or other industrial or commercial enterprises (and not the general 
public). Provision is also made for small- and medium-scale industrial uses within the 
context of business parks that will maintain the campus-like setting. On a limited basis, 
complementary uses are permitted, such as restaurants that primarily serve employees in 
the immediate area.
(Section 9.2400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 
6/1/02.)

9.2410 Purpose of I-2 Light-Medium Industrial Zone. The purpose of the I-2 Light-Medium 
Industrial zone is to implement the Metro Plan by providing areas to serve a wide variety 
of manufacturing and other industrial activities with controlled external impacts in 
locations designated for Light-Medium Industry in the Metro Plan. These types of 
industries are often involved in the secondary processing of materials into components, 
the assembly of components into finished products, transportation, communication and 
utilities, wholesaling, and warehousing. The external impact from these uses is generally 
less than Heavy Industrial, and transportation needs are often met by truck. Activities are 
generally located indoors, although there may be some outdoor storage. On a limited 
basis, supporting offices and commercial uses are permitted.
(Section 9.2410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 
6/1/02.)

9.2420 Purpose of I-3 Heavy Industrial Zone. The purpose of the I-3 Heavy Industrial zone is 
to implement the Metro Plan by providing areas to serve a range of manufacturing uses 
including those involved in the processing of large volumes of raw materials into refined
products and/or industrial uses that have significant external impacts. In general, these areas are designated for heavy industry in the Metro Plan. Heavy industrial uses often have transportation needs that include both rail and truck.

Less intensive industrial uses that are permitted in the Light-Medium Industrial zone are also permitted.

(Section 9.2420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.2430 Industrial Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:

1. **I-1 Campus Industrial.** This zone is limited to areas designated Campus Industrial in the Metro Plan.

2. **I-2 Light-Medium Industrial.** This zone is limited to areas designated Light-Medium Industrial in the Metro Plan or those that meet all of the following minimum siting requirements:
   a. Access to arterial streets without undue negative impact on residential streets.
   b. No more than 5 acres.
   c. Sufficient street frontage to accommodate structures, parking, and access in character with adjacent non-industrial properties.

3. **I-3 Heavy Industrial.** This zone is limited to areas designated either Heavy Industrial or Special Heavy Industrial in the Metro Plan.

(Section 9.2430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

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

The examples listed in Table 9.2450 are for informational purposes and are not exclusive. Table 9.2450 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.
<table>
<thead>
<tr>
<th>Table 9.2450 Industrial Zone Land Use and Permit Requirements</th>
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</thead>
<tbody>
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<td><strong>Accessory Uses</strong></td>
</tr>
<tr>
<td>Accessory Uses. Examples include security work, administration offices, and storage and distribution incidental to the primary use of the site.</td>
</tr>
<tr>
<td><strong>Agricultural, Resource Production and Extraction</strong></td>
</tr>
<tr>
<td>Horticultural Uses. Examples include field crops, orchards, berries, and nursery or flower stock.</td>
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<tr>
<td>Mineral Resource Mining, Recovery, Stockpiling, Processing (excluding smelter or ore reduction)</td>
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<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
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<tr>
<td>Delicatessen</td>
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<tr>
<td>Restaurant</td>
</tr>
<tr>
<td>Specialty Food and Beverage. Examples include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.</td>
</tr>
<tr>
<td><strong>Education, Cultural, Religious, Social and Fraternal</strong></td>
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<tr>
<td>Artist Gallery/Studio</td>
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<tr>
<td>Ballet, Dance, Martial Arts, and Gymnastic</td>
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<tr>
<td>School/Academy/Studio</td>
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<tr>
<td>Church, Synagogue, and Temple, including associated residential structures for religious personnel</td>
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<tr>
<td>Club and Lodge of State or National Organization</td>
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<tr>
<td>Library</td>
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<tr>
<td>School, Business or Specialized Educational Training (excludes driver instruction)</td>
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<tr>
<td>School, Driving (including use of motor vehicles)</td>
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<td><strong>Entertainment and Recreation</strong></td>
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<td>Athletic Facility and Sports Club</td>
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<tr>
<td>Race Track, including drag strip and go-cart tracks</td>
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<td>Theater, Live Entertainment</td>
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<td><strong>Financial Services</strong></td>
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<td>Automated Teller Machine (ATM)</td>
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<td>Bank, Savings and Loan Office, Credit Union</td>
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<tr>
<td><strong>Government</strong></td>
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<tr>
<td>Government Services, not specifically listed in this or any other uses and permit requirements table. An example could include: a fire station.</td>
</tr>
<tr>
<td><strong>Information Technology Services</strong></td>
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<tr>
<td>Computer Networking (includes services and technical support center)</td>
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<td>E-commerce (excludes on-site shipping via truck unless approved through a site review or PUD)</td>
</tr>
<tr>
<td>Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)</td>
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<tr>
<td>Table 9.2450 Industrial Zone Land Use and Permit Requirements</td>
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<td>Internet and Web Site (includes services and technical support center)</td>
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<td><strong>Lodging</strong></td>
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<tr>
<td>Homeless Shelter Not in Existence as of January 1, 1984</td>
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<td><strong>Manufacturing (Includes processing, assembling, packaging, and repairing)</strong></td>
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<tr>
<td>Apparel, Clothing, and other finished products made from fabrics, wool, yarn and similar materials</td>
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<tr>
<td>Asphalt Mixing and Batching/Concrete Mixing and Batching</td>
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<td>Chemical, Drug, Cosmetics, and Related Products</td>
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<tr>
<td>Cleaning and Dyeing Plant</td>
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<tr>
<td>Concrete, Gypsum, and Plaster Products</td>
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<tr>
<td>Contractor’s Storage Yard</td>
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<tr>
<td>Electronic and Communication Components, Systems, Equipment, and Supplies, includes computers and semiconductors</td>
</tr>
<tr>
<td>Explosives, includes manufacturing</td>
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<tr>
<td>Food and Beverage Products</td>
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<tr>
<td>Furniture and Fixtures</td>
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<tr>
<td>Glass Products</td>
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<tr>
<td>Handcraft Industries, small scale manufacturing</td>
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<tr>
<td>Leather Products</td>
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<tr>
<td>Lumber and Wood Products</td>
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<tr>
<td>Machinery</td>
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<tr>
<td>Measuring, analyzing, and controlling instruments and time pieces</td>
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<tr>
<td>Metal Products Fabrication, machine/welding shops (no blast furnaces)</td>
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<tr>
<td>Motion Picture Production, Distribution, and Allied Services</td>
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<td>Motor Vehicles and Transportation Equipment</td>
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<td>Paints and Allied Products</td>
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<td>Paper and Allied Products</td>
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<td>Precision Testing, Medical, Optical, Surgical, and Dental Goods</td>
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<td>Recycling-composting, facilities requiring DEQ permit</td>
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<td>Recycling-large collection facility</td>
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<tr>
<td>Recycling-reverse vending machine</td>
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<tr>
<td>Recycling-scrap and dismantling yard (includes vehicle wrecking and salvage)</td>
</tr>
<tr>
<td>Recycling-small collection facility (See EC 9.5650)</td>
</tr>
<tr>
<td>Rubber and Plastic Products</td>
</tr>
<tr>
<td>Signs and Advertising Displays</td>
</tr>
<tr>
<td>Slaughterhouse and Rendering Plant (indoor only)</td>
</tr>
<tr>
<td>Table 9.2450 Industrial Zone Land Use and Permit Requirements</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>Stone, Cut Stone, and Clay Products</td>
</tr>
<tr>
<td>Textiles</td>
</tr>
<tr>
<td><strong>Medical, Health, and Correctional Services</strong></td>
</tr>
<tr>
<td>Correctional Facility, excluding Residential Treatment Center</td>
</tr>
<tr>
<td>Drug Treatment Clinic - Non-Residential</td>
</tr>
<tr>
<td>Laboratory, includes medical, dental, and x-ray. Use shall directly serve manufacturers, or other industrial or commercial enterprises, but exclude services offered on premises to the general public other than on an incidental basis.</td>
</tr>
<tr>
<td>Residential Treatment Center</td>
</tr>
<tr>
<td><strong>Motor Vehicle Related Uses</strong></td>
</tr>
<tr>
<td>Motorcycle Sales/Rental/Service</td>
</tr>
<tr>
<td>Parking Area not directly related to a primary use on the same development site</td>
</tr>
<tr>
<td>Recreational Vehicle and Heavy Truck, Sales/Rental/Service</td>
</tr>
<tr>
<td>Repair, includes paint and body shop</td>
</tr>
<tr>
<td>Service Station, includes quick servicing</td>
</tr>
<tr>
<td>- Only permitted if property is located over one-half mile by motor vehicle travel from commercially zoned land.</td>
</tr>
<tr>
<td>Structured Parking, up to two levels not directly related to a primary use on the same development site</td>
</tr>
<tr>
<td>Structured Parking, three or more levels not directly related to a primary use on the same development site</td>
</tr>
<tr>
<td>Tires, Sales/Service</td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor</td>
</tr>
<tr>
<td>Transit Station, Major</td>
</tr>
<tr>
<td>Transit Station, Minor</td>
</tr>
<tr>
<td><strong>Office Uses</strong></td>
</tr>
<tr>
<td>Administrative, General, and Professional Offices, directly serving manufacturers or other industrial or commercial enterprises, but excluding services offered on premises to the general public other than on an incidental basis. Examples may include public relations; graphic arts and advertising; professional membership and labor union office; engineering, architectural, and surveying offices.</td>
</tr>
<tr>
<td>Scientific and Educational Research Center, includes laboratory</td>
</tr>
<tr>
<td><strong>Personal Services</strong></td>
</tr>
<tr>
<td>Barber, Beauty, Nail, Tanning Shop</td>
</tr>
<tr>
<td>Day Care Facility (Not associated with a residence)</td>
</tr>
<tr>
<td><strong>Trade (Retail and Wholesale)</strong></td>
</tr>
<tr>
<td>Agricultural Machinery Rental/Sales/Service</td>
</tr>
<tr>
<td>Boat and Watercraft Sales/Service</td>
</tr>
<tr>
<td>Building Materials and Supplies</td>
</tr>
<tr>
<td>Convenience Store</td>
</tr>
<tr>
<td>Equipment, Light, Rental/Sales/Service</td>
</tr>
</tbody>
</table>

9-72  12/25/2002
Table 9.2450 Industrial Zone Land Use and Permit Requirements

<table>
<thead>
<tr>
<th>Section</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment, Heavy, Rental/Sales/Service- includes truck and tractor sales</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Garden Supply/Nursery, includes feed and seed store</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Manufactured Dwelling Sales/Service/Repair</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Plumbing Supplies</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Regional Distribution Center</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site</td>
<td>P (S)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Storage Facility, Household/Consumer Goods</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale Trade (excluding Regional Distribution Center)</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Utilities and Communication</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amateur Radio Antenna Structure (See EC 9.5050)</td>
<td></td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Broadcasting Studio, Commercial and Public Education</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>SR</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Pump Station, well head, non-elevated reservoir, and other water or sewer facilities, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>SR</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Telecommunication Tower or Facility (See EC 9.5750)</td>
<td></td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Water Reservoir, elevated above ground level</td>
<td>SR</td>
<td>SR</td>
<td>SR</td>
</tr>
</tbody>
</table>

**Other Commercial Services**

<table>
<thead>
<tr>
<th>Section</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Maintenance Services</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cemetery, includes crematoria, columbaria, and mausoleums</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Collection Center, Collection of Used Goods (See EC 9.5150)</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Garbage Dump, Sanitary Land Fill</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Heliport and Helistop</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Kennel</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Mortuary</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Photographers’ Studio</td>
<td>P (2)</td>
<td>P (2)</td>
<td></td>
</tr>
<tr>
<td>Picture Framing and Glazing</td>
<td>P (2)</td>
<td>P (2)</td>
<td></td>
</tr>
<tr>
<td>Printing, Blueprinting and Duplicating</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Publishing Service</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Temporary Activity (See EC 9.5800)</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Train Station</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

(Section 9.2450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Special Use Limitations for Table 9.2450.

(1) **Office Allowance in I-1.** At least fifty percent of a building designed and used primarily for office use shall be occupied by a single tenant. In addition, any office building constructed after August 1, 2001 shall require approval as part of a business park according to site review or planned unit development procedures. At least 50% of the total ground floor area within the business park shall be in industrial use. The total office space, combined with any commercial support services, shall not exceed 50% of the total ground floor area within the business park. (For purposes of this code, the term “industrial use” includes all uses in the categories of “Manufacturing” and “Information Technology Services,” and the following uses: laboratory, includes medical, dental and x-ray; broadcasting studio; regional distribution center; printing, blueprinting, and duplicating; and publishing service.) For purposes of inclusion of office space within a business park, industrial square footage existing on August 1, 2001 cannot be included for calculation purposes in business parks unless the industrial square footage was approved and constructed through a site review or planned unit development procedure prior to August 1, 2001.

(2) **Eating and Drinking, Financial, Office, Personal Services, and Trade Allowance in I-2.** These uses require approval as part of a business park according to site review or planned unit development procedures. The combined floor area of all these types of uses shall not exceed 20 percent of the total floor area of all buildings within the business park.

(3) **Theaters, Live Entertainment.** Theaters with live entertainment are conditionally permitted in existing buildings. No new buildings shall be constructed in the industrial zones with the primary purpose of live theatrical productions.

(4) **Drug Treatment Clinic - Non-Residential.** Use is permitted on property located within a quarter mile of a transit route.

(5) **Eating and Drinking, Financial, Personal Services, and Trade Allowance in I-1.** These uses require approval as part of a business park according to site review or planned unit development procedures. The combined floor area of all these types of uses shall not exceed 15 percent of the total floor area of all buildings within the business park. These uses shall be designed and located within buildings that contain another permitted primary use and shall exclude any drive-through.

(6) **Applicability of Large Commercial Facilities Standards for Offices in I-1 and I-2.** These uses shall comply with the standards in EC 9.2173 Commercial Zone Development Standards - Large Commercial Facilities.

(Section 9.2451, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Industrial Zone Development Standards.

(1) **Intent.** The industrial zone development standards are intended to achieve the following:

(a) Improve the quality and appearance of industrial development in the city.
(b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.

(c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.

(d) Increase opportunities for use of alternative modes of transportation.

(e) Regulate the intensity of uses allowed on a site.

(f) Promote streetscapes that are consistent with the desired character of the various industrial zones.

(g) Promote safe, attractive, and functional pedestrian circulation systems in industrial areas with higher employment ratios.

(2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2460 Industrial Zone Development Standards shall apply to all development in industrial zones. In cases of conflict, the standards specifically applicable in industrial zones shall apply.

<table>
<thead>
<tr>
<th>Table 9.2460 Industrial Zone Development Standards</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Building Height (1)</strong></td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Minimum Front Yard Setback (2)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting any zone except residential or park and open space</td>
<td>30 feet</td>
<td>0 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Abutting residential or park-and-open space zone</td>
<td>30 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>Minimum Interior Yard Setback</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting any zone except residential or park and open space (2)</td>
<td>0 feet</td>
<td>0 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Abutting residential or park and open space zone (2)</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td><strong>Minimum Landscape Standard abutting a residential zone (3)</strong></td>
<td>High Screen</td>
<td>High Wall</td>
<td>High Wall</td>
</tr>
<tr>
<td><strong>Minimum Landscape Area (3)</strong></td>
<td>20%</td>
<td>Some (4)</td>
<td>Some (4)</td>
</tr>
<tr>
<td><strong>On-Site Pedestrian Requirements (5)</strong></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Fences (6)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Outdoor Storage Areas (7)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Outdoor Merchandise Display (8)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Garbage Screening (9)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Utilities (10)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Drive Through Facilities (11)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Delivery and Loading Facilities (12)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Section 9.2460, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.2461 Special Development Standards for Table 9.2460.**

(1) Buildings in industrial zones are subject to the general height regulations contained in:

(a) EC 9.6715 Height Limitation Areas.

(b) EC 9.6720 Height Exceptions for Roof Structures and Architectural Features.

(2) Exceptions to the general setbacks stated in Table 9.2460 Industrial Zone Development Standards.
Development Standards are contained in the following:
(a) EC 9.6745 Setbacks - Intrusions Permitted.
(b) EC 9.6750 Special Setback Standards.

(3) Landscape Standards.
(a) Minimum Landscape Area Required. In I-1, a minimum of 20 percent of the development site shall be landscaped with living plant materials. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscape, such as for required front or interior yard setbacks, or off-street parking areas, shall apply toward any development site area landscape requirement.

(b) Landscaping in Front Yard Setbacks.
1. In I-1, required front yard setbacks along arterial streets shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(7) Massed Landscape Standard (L-7). Front yard setbacks along collector or local streets shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(1) Basic Landscape Standard (L-1). The required landscaping may be pierced by pedestrian and vehicular access ways.

2. In the I-2 and I-3, required front yard setbacks shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(1) Basic Landscape Standard (L-1). The required landscaping may be pierced by pedestrian and vehicular access ways.

(c) Landscaping in Interior Yard Setbacks Abutting Residential Zones.
1. In I-1, required interior yard setbacks adjacent to a residential zone shall be provided with landscaping that is at least 10 feet in width and complies, at a minimum, with the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).

2. In the I-2 and I-3, required interior yard setbacks adjacent to a residential zone shall be provided with landscaping that is at least 10 feet in width and complies, at a minimum, with the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(d) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedures.

(4) Minimum landscape area requirements do not apply to developments in I-2 and I-3 zones except as associated with parking lot landscape and off-street loading requirements.

(5) Pedestrian facilities are required in I-1 as specified in EC 9.6730 Pedestrian Circulation On-Site of this land use code. On-site pedestrian facilities are not required in I-2 or I-3.

(6) Fences.
(a) Types. The type of fence, wall, or screen used in any situation is limited only by specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is
regulated in EC 6.010(d) Fences. Chain link fencing is prohibited within I-1.

(b) Location and Heights.
1. Fences up to 42 inches in height are permitted within the front yard setback.
2. Fences up to 8 feet high are permitted in the interior yard setbacks.
3. The height of fences that are not in required setback areas is the same as the regular height limits of the zone.

(7) Outdoor Storage Areas.
(a) In I-1 zones, no equipment (except operational motor vehicles), materials, or supplies shall be stored on-site except within an enclosed building. Exceptions to this standard may be allowed as necessary only to comply with state or local safety regulations.

(b) Outdoor storage is permitted in I-2 and I-3 zones. The setback and landscaping standards for outdoor storage areas are stated in Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping.

(8) Outdoor Merchandise Display. Outdoor display of goods is permitted in all industrial zones except I-1. The setbacks and landscaping standards for outdoor merchandise display are stated in Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping.

<table>
<thead>
<tr>
<th>Adjacent to a street.</th>
<th>Permitted:</th>
<th>Setback:</th>
<th>Landscape:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>Yes 10 feet</td>
<td>Yes 10 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High Wall Landscape Standard - (L-4)</td>
<td>High Wall Landscape Standard - (L-4)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjacent to a commercial or industrial zone.</th>
<th>Permitted:</th>
<th>Setback:</th>
<th>Landscape:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>Yes None</td>
<td>Yes None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Screening Fence Landscape Standard - (L-5)</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjacent to a residential or park and recreation zone.</th>
<th>Permitted:</th>
<th>Setback:</th>
<th>Landscape:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>Yes 10 feet</td>
<td>Yes 10 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High Wall Landscape Standard - (L-4)</td>
<td>High Wall Landscape Standard - (L-4)</td>
</tr>
</tbody>
</table>
Table 9.2461(8) Outdoor Storage and Display—Setbacks and Landscaping

<table>
<thead>
<tr>
<th>Adjacent to a street.</th>
<th>Permitted:</th>
<th>Setback:</th>
<th>Landscape:</th>
<th>Yes 10 feet Low Screen Landscape Standard - (L-2)</th>
<th>Yes 10 feet Low Screen Landscape Standard - (L-2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent to a commercial or industrial zone.</td>
<td>Permitted:</td>
<td>Setback:</td>
<td>Landscape:</td>
<td>Yes None None None</td>
<td>Yes None None None</td>
</tr>
<tr>
<td>Adjacent to a residential or park and recreation zone.</td>
<td>Permitted:</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

(9) **Garbage Screening.** In all zones except I-3 Heavy Industrial, garbage collection areas must be screened so as to meet the standards of subsections (a) and (b) below. Trash receptacles for pedestrian use are exempt from these requirements.

(a) Required screening shall comply with one of the following:
1. EC 9.6210(3) High Screen Landscape Standard (L-3).
2. EC 9.6210(4) High Wall Landscape Standard (L-4).

(b) Garbage collection areas shall not be located within required setback areas or within required landscape areas associated with parking areas.

(10) **Utilities.** Within I-1 Campus Industrial, all utilities on the development site shall be placed underground, unless adjusted pursuant to the provisions of EC 9.8030(5) of this land use code. Undergrounding of utilities is not required in other industrial zones. This provision does not apply to temporary uses on a development site. This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with a planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

(11) **Drive-Through Facilities.**

(a) **Application.** The following regulations apply to all uses that have drive through facilities including new developments, the addition of drive-through facilities in existing developments, and the relocation of an existing drive-through facility.

(b) **Drive-Through Facilities in I-1.** Drive-through facilities are not permitted in I-1.

(c) **Service Areas Setback and Landscaping.** Service areas and stacking lanes must be set back a minimum of 10 feet from all lot lines. Front yard setbacks shall be provided with landscaping that complies, at a minimum,
with the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2). Interior yard setbacks shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).

(d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.

(e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6420 Parking Area Standards.

(12) Delivery and Loading Facilities.

(a) Delivery and loading areas are not permitted in required setback areas.

(b) On lots abutting parcels zoned for residential development, delivery and loading facilities shall be setback a minimum of 20 feet from property lines with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(Section 9.2461, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2470 Industrial Zone Lot Standards. The following Table 9.2470 sets forth lot standards within industrial zones. The numbers enclosed within (#) indicate a special standard of EC 9.2471.

<table>
<thead>
<tr>
<th>Table 9.2470 Industrial Zone Lot Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Area Minimum (1)</strong></td>
</tr>
<tr>
<td>All Lots</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>10 acres prior to site plan approval.</td>
</tr>
<tr>
<td>2 acre minimum lot size following site plan approval.</td>
</tr>
<tr>
<td>6,000 square feet</td>
</tr>
<tr>
<td>5 acre minimum lot size for any business park and the allowance of non-manufacturing uses.</td>
</tr>
<tr>
<td>6,000 square feet</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Frontage Minimum (1)</strong></td>
</tr>
<tr>
<td>Interior Lot</td>
</tr>
<tr>
<td>50 feet</td>
</tr>
<tr>
<td>50 feet</td>
</tr>
<tr>
<td>50 feet</td>
</tr>
<tr>
<td>Corner Lot</td>
</tr>
<tr>
<td>50 feet</td>
</tr>
<tr>
<td>50 feet</td>
</tr>
<tr>
<td>50 feet</td>
</tr>
<tr>
<td>Curved Lot</td>
</tr>
<tr>
<td>35 feet</td>
</tr>
<tr>
<td>35 feet</td>
</tr>
<tr>
<td>35 feet</td>
</tr>
<tr>
<td>Cul-de-sac Bulb</td>
</tr>
<tr>
<td>35 feet</td>
</tr>
<tr>
<td>35 feet</td>
</tr>
<tr>
<td>35 feet</td>
</tr>
<tr>
<td>Alley Access</td>
</tr>
<tr>
<td>na</td>
</tr>
<tr>
<td>na</td>
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<tr>
<td>na</td>
</tr>
<tr>
<td>Flag Lot</td>
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<tr>
<td>15 feet</td>
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<td>2 to 4 Lots</td>
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Table 9.2470 Industrial Zone Lot Standards

<table>
<thead>
<tr>
<th>Average Width Minimum (1)</th>
<th>I-1</th>
<th>I-2</th>
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<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Alley Access</td>
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</tr>
<tr>
<td>Flag Lot</td>
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<td>20 feet</td>
</tr>
</tbody>
</table>

(Section 9.2470, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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.)

(Section 9.2471, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Natural Resource Zone

9.2500 Purpose of NR Natural Resource Zone. The NR natural resource zone is designed to implement the Metro Plan by providing areas that will be preserved for long-term protection of native vegetation, wetlands, waterways, wildlife habitat, rare plants and surface and ground water quality. In general, this zone is intended to protect outstanding natural resource areas identified in adopted plans. The NR zone is also intended to address state and federal laws and policies that regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws. The natural functions and values intended to be protected by this zone include all of the following:

(1) Habitat for federally listed rare, threatened, or endangered plant and animal species.
(2) Floodwater storage and conveyance.
(3) Sediment and erosion control.
(4) Natural pollution control.
(5) Fish and wildlife habitat.
(6) Aquifer recharge and water supply.
(7) Native plant communities.

It is recognized that each natural resource area may not exhibit all of these functions and values.

(Section 9.2500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2510 Natural Resource Zone Siting Requirements. If consistent with the approval criteria in EC 9.8865 Zone Change Approval Criteria, the NR zone may be applied to wetlands, water features and other natural areas that are:

(1) Not included on the city's acknowledged Goal 5 inventory and are:
   (a) Recognized as a locally outstanding natural resource area in an adopted plan; or
   (b) Less than 5 acres in size and providing habitat for a federally listed rare, threatened, or endangered plant or animal species; or
   (c) Less than 5 acres in size and serving at least 2 of the natural functions and values listed in EC 9.2500 Purpose of NR Natural Resource Zone.

(2) Included on the city's acknowledged Goal 5 inventory and are designated as "wetlands to be protected" or "wetlands to be enhanced for mitigation credit" on Map 3 of the adopted West Eugene Wetlands Plan and acquired by a public agency or non-profit conservation organization.

(Section 9.2510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
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 /WB wetland buffer overlay zone or the /WP waterside protection overlay zone, only the provisions of the NR zone are applied.

1) Uses Permitted. The following uses are permitted in the NR zone:
   (a) Removal of refuse or any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.
   (b) Removal of non-native or invasive plant species included on a list approved by the planning director and kept on file at the city.
   (c) Planting or replanting with native plants included on a list approved by the planning director and kept on file at the city.
   (d) Site management and maintenance practices that maintain or improve natural functions and values or protect public health and safety, consistent with adopted plans and policies. When deemed necessary by the planning director in order to protect human health or safety or to prevent a nuisance, this includes, but is not limited to, removal of vegetation by non-chemical means within a strip not to exceed 15 feet in width where a property zoned NR abuts private property in any other zone.
   (e) Wetland and natural area restoration and enhancement of natural functions and values, that involve displacement, excavation or relocation of 50 cubic yards or less of earth, and which carry out the purpose of this zone, and are consistent with adopted plans and policies.
   (f) Channel maintenance to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, or intergovernmental agreements.
   (g) Maintenance activities designated as utility corridors identified in the West Eugene Wetlands Plan or other adopted plan.

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.

3) Uses Subject to Standards Review Approval. The following uses are permitted within the NR zone subject to the standards review process beginning with EC 9.8460 Purpose of Standards Review:
   (a) Construction of trails, boardwalks, viewing platforms, interpretive information kiosks and trail signs. Subject to EC 9.2530 Natural Resource Zone Development Standards (9) through (13) and (15) through (16).
(b) Restoration and enhancement of natural functions and values that involve
displacement, excavation or relocation of more than 50 cubic yards of
earth and carry out the objectives of this zone, including, but not limited
to, realignment and reconfiguration of channels and pond banks. Subject
to EC 9.2530 Natural Resource Zone Development Standards (2) through
(9).

(c) Construction of stormwater quality treatment facilities that use
biofiltration methods, such as shallow grassy swales, constructed
wetlands, and sedimentation ponds, and do not include adding impervious
surfaces. Subject to EC 9.2530 Natural Resource Zone Development
Standards (2) through (9). As used in this subsection:
1. Grassy swales are shallow ditches lined with grass for the purpose of
filtering sediments and other pollutants from stormwater runoff.
2. Constructed wetlands are wetlands that are created where no wetland
characteristics existed previously.
3. In areas not included on the city’s acknowledged Goal 5 inventory,
structures for the control of water are not considered impervious
surfaces for the purposes of this section.

(d) Construction of access roads for maintenance of channels, wetlands and
other natural resource areas. Subject to EC 9.2530 Natural Resource Zone
Development Standards (2) through (6), (8), (9), and (14).

(e) Bikeways and other paved pathways. Subject to EC 9.2530 Natural
Resource Zone Development Standards (2), (5), (6), (8), (9), and (14)
through (17).

(4) Uses and Practices Prohibited. Uses and practices that are not specifically
allowed under EC 9.2520 Natural Resource Zone Use and Permit
Requirements subsections (1), (2), or (3) and that would adversely affect water
quality or damage wildlife habitat, are prohibited within the NR zone, including,
but not limited to, the following:
(a) Storage of chemical herbicides, pesticides or fertilizers or other hazardous
or toxic materials.
(b) Depositing or dumping any material imported from off-site, except for
soils or soil amendments used for replanting in accordance with provisions
of the NR zone.
(c) Construction of new septic drainfields.
(d) Channelizing or straightening natural drainageways.
(e) Off-road operation of vehicles, except for those employed in site
restoration or site maintenance practices during the dry season and
bicycles when used on designated trails.
(f) Removal or destruction of rare, threatened or endangered plant species
unless a recovery plan is submitted by the applicant and approved by the
planning director, following review by the Oregon Department of
Agriculture and the U.S. Fish and Wildlife Service.
(g) Filling, grading, excavating, deposition of soils imported from off-site, and
application of chemical herbicides, pesticides and fertilizers are prohibited
unless they:
1. Are directly related to a use permitted in this zone,
2. Address an imminent threat to public health and safety, or
3. Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

(Section 9.2520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2530 Natural Resource Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section shall apply to development in the NR zone, as specifically provided in EC 9.2520 Natural Resource Zone Land Use and Permit Requirements. In cases of conflict, the standards specifically applicable in the NR zone shall apply.

(1) Buffer Enhancements:
   (a) Plantings shall be conducted on reduced buffers in conformance with the vegetation removal and planting and replanting standards set forth below and the following:
   1. Reduced buffer areas shall be planted only with native trees, shrub and grass or other non-woody species appropriate to increase to the greatest extent practicable the capacity of the area to filter pollutants from stormwater that flows across the buffer area. Where existing native vegetation already serves this function, new plantings shall augment those already existing, unless the applicant can clearly demonstrate to the planning director or decision-maker that additional plantings will not improve the filtering capacity of the buffer area.
   2. Plantings shall consist of species native to the southern Willamette Valley from a native plant list approved by the city manager that are appropriate to the site given its topography, hydrology, soil, existing native vegetation and historic native vegetation.
   3. Plantings shall not adversely affect adjacent protected wetlands through invasion or other effects.
   (b) All refuse, toxic materials and any fill that detracts from the function of the buffer shall be removed.
   (c) Where practicable, finished grades shall encourage sheet flow of stormwater runoff across buffer areas to maximize filtering and infiltration of stormwater runoff within buffer areas.
   (d) On sites where the slope within the wetland buffer area exceeds 15 percent, measures (e.g., planting and contouring) shall be taken to slow the flow of stormwater runoff to the maximum extent practicable.
   (e) Non-native plants shall be removed to the maximum extent practicable and replaced with native species.
(f) Buffer enhancement work shall be completed prior to or concurrent with other site development, unless appropriate native species are not available within that time frame.

(2) Vegetation Removal:
   (a) Vegetation removal is limited to removal of:
       1. Non-native and invasive plant species included on a list approved by the planning director and kept on file at the city;
       2. Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the planning director or decision-maker. Removal shall only be authorized after all other reasonable alternatives have been examined and proven impractical, and the removal is the minimum necessary to meet the objectives of the proposed use;
       3. Dead or dried native plants or grasses only when they constitute an imminent fire hazard, as determined by the fire marshal;
       4. Native vegetation to facilitate or encourage the growth of other native species as called for in adopted plans or policies.

   (b) For areas not included on the city's acknowledged Goal 5 inventory, removal of vegetation shall be the minimum necessary for the proposed use and shall avoid removal of native vegetation to the extent practicable. For areas included on the city's acknowledged Goal 5 inventory, removal of vegetation shall be the minimum area of native vegetation necessary for approved uses or conditional uses or uses allowed by an exception as specified in sections 9.4760 and 9.4850.

   (c) Clearing of more than 0.1 contiguous acre of vegetation on slopes greater than 5 percent must be either:
       1. Conducted between April 15 and October 15 of the same year, or
       2. Preceded by approval of an erosion and sedimentation control plan by the planning director, which must be implemented throughout the clearing process.

   (d) Clearing of vegetation that is not in preparation for development must be followed by replanting in accordance with the requirements of this section.

   (e) Removal or destruction of rare, threatened or endangered plant species is restricted (see prohibited practices provisions of the NR zone, /WB Wetland Buffer overlay zone and /WP Waterside Protection overlay zone.)

   (f) For areas not included on the city's acknowledged Goal 5 inventory, the provisions of EC 6.815 Obnoxious Vegetation - Definitions, Prohibitions, Abatement through EC 6.845 Obnoxious Vegetation - Enforcement and Discharge of Duties do not apply to the provisions of this section, with regard to the removal of vegetation and mowing.

(3) Planting and Replanting:
   (a) Replanting of areas cleared of existing vegetation must be completed within 90 days following the removal or clearing, unless otherwise approved by the planning director or decision-maker.
(b) Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the germination requirements of the seed require otherwise, in which case germination shall be accomplished at the earliest date practicable.

(c) Planting and replanting shall be done with native species from a list approved by the planning director and kept on file at the city.

(4) Stormwater Drainage:
(a) Runoff from impervious areas on the site that accommodate motorized vehicle traffic or machinery may only be discharged into areas with the /WB or /WP overlay zone, or protected wetlands or waterways, which includes those designated for protection in a locally adopted plan, if runoff is treated to improve water quality prior to discharge by removing pollutants washed from impervious surfaces. Treatment may include infiltration devices, grassy swales, treatment ponds, or other methods. The type of treatment and degree of water quality improvement provided shall be approved by the city manager or decision-maker.

(b) Runoff from impervious areas used for repair, cleaning, refueling or servicing of vehicles or machinery may only be discharged into areas with the /WB or /WP overlay zone, or protected wetlands or waterways, which includes those designated for protection in a locally adopted plan, if runoff is treated on site to remove oil, grease and other environmentally hazardous chemicals to the maximum extent practicable prior to discharge. The type of treatment and degree of water quality improvement shall be approved by the city manager or decision-maker.

(c) To the maximum extent practicable, new development shall utilize measures to limit post-construction runoff rate, timing and volume for 2, 5, and 10 year storm events to pre-development levels for discharges into areas with the /WB or /WP overlay zone, or protected wetlands or waterways, which includes those designated for protection in a locally adopted plan. These measures may include on-site detention or retention ponds, infiltration areas or other measures approved by the city manager or decision-maker.

(d) Porous paving treatments or other infiltration devices approved by the planning director or decision-maker shall be used where practicable. As used herein, the term "porous paving" refers to recognized systems utilizing paving blocks (e.g., "grasscrete"). For the purposes of this provision, gravel surfaces are not acceptable.

(5) Impervious Surfaces:
(a) Impervious surfaces are prohibited unless they are part of a permitted use or approved conditional use.

(b) Impervious surfaces that are part of a permitted use or approved conditional use shall be no larger than the minimum necessary for the proposed use and shall be located as far from wetlands and water features as practicable.
(6) **Construction Practices:**

(a) Within the NR zone and areas with the /WB overlay zone, construction or other use of heavy machinery is prohibited or restricted as described in this subsection. Use of heavy machinery is prohibited:

1. Between February 20 and June 30 of the same year within 300 feet of any significant waterfowl nesting areas identified in adopted plans or policies or by the Oregon Department of Fish and Wildlife.
2. Between May 1 and August 30 of the same year within 300 feet of any significant shorebird and wading bird nesting areas identified in adopted plans or policies or by the Oregon Department of Fish and Wildlife.

For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, compacting soil, moving earth or causing excessive noise or heavy vibrations through its use.

(b) Stockpiles or storage of wood or building materials or machinery are prohibited within wetland boundaries, areas with the /WB and /WP overlay zones.

(c) Petroleum products, chemicals, sediment, eroded soil or other deleterious materials used in the construction process shall not be allowed to enter the water or wetland during construction.

(d) Use of heavy equipment or machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where its use is necessary.

(7) **Landform Character.** Grading and excavating conducted as part of restoration or enhancement projects, and bank and channel reconfiguration shall result in topography that resembles the natural undulations, meanders and slopes found in landscapes shaped only by natural processes. For purposes of this standard, straight lines and geometric or angular shapes are not acceptable. Channel and stream bank slopes shall not exceed 25 percent.

(8) **Filling, Grading and Excavating.** These activities shall occur between April 15 and October 15 of the same year, unless the planning director or decision-maker authorizes an exception based on dry weather conditions or overriding public need. Exceptions granted due to overriding public need shall require approval of an erosion and sedimentation control plan by the city manager prior to commencement of earth moving activities, and this plan must be implemented throughout the activity.

(9) **Disposal Sites.** Waste materials, brush and spoils from clean-up operations or excavation shall be placed outside wetland boundaries, areas with the /WB overlay zone and other natural areas designated for protection in an adopted plan or policy.

(10) **Structure Color:**

(a) Within the NR zone and within areas with the /WB overlay zone, all finished structures shall be in natural earth tone colors, unless otherwise
required by local, state or federal law or regulation.

(b) Within areas with the /WP overlay zone, all finished structures or building facades that face a class A or B stream or pond shall be in natural earth tone colors, unless otherwise required by local, state or federal law or regulation.

(11) Boardwalks, Viewing Platforms, Interpretive Information Kiosks, Trail and Interpretive Signs. These structures shall be constructed in a manner that involves the least removal of native vegetation practicable. Signs shall be no more than 5 feet tall, and 16 square feet per face in surface area, except for signs intended to be read from moving automobiles, such as site entrance signs, which shall be no more than 8 feet tall and 32 square feet per face in surface area. Kiosks shall be no more than 8 feet tall and 16 square feet per face in surface area.

(12) Trails. Trails shall be constructed of gravel, wood chips or soil, unless otherwise approved by the city manager or decision-maker. Trail construction shall involve the least removal of native vegetation practicable for the area and the minimum amount of fill or excavation practicable.

(13) Building Height. Building height is limited to 30 feet or the height limit of the base zone, whichever is less. If there is no specified height limit in the base zone, building height is limited to 30 feet.

(14) Stream and Channel Crossings. Bridges or other structures that cross water features shall be constructed so that water flow, vegetation growth and movement of aquatic animals and water dependent wildlife are impeded to the least extent practicable. To meet this standard, bridges and crossings shall include, but are not limited to, applicable items from the following list:

(a) Crossings shall utilize bridges or natural substrate culverts where possible.

(b) Culverts shall not substantially increase or decrease water depth or flow rate conditions.

(c) Bridges and culverts shall be constructed so that there is at least 3 feet of clearance between the ordinary high water mark and the underside of the bridge or culvert.

(d) The lower lip of any culvert shall meet the stream or channel bed at grade.

(e) Culverts shall be the minimum length practicable.

(15) Lighting. Area lighting shall be aimed away from resource areas where possible, and otherwise must be aimed such that light shining on natural resource areas is minimized to the maximum extent practicable. Area lighting is outdoor lighting designed to illuminate an activity area, trail or bicycle path, and shall also comply with EC 9.4830.

(16) Public Access. Access for the general public shall be consistent with adopted policies or plans that address public access on specific sites.

(17) Location of Structures. To the maximum extent practicable, new buildings, roads and other new impervious surfaces associated with interpretive centers or wetland maintenance facilities shall be located outside boundaries of wetlands identified for protection in adopted plans and policies.
(18) **Mitigation Site Buffers.** When low value wetland sites within the NR zone are restored or enhanced for mitigation credit, a 25 foot buffer shall be maintained around the perimeter of the mitigation area, but within the jurisdictional wetland boundary. All provisions for permitted uses, conditionally permitted uses, prohibited practices and applicable special standards that apply to /WB wetland buffer, as specified in EC 9.4800 through EC 9.4860 shall apply to mitigation site buffers.

(19) **Site Layout.** High activity areas, including traffic lanes, loading docks, and group gathering areas shall be located as far away from wetlands, water features and other protected natural areas as is practicable.

(20) **Noise.** For inventoried sites that received a Wildlife Habitat Rating of greater than 60 in the Metropolitan Natural Resources Inventory (Lev, 1990) and sites designated as high value wetlands in the wetland buffer provisions of this code, noise generated by uses within the NR zone and the wetland buffer overlay zone (as measured at the wetland boundary) and within the waterside protection overlay zone (as measured at the top of the high bank) shall not exceed the following standards:

(a) Maximum sound emissions shall not exceed equivalent sound pressure levels in decibels, A-Weighted Scale, for any one hour as stipulated in subsection (b) of this section. Equivalent sound pressure level (Leq) is a measure of the sound level for any one hour. It is the energy average of all the various sounds emitted from the source during the hour. A-Weighted Scale is used to adjust sound measurements to simulate the sensitivity of the human ear.

(b) Maximum one-hour equivalent sound pressure levels:

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>Level</th>
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<tbody>
<tr>
<td>7 am - 10 pm</td>
<td>57</td>
</tr>
<tr>
<td>10 pm - 7 am</td>
<td>50</td>
</tr>
</tbody>
</table>

(c) **Noises of short duration.** For noises of short duration or impulsive character, such as hammering, maximum one-hour sound pressure levels permitted beyond the property of origin shall be seven decibels less than those listed in subsection (b).

(d) **Noises of unusual periodic character.** For noises of unusual periodic character, such as humming, screeching, and pure tones, the following median octave band sound pressure levels, as required by the Department of Environmental Quality, shall not be exceeded beyond the property of origin when the receiving property is in the NR zone:
Median Octave Band Sound Pressure Levels

Octave Band Center

<table>
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<th>Frequency, Hz</th>
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<th>10pm-7am</th>
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<tr>
<td>31.5</td>
<td>68</td>
<td>65</td>
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<td>63</td>
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<td>37</td>
</tr>
<tr>
<td>8,000</td>
<td>40</td>
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</tbody>
</table>

(e) **Exemptions.** Local noise standards set forth in this section do not apply to the following situations:
1. Emergency equipment operated on an irregular or unscheduled basis.
2. Warning devices operated continuously for no more than 5 minutes.
3. Railroad equipment when subject to federal or state regulations.
4. Bells, chimes, or carillons.
5. Non-electronically amplified sounds at sporting, amusement, and entertainment events.
6. Construction site sounds, except that they shall be confined to 7 a.m. through 7 p.m.
7. Lawn and plant care machinery fitted with correctly functioning sound suppression equipment and operated between 7 a.m. and 9 p.m.
8. Aircraft when subject to federal or state regulations.
9. Agricultural equipment operated between 7 a.m. and 7 p.m.

(f) **Exceptions.** Upon written application from the owner or operator of an industrial or commercial noise source, the city manager or the manager's designee may authorize or conditionally authorize exceptions to local noise emission standards in the following situations:
1. Infrequent noise.
2. Noise levels at or anywhere beyond the property lines of the property of origin when exceeded by an exempt noise, as listed in subsection (d) above, in the same location.
3. Noise levels on property owned or controlled by the person generating the noise.
4. If after applying reasonably available control technology, a use existing as of January 27, 1982, is unable to conform to the standards established by this section.

Exception applications shall be filed at the city's permit and information...
center on a form prescribed by the city manager, and shall be accompanied by a fee as established by the city manager pursuant to EC 2.020 City Manager - Authority to Set Fees and Charges.

(Section 9.2530, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2540 Natural Resource Zone Lot Standards. There are no minimum frontage or width requirements in the natural resource zone. There are no lot area requirements in the NR zone except when the zone is applied based on 9.2510(3).

(Section 9.2540, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Park, Recreation, and Open Space Zone

9.2600 Purpose of PRO Park, Recreation, and Open Space Zone. The Park, Recreation, and Open Space Zone (PRO) is intended to accomplish all of the following:

(1) Implement the Metro Plan, Eugene Parks and Recreation Plan, and other applicable plans by providing areas that will conserve and preserve a variety of parks, recreation areas, and open spaces to maintain livability of the metropolitan area.

(2) Provide a balance of active and passive recreation opportunities to meet neighborhood, community, and metropolitan needs.

(3) Efficiently implement plans and improvements to parks and open areas with appropriate reviews where compatibility issues may arise.

(4) Facilitate preservation of scenic and natural values and ecosystem management.

(Section 9.2600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2610 Park, Recreation and Open Space Zone Siting Requirements. In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:

(1) Rezoning the subject site implements park, recreation, open space, or natural resource preservation objectives and policies; or

(2) The subject site is privately owned, at least 2 acres in size and meets the purpose of this zone and the definition for non-publicly owned open space in EC 9.2620 PRO Zone Terms.

(3) The PRO zone shall not be applied to an area on the city's acknowledged Goal 5 inventory unless it is determined that any change in the level of protection afforded the resource by the PRO zone is consistent with the acknowledged level of protection for the resource.

(Section 9.2610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.2620 **PRO Zone Terms.** The determination of park classification shall be based on the Eugene Parks and Recreation Plan or by the city manager. As used with reference to this zone, unless the context requires otherwise, the following words and phrases mean:

**Neighborhood Park.** The basic unit of the park system, serving as the recreational and social focus of the neighborhood. Neighborhood parks primarily serve residents living within a ½ mile radius and off-street parking is not generally provided. Neighborhood parks are sometimes located adjacent to an elementary school.

**Community Park.** Larger in size than a neighborhood park and meeting recreational needs of more than one neighborhood, a community park serves as a destination that usually includes on site parking. Community parks are generally developed for active and passive recreation uses and may include recreation centers, swimming pools, sports fields, and other community-based facilities. Community parks are sometimes located adjacent to schools where site amenities can be shared.

**Metropolitan Park.** A park that meets the recreational needs of the city as a whole, often including a variety of active and passive recreation opportunities as well as the preservation of natural landscapes, unique natural resources, special botanical display, and open space. Although metropolitan parks are usually large, they also can include small areas that are part of a larger metropolitan park network, as found along the Willamette River and the south hills ridge line parks. Metropolitan parks usually include on site parking.

**Non-Publicly Owned Open Space.** Open or natural areas above 2 acres in size, including golf courses, cemeteries, drainage corridors, and private recreation space that are not owned by the public and are designated as open space in the Metro Plan, a refinement plan, or a PUD.

(Section 9.2620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(P) Permitted if use complies with special setbacks shown in Table 9.2640. If the use does not meet the special setbacks in Table 9.2640, the use may be approved through the conditional use permit process. Shall require zone verification.

(SR) Permitted, subject to an approved site review plan.

(C) Subject to a conditional use permit or an approved final planned unit development.

(S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000 and zone verification.

(#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2631.

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

| Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements |
|---|---|---|---|---|
| **Accessory Uses** | Neighborhood Park | Community Park | Metropolitan Park | Non-Publicly owned Open Space |
| Accessory Uses. Examples include maintenance activities and storage. | P | P | P | P |
| **Agricultural, Resource Production and Extraction** | Community or Allotment Garden | P | P | P |
| **Education, Cultural, Social and Fraternal** | Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio | C(3) | C(3) |
| Community and Neighborhood Center | C(3) | P | P | SR(2) |
| Community Theater, includes building | C(3) | C(3) | C(3) | C(3) |
| Concession Stand, permanent structure | C(3) | P | P | C(3) |
| Golf Course, including driving range | SR(2) | SR(2) | SR(2) |
| Trail (paved and non paved) | P | P | P | P |
| Kiosk, Gazebo, Pergola, Arbor | P | P | P | P |
| Museum | | SR(2) | |
| Library | | SR(2) | |
| **Entertainment and Recreation** | Amphiitheater, Conservatory | C(3) | SR(2) | SR(2) | C(3) |
| Amplified Sound System (permanently installed) | C(3) | C(3) | C(3) | C(3) |
| Amusement Center (Arcade, pool tables, etc.) | C(3) | C(3) | C(3) | C(3) |
| Arena and Multiple Courts, indoors | C(3) | C(3) | C(3) | C(3) |
| Arboretum, Outdoors | P | P | P | P |
| Arboretum, Indoors | C(3) | SR(2) | SR(2) | P |
| Athletic Area, outdoors, lighted (does not include skateboard facility) | C(3) | SR(2) | C(3) | C(3) |
| Athletic Areas, outdoors, unlighted | P | P | P | P |
| Boat Landing | C(3) | SR(2) | C(3) |
| Natural Area or Environmental Restoration | P | P | P | P |
| Ornamental Fountain, Art Work | P | P | P | P |
| Park Furnishings: Examples include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage. | P | P | P | P |
| Picnic Shelter (for more than 40 people) | C(3) | P | P | C(3) |
| Restroom | SR(2) | P | P | SR(2) |
| Swimming Pool—Indoor | | SR(2) | SR(2) | C(3) |
| Swimming Pool—outdoor | C(3) | SR(2) | C(3) | C(3) |
| Wetland Mitigation Area | P | P | P | P |
### Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements

<table>
<thead>
<tr>
<th></th>
<th>Neighborhood Park</th>
<th>Community Park</th>
<th>Metropolitan Park</th>
<th>Non-Publicly owned Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lodging</strong></td>
<td></td>
<td>P (1)</td>
<td>P (1)</td>
<td>P (1)</td>
</tr>
<tr>
<td><strong>Motor Vehicle Related Uses</strong></td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking Area, shall be directly related to a primary use on the same development site</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transit, Park and Ride, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transit Station, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Residential Category</strong></td>
<td>One-Family Dwelling (1 per park)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Utilities and Communication</strong></td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Broadcasting Studio, Commercial and Public Education</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Telecommunication Facility (See EC 9.5750)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td><strong>Other Commercial Services</strong></td>
<td>Temporary Activity (See EC 9.5800)</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

(Section 9.2630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

#### 9.2631 Special Use Limitations for Table 9.2630.

1. **Camping.** Camping is permitted in the PRO zone for a maximum of 9 continuous days and when directly tied to a special event being held in or very near the camping site. A special event permit from the city is required to ensure that the camping is managed in a safe manner with minimal impacts on surrounding property.

2. **Site Review.** Uses shall comply with the special setbacks in Table 9.2640. If the use does not meet the special setbacks in Table 9.2640, the use may be approved through the conditional use permit process.

3. **Conditional Use Permit Process.** Uses shall comply with applicable setbacks or be established with appropriate mitigation to ensure compatibility with surrounding properties.

(Section 9.2631, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.2640 **PRO Zone Development Standards.**

(1) **Application of Standards.** In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section shall apply to all development in the PRO zone. In cases of conflict, the standards specifically applicable in the PRO zone shall apply.

(2) **Maximum Building Height.** The maximum building height is 30 feet for buildings within 80 feet of the property line.

(3) **Minimum Front and Interior Yard Setbacks.** The setbacks in Table 9.2640 are applicable only from abutting residually zoned parcels, including those immediately across from a public right-of-way or utility easement. For other abutting zones, setbacks shall be governed by the Uniform Building Code and applicable sections of this code. If an abutting residually zoned property is developed adjacent to the park, (or has an approved plan to develop) with an improvement type listed in Table 9.2640 PRO Zone Special Setbacks, the setback standard for a park improvement shall be waived. The standard of this subsection is subject to adjustment pursuant to the provisions of EC 9.8030(2) Setback Standards Adjustment of this land use code.

(4) **PRO Zone Special Setbacks.** The PRO zone special setbacks are reflected in the following Table 9.2640:

<table>
<thead>
<tr>
<th>Improvement Type</th>
<th>From Street Right-of-Way</th>
<th>From Abutting Property Zoned Residential, including distances across local streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance Buildings and Outdoor Storage/Operations, accessory</td>
<td>15 feet</td>
<td>50 feet (6 foot high site obscuring fence, wall or landscape buffer required if facility is within 150 feet of unfenced property.)</td>
</tr>
<tr>
<td>Agricultural, Resource Production and Extraction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community and Allotment Gardens</td>
<td>0 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>-- Composting Areas</td>
<td>20 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Educational, Cultural, Social and Fraternal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community and Neighborhood Centers</td>
<td>15 feet</td>
<td>30 feet (Note standards for picnic facilities and social gathering below, which may apply to community centers.)</td>
</tr>
<tr>
<td>Concession Stands, permanent structure</td>
<td>20 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Kiosks, Gazebos, Pergolas, Arbors</td>
<td>15 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Entertainment and Recreation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphitheater, Conservatory</td>
<td>250 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td>Arboretum, Outdoors</td>
<td>250 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td>Arboretum, Indoors</td>
<td>250 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td>Athletic Areas, outdoors, lighted</td>
<td>50 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>-- Basketball Courts and Horseshoes</td>
<td>30 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>-- BMX Bike Track Facility</td>
<td>50 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Improvement Type</td>
<td>From Street Right-of-Way</td>
<td>From Abutting Property Zoned Residential, including distances across local streets</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>--------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Small Court Games, Examples: shuffleboard and bocci (excluding horseshoes)</td>
<td>15 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Skateboard Facility</td>
<td>25 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>20 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Volleyball Court</td>
<td>30 feet, with ball stopping fence if within 60 feet of R/W</td>
<td>200 feet</td>
</tr>
<tr>
<td>Athletic Areas, outdoors, unlighted</td>
<td>50 feet</td>
<td>80 feet (A 4 foot (min.) high ball stopping fence is required within 125 feet of inbounds play along adjacent property.)</td>
</tr>
<tr>
<td>Basketball Courts and Horseshoes</td>
<td>30 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td>BMX Bike Track Facility</td>
<td>15 feet</td>
<td>65 feet</td>
</tr>
<tr>
<td>Skateboard Facility</td>
<td>15 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Small Court Games, Examples: shuffleboard and bocci (excluding horseshoes)</td>
<td>15 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Soccer Court</td>
<td>50 feet</td>
<td>100 feet behind goal, 50 feet along sides of field</td>
</tr>
<tr>
<td>Tennis Court</td>
<td>20 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Volleyball Court</td>
<td>30 feet, with ball stopping fence if within 60 feet of R/W</td>
<td>100 feet</td>
</tr>
<tr>
<td>Boat Landing</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Natural Areas or Environmental Restoration</td>
<td>0 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Ornamental Fountain and Art Work</td>
<td>0 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Picnic Shelter (for groups over 40 people)</td>
<td>30 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Park Furnishings: Examples include: picnic tables, benches, bicycle racks, and interpretive signage.</td>
<td>10 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Playground Apparatus</td>
<td>20 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td>Restroom</td>
<td>15 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Swimming Pool—indoor</td>
<td>15 feet</td>
<td>30 feet (Note standards for picnic facilities and social gathering.)</td>
</tr>
<tr>
<td>Swimming Pool—outdoor</td>
<td>15 feet</td>
<td>250 feet (From pool enclosure.)</td>
</tr>
<tr>
<td>Trails, (paved and non-paved)</td>
<td>0 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Sidewalks, bike paths</td>
<td>0 feet</td>
<td>15 feet (Except in narrow areas that are designed as pedestrian corridors.)</td>
</tr>
<tr>
<td>Wetland Mitigation Areas</td>
<td>0 feet</td>
<td>0 feet</td>
</tr>
</tbody>
</table>
**Table 9.2640 PRO Zone Special Setbacks**

<table>
<thead>
<tr>
<th>Improvement Type</th>
<th>From Street Right-of-Way</th>
<th>From Abutting Property Zoned Residential, including distances across local streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Related Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Areas shall be directly related to a primary use on the same development site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Complies with EC 9.6420(3)(c) Parking Area Landscaping Along Street and Driveway Entrances</td>
<td>7 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>- Complies with EC 9.6420(3)(d) Perimeter Parking Area Landscaping</td>
<td>N/A</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

(Section 9.2640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.2650 PRO Zone Lot Standards.** For publicly-owned land zoned PRO, there are no minimum lot area or dimension requirements. For non-publicly owned open space, the minimum width of such areas shall be 100 feet unless the area provides for a trail system or preservation of a natural drainage way. Widths less than 100 feet are generally not permitted and are considered a break in continuity of the open space area. The minimum lot area for non-publicly owned open space is 87,120 square feet (2 acres).

(Section 9.2650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Public Land Zone**

**9.2680 Purpose of Public Land Zone.** The public land zone is intended for public and semi-public uses that are designed to implement the Metro Plan by providing areas for government services and education. Government services include the full spectrum of activities conducted by public agencies, including parks and open space. As used in EC 9.2680 through 9.2687, “public agency” includes public/private partnerships that conduct the activities authorized in those sections.

(Section 9.2680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.2681 Public Land Zone Applicability and Siting Requirements.**

1. **Applicability.** The provisions of 9.2680 through 9.2687 are applicable only to areas zoned PL which are not included on the city’s acknowledged Goal 5 inventory. For areas zoned PL which are included on the city’s acknowledged Goal 5 inventory, sections 9.400 through 9.404 of the city’s land use code in effect on July 31, 2001, including references therein, shall apply.

2. **Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone 9-97
Change Approval Criteria. The subject site must be land owned solely by a public agency or a non-profit organization established primarily to provide public uses listed in EC 9.2682(1). When public land is sold for private development, the property shall be rezoned according to the procedures for zone changes beginning with and following section 9.8850 Purpose of Zone Changes. (Section 9.2681, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2682 Public Land Zone Land Use and Permit Requirements.

(1) Permitted Public or Semi-Public Uses. The following uses are permitted in the PL public land zone:

(a) Accessory Uses, excluding those uses subject to the provisions of EC 9.2683 Special Use Limitations. Examples include caretaker dwellings; service stations for government vehicles; building maintenance services for government facilities; storage, utility and printing for government services; and small scale commercial services to primarily serve users of the public facility.

(b) Public Uses, operated by the public agency that owns the development site, except for the intensification of uses that require a site review or conditional use permit according to EC 9.2683 Special Use Limitations. Examples include government offices, libraries, park and recreation facilities, neighborhood and community centers, post offices, fire stations, pump stations, electrical substations, school district offices, schools, reservoirs, and specialized housing. (Refer to EC 9.2683 Special Use Limitations.)

(c) The following uses not operated by the public agency that owns the property when the owner declares that the property is not currently needed for public uses:

1. Athletic Field, outdoor.
2. Ballet, Dance, Martial Arts, and Gymnastic Schools/Academies/Studios.
3. Community and Allotment Gardens.
4. Community and Neighborhood Centers.
5. Day Care Facilities.
6. Meal Services, non-profit.
7. Parks and Playgrounds.
8. Schools, Elementary through Middle School.
9. Combinations of the above uses.

(2) Uses Requiring a Conditional Use Permit. The following uses not operated by the public agency that owns the property are permitted conditionally when all or part of the property is declared by the owner to not be needed:

(a) Administrative, General, and Professional Offices.
(b) Artist Galleries/Studios.
(c) Assisted Care.
(d) Broadcasting Studios, Commercial and Public Education.
(e) Retail Sales and Personal Services that are permitted in C-1 Neighborhood Commercial. Individual businesses are limited to 5,000 square feet, and there shall be a demonstrated demand within one-half mile for the retail or personal service, and a determination that it is not likely the use can otherwise locate within that service area.

(f) Campus Living Organizations, including Fraternities and Sororities.

(g) Churches, Synagogues, and Temples, including associated residential structures for religious personnel.

(h) Horticultural Uses, including plant nurseries.

(i) Hospitals, Clinics, or other Medical Health Facilities (including mental health) 10,000 square feet or less of floor area.

(j) Information Technology Services, including:
   2. E-commerce (excludes on-site shipping via truck).
   4. Internet and Web Site Services.
   5. Software Development.

(k) Manufacturing, Assembly, and Related Storage of the following within completely enclosed buildings:
   1. Electronic and Communication Components, Systems, Equipment, and Supplies, includes computers and semiconductors.
   2. Precision Testing, Medical, and Optical Goods.

(l) Parking Areas and Structured Parking.

(m) Recycling, Small Collection Facility (see EC 9.5650).

(n) Schools, Business or Specialized Educational Training (excluding driving instruction).

(o) Schools, High School.

(p) Scientific and Educational Research Centers, provided there shall be no radioactive materials, toxic, or noxious matter associated with the use or process unless it is entirely surrounded by industrial zoning.

(q) Storage Facilities, Household/Consumer Goods, enclosed.

(r) Universities and Colleges.

(s) University and College Dormitories.

(t) Combinations of the above listed uses, with or without uses listed in EC 9.2682(1).

All uses are subject to the regulations and procedures for conditional use permits in EC 9.8075 Purpose of Conditional Use Permits through EC 9.8110 Conditional Use Permit, Modification Approval Criteria. The hearings official may approve a conditional use on surplus public property for up to 10 years, and for additional 10 year periods if the responsible public agency continues to declare the property is not needed.

(Section 9.2682, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance 20269, enacted November 25, 2002, effective December 25, 2002.)
9.2683 Special Use Limitations.

(1) **Camping.** Camping is permitted in the PL public land zone for a maximum of 9 continuous days and when directly tied to a special event being held on or very near the camping site, provided a special event permit approving the camping has been issued by the city to ensure that camping is managed in a safe manner with minimal impact on surrounding properties.

(2) **Permitted Uses Subject to Site Review.** When a proposed public use is to be located within 300 feet of land in the broad zone category of residential, and such use will generate the need for a Traffic Impact Analysis according to EC 9.8670 Applicability, such use shall be subject to an approved site review application according to the Type II procedures.

(3) **Permitted Uses Subject to Conditional Use Permit.** When one of the following public use is proposed to be located within 300 feet of land in the broad zone category of Residential, it shall be subject to a conditional use permit according to the Type III procedures:
   (a) Mineral Resources Mining.
   (b) Entertainment and Recreation Uses required to obtain a Conditional Use Permit in community parks according to Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements.
   (c) Homeless Shelters.
   (d) Recycling- large collection facilities.
   (e) Recycling- scrap and dismantling yards.
   (f) Blood Banks.
   (g) Correctional Facilities.
   (h) Plasma Centers.
   (i) Structured Parking.
   (j) Cemeteries, includes crematoria, columbaria, and mausoleums.
   (k) Civic, Social and Fraternal Associations.
   (l) Outdoor Storage or Stockpiling of Materials.
   (m) Heliports and Helistops.
   (n) Veterinarian Services (includes pound).
   (o) Race Tracks, including drag strips and go-cart tracks.
   (p) Broadcasting Studios, including commercial and public education.
   (q) Sewage Treatment Plants.

(4) The physical area of the development site to be evaluated during the site review or conditional use permit process, when required according to the above subsections, shall be based on the portion of the development site specifically occupied by the proposed use and the surrounding 100 feet.

(Section 9.2683, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.2684 Public Land Zone Development Standards.

(1) Application of Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in Table 9.2684 and subsections (2) and (3) of this section shall apply to all development in the PL public land zone. In cases of conflict, the standards specifically applicable in the PL zone shall apply.

(2) For uses permitted under EC 9.2682(1)(c), the following additional standards apply:
   (a) Traffic and parking impacts and the capacity of adjacent streets shall be considered in the design and location of internal circulation and parking areas, including entrances and exits.
   (b) If possible, school playgrounds shall be retained for public recreational use.
   (c) The process used by the public agency that owns the property to determine whether a particular use shall be permitted on property not currently needed shall assure that neighborhood residents and property owners in the area have the opportunity to review and comment on the new proposed use.
   (d) At least once every 10 years, the public agency that owns the property shall review its current needs. If the property is needed, it shall be returned to public use.

(3) For uses permitted under EC 9.2682(2), the following standards apply:
   (a) If possible, school playgrounds shall be retained for public use.

<table>
<thead>
<tr>
<th>Table 9.2684 Public Land Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>(See 9.2685 Special Development Standards for Table 9.2684.)</td>
</tr>
<tr>
<td>PL</td>
</tr>
<tr>
<td>Maximum Building Height (1)</td>
</tr>
<tr>
<td>Main Building</td>
</tr>
<tr>
<td>Accessory</td>
</tr>
<tr>
<td>Minimum Front Yard Setback (2)</td>
</tr>
<tr>
<td>Minimum Interior Yard Setbacks (2)</td>
</tr>
<tr>
<td>Minimum Landscape Area (3)</td>
</tr>
</tbody>
</table>

(Section 9.2684, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2685 Special Development Standards for Table 9.2684.

(1) The building height is limited to the height allowed in an abutting residential zone when located within 50 feet of the boundary of the residential zone.

(2) Front and interior yard minimum setbacks may be adjusted pursuant to the provisions of EC 9.8030(2) Setback Standards Adjustment.
9.2685  

(3) There is no minimum required landscape area except as required to meet landscape standards for parking lots in EC 9.6420 Parking Area Standards. (Section 9.2685, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2686  

Public Land Zone Lot Standards. The following Table 9.2686 sets forth lot standards in the PL public land zone. The numbers in ( ) indicate special development standards contained in EC 9.2687.

<table>
<thead>
<tr>
<th>Table 9.2686 Public Land Zone Lot Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>(See 9.2687 Special Development Standards for Table 9.2686.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area Minimum (1)</th>
<th>PL</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Lots</td>
<td>6,000 square feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Frontage Minimum (1)</th>
<th>PL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Lot</td>
<td>50 feet</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>50 feet</td>
</tr>
<tr>
<td>Curved Lot</td>
<td>35 feet</td>
</tr>
<tr>
<td>Cul-de-sac Bulb</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Flag Lot (2)</th>
<th>PL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Lot</td>
<td>15 feet</td>
</tr>
<tr>
<td>2 to 4 Lots</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Width Minimum (1)</th>
<th>PL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Lot</td>
<td>50 feet</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>50 feet</td>
</tr>
<tr>
<td>Curved Lot</td>
<td>35 feet</td>
</tr>
<tr>
<td>Cul-de-sac Bulb</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Flag Lot (2)</th>
<th>PL</th>
</tr>
</thead>
</table>

(Section 9.2686, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2687  

Special Standards for Table 9.2686.

(1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.9030(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.)

(2) Minimum lot area includes both the pole portion and flag portion of the lot. (Section 9.2687, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Residential Zones

9.2700 Purpose of R-1 Low-Density Residential Zone. The purpose of the R-1 Low-Density Residential zone is to implement the Metro Plan by providing areas for low-density residential use. The R-1 zone is designed for one-family dwellings with some allowance for other types of dwellings, and is also intended to provide a limited range of non-residential uses that can enhance the quality of low-density residential areas.

(Section 9.2700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2705 Purpose of R-1.5 Rowhouse Zone. The purpose of the R-1.5 Rowhouse zone is to implement the Metro Plan by providing areas for attached rowhouse dwellings.

(Section 9.2705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2710 Purpose of R-2 Medium-Density Residential Zone. The purpose of the R-2 Medium-Density Residential zone is to implement the Metro Plan by providing areas for medium-density residential use and encourage a variety of dwelling types. The R-2 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the medium-density residential area.

(Section 9.2710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2720 Purpose of R-3 Limited High-Density Residential Zone. The purpose of the R-3 Limited High-Density Residential zone is to implement the Metro Plan by providing areas for limited high-density residential use that encourage attached one-family dwelling units and multiple-family dwelling units. The R-3 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the limited high-density residential area.

(Section 9.2720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2730 Purpose of R-4 High-Density Residential Zone. The R-4 High-Density Residential zone is designed to implement the Metro Plan by providing areas for high-density residential use and is intended to provide an opportunity for a dense living environment. The R-4 zone must ensure that public facilities and services will be provided in a timely manner to adequately serve the projected demand. The R-4 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the high-density residential area.

(Section 9.2730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Residential Zone Siting Requirements. In addition to the approval criteria of EC 9.8865 Zone Change Approval Criteria, a property proposed for the R-1.5 zone shall not exceed the area needed to accommodate up to 8 rowhouse lots and shall be located at least 500 feet, as measured along existing street public right-of-way, from any other property zoned R-1.5.

(Section 9.2735, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

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

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

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>R-1</th>
<th>R-1.5</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses. Examples include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principal use on the development site, such as an apartment, are allowed as an accessory use.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agricultural, Resource Production and Extraction</th>
<th>R-1</th>
<th>R-1.5</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community and Allotment Garden</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Display and Sale of Agricultural Products Grown on the Site</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm Animals, including pastureland, excluding a slaughter house (See EC 9.5250)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Horticultural Use. Examples include field crops, orchards, berries, and nursery or flower stock.</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Cultural, Religious, Social, and Fraternal</td>
<td>R-1</td>
<td>R-1.5</td>
<td>R-2</td>
<td>R-3</td>
<td>R-4</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>-----</td>
<td>-------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Church, Synagogue, and Temple, including associated residential structures for religious personnel. (All religious uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Club and Lodge of State or National Organization (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Community and Neighborhood Center</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>School, Elementary through High School</td>
<td>C</td>
<td>C</td>
<td></td>
<td>SR</td>
<td>SR</td>
</tr>
<tr>
<td>University or College</td>
<td>C</td>
<td>C</td>
<td></td>
<td>SR</td>
<td>SR</td>
</tr>
<tr>
<td>Entertainment and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic Facility and Sports Club</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Athletic Field, Outdoor</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Equestrian Academy and Stable (See also Table 9.1240)</td>
<td>PUD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equestrian Trail (See also Table 9.1240)</td>
<td>PUD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course, with or without country club (See also Table 9.1240)</td>
<td>PUD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park and Playground (Refer to Park, Recreation, and Open Space zone for examples of activities within this use.) See EC 9.2640</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Theater, Live Entertainment (See also Table 9.1240)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Services, not specifically listed in this or any other uses and permit requirements table. An example could include: a fire station.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Facility (See EC 9.5100)</td>
<td>C</td>
<td>C</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling, small collection facility (See EC 9.5650)</td>
<td>S</td>
<td>S</td>
<td></td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Medical, Health and Correctional Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correctional Facility, excluding Residential Treatment Center</td>
<td>C</td>
<td>C</td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Hospital, Clinic, or other Medical Health Facility (including mental health). (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C (1)</td>
</tr>
<tr>
<td>Nursing Home (See also Table 9.1240)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Table 9.2740 Residential Zone Land Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Treatment Center</strong></td>
</tr>
<tr>
<td>R-1  R-1.5  R-2  R-3  R-4</td>
</tr>
<tr>
<td>C     C      C     C     C</td>
</tr>
<tr>
<td><strong>Motor Vehicle-Related Uses</strong></td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
</tr>
<tr>
<td>P     P      P     P     P</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor, Only when Shared</td>
</tr>
<tr>
<td>Parking Arrangement with Other Permitted Use</td>
</tr>
<tr>
<td>P     P      P     P</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor</td>
</tr>
<tr>
<td>C     C      C</td>
</tr>
<tr>
<td>Transit Station, Major</td>
</tr>
<tr>
<td>C     C      P</td>
</tr>
<tr>
<td>Transit Station, Minor</td>
</tr>
<tr>
<td>SR    P      P</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
</tr>
<tr>
<td><strong>Dwellings. (All dwellings shall meet minimum and maximum</strong></td>
</tr>
<tr>
<td><strong>density requirements in accordance with Table 9.2750</strong></td>
</tr>
<tr>
<td><strong>Residential Zone Development Standards unless specifically</strong></td>
</tr>
<tr>
<td><strong>exempted elsewhere in this land use code. All dwelling types</strong></td>
</tr>
<tr>
<td><strong>are permitted if approved through the Planned Unit</strong></td>
</tr>
<tr>
<td><strong>Development process.)</strong></td>
</tr>
<tr>
<td>One-Family Dwelling (1 Per Lot in R-1)</td>
</tr>
<tr>
<td>P     P      P     P</td>
</tr>
<tr>
<td>Secondary Dwelling (Either Attached or Detached from</td>
</tr>
<tr>
<td>Primary One-Family Dwelling on Same Lot)</td>
</tr>
<tr>
<td>P (2)</td>
</tr>
<tr>
<td>Rowhouse (One-Family on Own Lot Attached to Adjacent</td>
</tr>
<tr>
<td>Residence on Separate Lot with Garage or Carport Access</td>
</tr>
<tr>
<td>to the Rear of the Lot)</td>
</tr>
<tr>
<td>P     P (3)     P     P     P</td>
</tr>
<tr>
<td>Duplex (Two-Family Attached on Same Lot)</td>
</tr>
<tr>
<td>P (4)</td>
</tr>
<tr>
<td>Tri-plex (Three-Family Attached on Same Lot) See EC 9.5500</td>
</tr>
<tr>
<td>S (5)</td>
</tr>
<tr>
<td>Four-plex (Four-Family Attached on Same Lot) See EC 9.5500</td>
</tr>
<tr>
<td>S (6)</td>
</tr>
<tr>
<td>Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500</td>
</tr>
<tr>
<td>PUD</td>
</tr>
<tr>
<td>Manufactured Home Park. Shall comply with EC 9.5400 or site</td>
</tr>
<tr>
<td>review.</td>
</tr>
<tr>
<td>S or SR</td>
</tr>
<tr>
<td>Controlled Income and Rent Housing where density is above</td>
</tr>
<tr>
<td>that normally permitted in the zoning yet not to exceed 150%.</td>
</tr>
<tr>
<td>(Shall comply with multiple-family standards in EC 9.5500 or</td>
</tr>
<tr>
<td>be approved as a PUD.)</td>
</tr>
<tr>
<td>S or PUD see Map 9.2740</td>
</tr>
<tr>
<td>Assisted Care &amp; Day Care (Residences Providing Special</td>
</tr>
<tr>
<td>Services, Treatment or Supervision)</td>
</tr>
<tr>
<td>Assisted Care (5 or fewer people living in facility and 3 or</td>
</tr>
<tr>
<td>fewer outside employees on site at any one time)(All Assisted</td>
</tr>
<tr>
<td>Care uses shall meet minimum and maximum density requirements</td>
</tr>
<tr>
<td>in accordance with Table 9.2750 Residential Zone Development</td>
</tr>
<tr>
<td>Standards unless specifically exempted elsewhere in this code.)</td>
</tr>
<tr>
<td>P     P      P     P</td>
</tr>
<tr>
<td>Assisted Care (6 or more people living in facility) (All</td>
</tr>
<tr>
<td>Assisted Care uses shall meet minimum and maximum density</td>
</tr>
<tr>
<td>requirements in accordance with Table 9.2750 Residential</td>
</tr>
<tr>
<td>Zone Development Standards unless specifically exempted</td>
</tr>
<tr>
<td>elsewhere in this code or granted a modification through an</td>
</tr>
<tr>
<td>approved conditional use permit.)</td>
</tr>
<tr>
<td>C     C      C     C</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Table 9.2740 Residential Zone Land Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Day Care (3 to 12 people served)</strong> (See EC 9.5200)</td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
<tr>
<td><strong>Day Care (13 or more people served)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>C     C      C      C      C</td>
</tr>
<tr>
<td><strong>Rooms for Rent Situations</strong></td>
</tr>
<tr>
<td><strong>Boarding and Rooming House</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>C     P      C      P      P</td>
</tr>
<tr>
<td><strong>Campus Living Organization, including Fraternities and Sororities</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>C     P      C      P      P</td>
</tr>
<tr>
<td><strong>Single Room Occupancy (SRO) (All SRO uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>C     P      C      P      P</td>
</tr>
<tr>
<td><strong>University and College Dormitory</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>P     P      P      P      P</td>
</tr>
<tr>
<td><strong>Utilities and Communication</strong></td>
</tr>
<tr>
<td><strong>Amateur Radio Antenna Structure (See EC 9.5050)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
<tr>
<td><strong>Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>P     P      P      P      P</td>
</tr>
<tr>
<td><strong>Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>P     P      P      P      P</td>
</tr>
<tr>
<td><strong>Pump Station, well head, non-elevated reservoir, and other water or sewer facilities, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>P     P      P      P      P</td>
</tr>
<tr>
<td><strong>Telecommunication Tower or Facility (See EC 9.5750)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
<tr>
<td><strong>Water Reservoir, elevated above ground level</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
<tr>
<td><strong>Other Commercial Services</strong></td>
</tr>
<tr>
<td><strong>C-1 Neighborhood Commercial Zone Permitted Uses - Uses listed as P (Permitted) or SR (subject to site review) in C-1 and which are not listed elsewhere in this Table 9.2740</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>PUD   PUD    PUD    PUD    PUD</td>
</tr>
<tr>
<td>(7)   (7) or C(8) PUD (7) or C(8)</td>
</tr>
<tr>
<td><strong>Cemetery, includes crematoria, columbaria, and mausoleums</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>PUD   PUD    PUD    PUD    PUD</td>
</tr>
<tr>
<td>(7)   (7) or C(8) PUD (7) or C(8)</td>
</tr>
<tr>
<td><strong>Home Occupation (See EC 9.5350)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
<tr>
<td><strong>Model Home Sales Office (See EC 9.5450)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
<tr>
<td><strong>Temporary Activity (See EC 9.5800)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
<tr>
<td><strong>Wildlife Care Center (See EC 9.5850)</strong></td>
</tr>
<tr>
<td>R-1   R-1.5  R-2   R-3   R-4</td>
</tr>
<tr>
<td>S     S      S      S      S</td>
</tr>
</tbody>
</table>

(Section 9.2740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)
Special Use Limitations for Table 9.2740.

(1) Hospitals, Clinics or Other Medical Facilities. In the R-3 and R-4 zones, these uses are subject to the following special regulations:

(a) Hospitals, clinics, or other medical facilities are prohibited in the residentially zoned area beginning on East 13th Avenue and Willamette Street, then south on Willamette Street to East 19th Avenue, then east on East 19th Avenue to Patterson Street, then north on Patterson Street to East 18th Avenue, then east on East 18th Avenue to Hilyard Street, then north on Hilyard Street to East 13th Avenue, then west on East 13th Avenue to Willamette Street. (See West University Plan.)

(b) Hospitals, clinics, or other medical facilities in existence on April 14, 1982 within the residentially zoned area beginning at East 13th Avenue and Hilyard Street, then south on Hilyard Street to East 18th Avenue, then east on East 18th Avenue to Kincaid Street, then north on Kincaid Street to East 13th Avenue, then west on East 13th Avenue to Hilyard Street shall be allowed to remain subject to an existing approved conditional use permit. Expansion of any existing facility within this area is limited to the area under development control by the existing facility as of December 1, 1981. (See West University Plan.)

(c) Hospitals, clinics, or other medical facilities in that portion of the West University Neighborhood designated as East 12th High Density Residential and Clinic Area, shall be permitted, subject to an approved conditional use permit. Expansion of medical facilities in existence on August 1, 2001 shall be allowed on land used for such purpose as of August 1, 2001 without the requirement to comply with the residential density requirements. The proposed conversion of land in residential use for the expansion of existing medical facilities or the establishment of new medical facilities shall be subject to the residential density requirements of Table 9.2750. (See West University Plan.)

(d) Hospitals, clinics and other medical facilities shall be permitted in that portion of the Coburg/Crescent area designated for high-density residential use, subject to an approved conditional use permit. (See Willakenzie Area Plan.)

(e) Hospitals, clinics and other medical facilities are prohibited in that portion of the westside neighborhood designated as the central residential area. (See Westside Neighborhood Plan.)

(f) In the areas described in (b) and (d) above, hospitals, clinics, or other medical facilities are permitted subject to an approved conditional use permit, and are not required to comply with the residential density requirements of Table 9.2750.

(2) Secondary Dwellings. Secondary dwellings are only permitted in R-1 and are subject to the standards below.

(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.

2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.

3. There shall be at least 1 off-street parking space on the property.

4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.

(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:

1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.

2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.

3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.

4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.

5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.

Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.

(3) Rowhouses. In R-1.5, rowhouses shall comply with all of the following:

(a) Maximum Building Size: Eight rowhouses in a building, no more than 180 feet in width.

(b) Minimum Interior or Rear Open Space Required: 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.

(c) Auto access and parking shall be provided from the alley to the rear of the lot; there shall be no auto access from the front of the lot.

(4) Duplex. When located in R-1, a duplex shall conform to 1 of the following standards:

(a) The duplex was legally established on August 1, 2001.

(b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards.

(c) The duplex is on a lot that was identified as a duplex lot in a subdivision.

(5) Triplex. When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision.

(6) Four-plex. When located in R-1, a fourplex shall be on a lot that was identified as a four-plex lot in a subdivision.

(7) C-1 Neighborhood Commercial in Residential Zones. Uses permitted
outright in the C-1 Neighborhood Commercial zone shall be permitted in any residential zone through the planned unit development process with a demonstration that the commercial uses will serve residents living in the PUD.

(8) **C-1 Neighborhood Commercial in R-2, R-3 and R-4 Zones.** Uses permitted outright or subject to site review in the C-1 Neighborhood Commercial zone shall be conditionally permitted in the R-2, R-3 and R-4 zone when the minimum residential density is achieved on the development site. All applicable standards for uses in the C-1 zone shall be complied with or granted an adjustment through the conditional use permit process except as follows:

(a) Neighborhood Commercial uses being approved through the conditional use permit process shall be located on arterial streets.

(b) In R-2, EC 9.2161(1) Small Business Incentives in C-1 shall not apply. Instead, each individual business shall be limited to a total of 2,500 square feet of floor area.

(c) Buildings within the maximum front yard setback shall be oriented toward the street.

(d) Maximum front yard setback shall be no greater than the predominant front yard original setback line in the immediate vicinity.

(e) No off-street parking shall be located between the front facade of any building and the primary adjacent street. This standard applies to new buildings and to completely rebuilt projects constructed after August 1, 2001.

(f) In new development, 60% of the site frontage abutting a street shall be occupied by a building within the maximum setback or by an enhanced pedestrian space. No more than 20% of the 60% may be an enhanced pedestrian space.

(g) Building Entrances:

1. All building sides that face an adjacent public street shall feature at least one customer entrance.

2. Building sides facing two public streets may feature one entrance at the corner.

3. Each commercial tenant of the building, unless an accessory to the primary tenant, shall be accessed through individual storefront entrances facing the street.

(h) Ground floor walls shall contain display windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows meeting the criteria of display windows shall have sills at 30 inches or less above grade.

(Section 9.2741, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002.)
Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

<table>
<thead>
<tr>
<th>Minimum Net Density per Acre (1)</th>
<th>R-1</th>
<th>R-1.5</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Minimum</td>
<td>14 units</td>
<td>28 units</td>
<td>56 units</td>
<td>112 units</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Building Height (2), (3), (4), (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Building. Includes Secondary Dwellings Within the Main Building.</td>
</tr>
<tr>
<td>Accessory Building. Includes Secondary Dwellings Detached from Main Building</td>
</tr>
<tr>
<td>Main and Accessory Buildings on Flag/Alley Lots when located within 20 feet of any interior property line (See EC 9.2775(5)(b))</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Building Setbacks (2),(4),(6),(8),(9),(10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback (excluding garages and carports)</td>
</tr>
<tr>
<td>Front Yard Setback for Garage Doors and Carports (11)</td>
</tr>
<tr>
<td>Interior Yard Setback (excluding education, government and religious uses and buildings located on Flag Lots in R-1 created after December 25, 2002)(7)</td>
</tr>
<tr>
<td>Interior Yard Setback for Education, Government and Religious Uses.</td>
</tr>
<tr>
<td>Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Lots, Excluding Rowhouse Lots</td>
</tr>
<tr>
<td>Rowhouse Lots</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outdoor Living Area (12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Total Open Space</td>
</tr>
</tbody>
</table>
Table 9.2750 Residential Zone Development Standards
(See EC 9.2751 Special Development Standards for Table 9.2750.)

<table>
<thead>
<tr>
<th>Fences (13)</th>
<th>R-1</th>
<th>R-1.5</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Maximum Height Within Interior Yard Setbacks)</td>
<td>6 feet</td>
<td>42 inches</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>(Maximum Height within Front Yard Setbacks)</td>
<td>42 inches</td>
<td>42 inches</td>
<td>42 inches</td>
<td>42 inches</td>
<td>42 inches</td>
</tr>
</tbody>
</table>

(Section 9.2750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002.)

9.2751 Special Development Standards for Table 9.2750.
(1) Density.
(a) The minimum residential density requirements set forth in Table 9.2750 do not apply to attached secondary dwellings in R-1 or to residentially zoned lots or development sites that are developed and are 13,500 square feet or less in size. (Refer to Table 9.2750 Residential Zone Development Standards for the required net area per dwelling unit.)
(b) For purposes of this section, "net density" is the number of dwelling units per acre of land in actual residential use and reserved for the exclusive use of the residents in the development, such as common open space or recreation facilities.
(c) For purposes of calculating net density, the acreage of land considered part of the residential use shall exclude public property, including streets, parks, and other public facilities. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number. In calculating the maximum net density allowed for a specific lot or development site, the planning director shall round up to the next whole number. At the request of the developer, the acreage also may exclude natural or historic resources. Natural resources include those identified within a local inventory with moderate to high resources values. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as “primary” or “secondary.” It may also include additional natural or historic resources upon approval of the planning director.
(d) Legally established buildings and uses conforming to the residential net density requirements in the R-2, R-3 and R-4 zones on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the R-2, R-3, and R-4 zones on which residential buildings and uses existed, or in which a development permit or land use...
application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards of this section.

e) Provided the number of dwelling units are not reduced below the number present at the time of historic landmark designation, changes in the number of dwelling units within the historic property are exempt from the residential net density minimums.

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.)

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

4) Solar standards may require a more restrictive height limitation and setback requirement, refer to EC 9.2795 Solar Setback Standards.

5) Exceptions to general height restrictions are contained in:
   a) EC 9.6715 Height Limitation Areas.
   b) EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.

6) Special setback provisions may also apply, see EC 9.6750 Special Setback Standards.

7) Except where buildings abut or share a common wall, the owner of a lot or parcel with an interior yard of less than 5 feet from the adjacent property line must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to that side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends, and require a 10-foot separation between buildings on separate lots. The easement shall be on a form provided by the city, shall be approved by city staff, and be subject to a review and payment of a fee set by the city manager.

8) Certain building features and uses may intrude into required setback, refer to EC 9.6745 Setbacks - Intrusions Permitted, and EC 9.6750 Special Setback Standards.

9) Except as provided in this subsection (10), no interior setback along the side property lines is required if the buildings abut or share a common wall that conforms to adopted state building codes. A 5 foot setback is required at the end of the rowhouse building, or a minimum of 10 feet between the rowhouse building and any adjacent building. A 5 foot setback is also required along an alley.

10) Alley access parcels shall be subject to the provisions of this section for all
yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks. There are no front yard setbacks since there is no frontage on a street.

(11) The 18 foot setback requirement for garages and carports is measured through the centerline of the driveway from the front property line to either the garage door or to the frontmost support post of a carport.

(12) For multiple-family projects, refer to EC 9.5500(9) Open Space.

(13) Fences.

(a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.

(b) Location and Heights.
1. Fences up to 42 inches in height are permitted within the required front yard setback.
2. Fences up to 6 feet in height are permitted within the required interior yard setback.
3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.

(Section 9.2751, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

<table>
<thead>
<tr>
<th>Lot Area Minimum (1)</th>
<th>R-1</th>
<th>R-1.5</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots</td>
<td>4,500 square feet</td>
<td>-</td>
<td>4,500 square feet</td>
<td>4,500 square feet</td>
<td>4,500 square feet</td>
</tr>
<tr>
<td>Small Lots (2)</td>
<td>Per Cluster Subdivision or PUD</td>
<td>2,250 square feet or per Cluster Subdivision or PUD</td>
<td>2,250 square feet or per Cluster Subdivision or PUD</td>
<td>2,250 square feet or per Cluster Subdivision or PUD</td>
<td>2,250 square feet or per Cluster Subdivision or PUD</td>
</tr>
</tbody>
</table>
| Table 9.2760 Residential Zone Lot Standards  
(See EC 9.2761 Special Standards for Table 9.2760.) |
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
</tbody>
</table>
| Rowhouse Lots (3)  
(Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.) | 1,600 square feet | 1,600 square feet | 1,600 square feet | 1,600 square feet | 1,600 square feet |
| Duplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a duplex or may be located on corner lots that contain at least 8,000 square feet.) | 8,000 square feet | | | | |
| Triplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a triplex.) | 12,000 square feet | | | | |
| Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.) | 16,000 square feet | | | | |
| Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.) | 6,000 square feet | 6,000 square feet | 6,000 square feet | 6,000 square feet |
| Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.) | 3,600 square feet | 3,600 square feet | 3,600 square feet | 3,600 square feet |
| Frontage Minimum (1) |
| Interior Lot | 50 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Corner Lot | 50 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Carved Lot | 35 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Cul-de-sac Bulb Lot | 35 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Residential Flag Lot (4) |
| 1 Lot | 15 feet | 15 feet | 15 feet | 15 feet | 15 feet |
| 2 to 4 Lots | 25 feet | 25 feet | 25 feet | 25 feet | 25 feet |
| Width Minimum (1) |
| Interior Lot (7) | 50 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Corner Lot | 50 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Curved Lot | 35 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Cul-de-sac Bulb Lot | 35 feet | 20 feet | 20 feet | 20 feet | 20 feet |
| Residential Flag Lot (4) | 50 feet | | | | |
| Lot Area Maximum (5) | 13,500 square feet | | | | |
| Housing Mix Maximum (6) |
| Duplex | See EC 9.2741(4) | | | | |
| Triplex | See EC 9.2741(5) | | | | |
| Four-plex | See EC 9.2741(6) | | | | |
Special Standards for Table 9.2760.

(1) Solar standards may impose more restrictive lot standard. (See EC 9.2790 Solar Lot Standards.) 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.

(2) Lots shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.

(3) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density in the subdivision complies with Table 9.2750 Residential Zone Development Standards. In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.

(4) No variance to residential flag lot standards are allowed. Minimum lot area excludes the pole portion of the lot. Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1.)

(5) Exceptions to the maximum lot size shall be granted if either of the following is met:
   (a) For circumstances such as topographically constrained lands, conservation easements, existing buildings, utility easements, and land divisions intended to reserve a large lot for future land division with feasibility demonstrated by a conceptual buildout plan.
   (b) If the subdivision achieves an overall density of 9 units per acre.

(6) Unless approved through a planned unit development process, in any 1 subdivision there shall be a maximum of 25% duplex lots, 15% triplex lots, and 10% fourplex lots. At least 50% of the lots must be for one-family detached dwellings or rowhouses. Fractions are reduced to the next lowest number.

(7) In R-1, interior lots shall not have frontage on two non-intersecting streets unless approved through the cluster subdivision or planned unit development process where alternative proposals were evaluated, and there is no feasible alternative to the creation of double frontage lots.

(8) Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.

Small Lot Standards For R-2, R-3 and R-4 Zones.

(1) Purpose. The small lot provisions allow lots to be created below the standard minimum lot size to increase opportunities for affordable housing and infill development.
(2) Land Division Regulations. All applicable regulations for the type of land division process being used must be met except where the small lot standards create different requirements.

(3) Development Standards.
   (a) Zero side yard setback option: Permitted.
   (b) Height maximum: 25 feet in the R-2 Zone; 40 feet in the R-3 Zone; 25 feet in R-3 and R-4 zones within 50 feet of abutting, or across an alley from properties zoned RA, R-1, or R-2.
   (c) Required outdoor living area: 10% of gross floor area.
   (d) Maximum lot coverage: 55 percent in R-2 and R-3 Zones, and 60 percent in the R-4 Zone.

(Section 9.2770, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) Purpose. Residential flag lots allow lots to be created in cases where there is adequate lot area to divide the property into 2 or more lots but not enough street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. The standards require access for fire protection and also require screening to protect the privacy of abutting residences. The intent is to provide additional housing opportunities and to promote the efficient use of residential land. Home occupations and secondary dwellings are prohibited because of limited access and the greater impacts these uses would place on abutting sites.

(2) Measurements.
   (a) Flag Lot Dimensions. Residential flag lot average width dimension is measured from the mid-point between two opposite lot lines of the flag portion of the lot.
   (b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted. (See Figure 9.2775(2) Residential Flag Lot Description.)

(3) Land Division Regulations.
   (a) Flag Lot Area. The required minimum lot area for the flag lot, excluding the pole portion of the lot, is 6,000 square feet. The original lot, prior to creation of the flag lot, shall be at least 13,500 square feet.
   (b) Lot Dimensions. The minimum average lot width is 50 feet.
   (c) Access Pole. The minimum width for the pole portion of 1 flag lot is 15 feet. If 2 or more flag lots will use the same access driveway, the minimum combined width of the pole portions shall be 25 feet. A street may be required. The maximum number of flag lots taking access off the same access driveway is 4.
   (d) Ownership. The access pole must be part of the flag lot and must be under the same ownership as the flag portion.
   (e) Land Division Review. All applicable regulations for the type of land...
division process being used must be met except where the residential flag lot standards create different requirements.

(4) **Use Regulations.** Residential flag lots have the same land use regulations as the base zone except, for residential flag lots of less than 13,500 square feet, there is no allowance for home occupations or a secondary dwelling.

(5) **Development Standards.**

(a) **Generally.** All base zone requirements must be met, unless otherwise stated in this section.

(b) **Setbacks.** For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines. The special flag lot setback standard does not apply to flag lots that received final plat approval by December 25, 2002.

(c) **Access.** Motor vehicle access from a public street to a residential flag lot may be obtained in one of the following three ways:

1. Via the pole portion of the lot,
2. Via an easement to use a driveway on an abutting property, or
3. Via an existing alley.

(d) **Minimum Paving and Landscaping.**

1. The minimum paving of the driveway used for access shall be as follows:
   
   - 1 rear lot: 12 feet
   - 2 to 4 rear lots: 20 feet* (Street may be required.)

   *If approved by the planning director as necessary to preserve existing natural features, paving width may be reduced to 17½ feet, except for the first 25 feet back from the sidewalk if both sides of the driveway are landscaped in accordance with a landscape plan.

2. Driveways serving the flag lots and parking areas shall be constructed of at least 4 inch thick Portland Cement concrete, or 2½ inch compacted asphaltic concrete mix on 6 inches of 3/4 minus compacted crushed rock base, or an approved equal. Base placement of driveways and parking areas shall be approved by the city manager prior to final surfacing. If an abutting property's access drive is used:
   
   a. An access easement-maintenance agreement is required, which shall be recorded in the Lane County office of Deeds and Records, and
   b. The abutting property shall meet off-street parking requirements for that property.

3. If access is provided via an existing unimproved alley, a petition for improvement is required. The alley must be able to provide automobile and emergency vehicle access to a public street.

4. Whether or not the portion of the flag lot with public street frontage is used for access, it shall remain free of structures and be available for possible future access to a public street.
5. Each rear lot or parcel shall have 2 off-street parking spaces located outside of the pole portion of the flag lot.

(Section 9.2775, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002.)

9.2777 Duplex Division Lot Standards.

(1) Purpose. Duplex division lots allow existing duplexes to be divided into two separate legal lots in order to increase opportunities for affordable homeownership.

(2) Land Division Regulations. All applicable regulations for the type of land division process being used must be met except where the duplex division lot standards create different requirements.

(a) The existing lot must contain at least 8,000 square feet.

(b) The resulting lots will be relatively equal in size with the maximum difference equal to 10 percent or less of the total area of the original lot.

(c) The average lot width is at least 40 feet.

(d) The minimum lot area is at least 3,600 feet.

(3) Use Regulations. Duplex division lots have the same land use regulations as the base zone.

(4) Development Standards.

(a) All base zone standards must be met unless otherwise stated in this section.

(b) The existing lot is occupied by a duplex that conforms to all applicable regulations.

(c) A single family dwelling will not replace or be added to the lot.

(d) Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city attorney approved easement recorded in the Lane County Recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.

(e) Prior to approval, the planning director may require an applicant(s) to enter into a written, city attorney approved agreement suitable for recording in the Lane County Recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance and use of common areas such as, but not limited to, roofing, water pipes, and wiring.

(Section 9.2777, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Solar Standards

9.2780 Purpose of Solar Standards. Solar standards are utilized to create lot divisions, layouts and building configurations to help preserve the availability of solar energy to one and two family dwellings.

(Section 9.2780, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.2790 Solar Lot Standards.

(1) Applicability. Solar lot standards apply to the creation of lots within subdivisions in R-1 and R-2 zones.

(2) Solar Lot Requirements. In R-1 and R-2, at least 70% percent of the lots in a subdivision shall be designed as “solar lots” and shall have a minimum north-south dimension of 75 feet and a front lot line orientation that is within 30 degrees of the true east-west axis. For purposes of this subsection, a lot proposed for more than one dwelling unit shall count as more than one lot, according to the number of units proposed (e.g. a lot proposed for a fourplex shall be considered 4 lots). (See Figure 9.2790(2) Solar Lot Requirements.)

(3) Exceptions to the Solar Lot Requirements. A proposed subdivision shall be exempt from EC 9.2790(2) if either of the following exists:

(a) Density. The proposed subdivision provides at least 70% of the maximum allowed density according to the zoning of the property.

(b) Site Constraints. One of the following circumstances is present:
   1. Compliance with applicable street standards or public street plans requires a street configuration that prevents the lots from being oriented for solar access.
   2. An existing public easement or right-of-way prevents the lot from being oriented for solar access.
   3. There is a significant natural feature on the site, identified as such in the Metro Plan, adopted refinement plan, or in any city-adopted natural resource inventory that will continue to exist after the site is developed, and that prevents the lot from being oriented for solar access.

(4) Exemptions to the Solar Lot Requirements. A proposed lot shall not be identified as a “solar lot” but shall be counted as a lot that satisfies EC 9.2790(2) Solar Lot Requirements when the lot satisfies (a)(b)(c) or (d) of this subsection.

(a) Slopes. The lot is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south.

(b) Existing Off-Site Shade. The lot is within the shadow pattern of off-site features, such as but not limited to buildings, topography, or coniferous trees or broadleaf evergreens, which will remain after development occurs on the site from which the shade is originating.
   1. Shade from existing or approved off-site buildings or structures and from topographic features is assumed to remain after development of the site.
2. Shade from vacant developable areas off-site is assumed to be the shadow pattern that would result from the largest building allowed at the closest setback allowed on adjoining land, whether or not that building now exists.

3. Shade from coniferous trees or broadleaf evergreens is assumed to remain after development of the site if that vegetation is situated in a required setback; or part of a developed area, public park, or legally reserved open space; or part of landscaping or other features required pursuant to this land use code.

(c) **Existing On-Site Shade.** The site, or portion of the site for which the exception is sought complies with at least one of the following:

1. The site is within the shadow pattern of on-site features such as, but not limited to, buildings and topography which will remain after the development occurs.

2. The site contains coniferous trees or broadleaf evergreens at least 30 feet tall and more than 8 inches in diameter measured four feet above the ground which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the non-solar friendly vegetation that cause the shade that warrants the exemption. The applicant shall file a note on the plat or documents in the office of the county recorder binding the applicant to comply with this requirement.

(d) **Housing Mix.** The lot is designated for a housing type other than one-family detached dwellings in a proposed subdivision that identifies at least 10% of the lots for a housing type other than one-family detached dwellings.

(Section 9.2790, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.2795 Solar Setback Standards.**

(1) **Applicability.** These standards apply to all structures on R-1 and R-2 zoned lots, 4000 square feet or greater, with a minimum north-south dimension of 75 feet.

(2) **Solar Setback Requirements.** Buildings shall be setback from the northern property line according to the standards in this section. An applicant for a development permit for a building subject to this section shall submit verification on a form approved by the city manager that shows either the solar setback or how the structure qualifies for an exemption. If buildings on separate lots are attached or connected at a common lot line, the solar setback standards apply as if the buildings are a single building on a single lot composed of both lots. (See Figure 9.2795 Solar Setback Standards, Figure 9.2795(2) Shade
Point Height (SPH) Measurement, Figure 9.2795(2)(a) R-1 Solar Setback Calculation, and Figure 9.2795(2)(b) R-2 Solar Setback Calculation.

(a) Solar Setback for R-1 Zone. The solar setback of the shade point shall be greater than or equal to the following formula:

\[ SSB = (2.5 \times SPH) + \left(\frac{N}{2}\right) - 82.5 \]

Where:
- **SSB** = Solar setback (the shortest horizontal distance between the shade point and the plane of the northern lot line).
- **SPH** = Shade point height (Reduce this dimension by 3 feet if the shade point is a ridgeline between 45 degrees east or west of true north.)
- **N** = North-south lot dimension. Maximum allowable “N” for purposes of calculating the solar setback shall be 90 feet.

The following table, which accurately applies the formula, can be used to determine compliance with the solar setback standard.

<table>
<thead>
<tr>
<th>Shade Point Height [SPH]</th>
<th>90 feet [N]</th>
<th>85 feet [N]</th>
<th>80 feet [N]</th>
<th>75 feet [N]</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 feet</td>
<td>7.5</td>
<td>5</td>
<td>2.5</td>
<td>0</td>
</tr>
<tr>
<td>20 feet</td>
<td>12.5</td>
<td>10</td>
<td>7.5</td>
<td>5</td>
</tr>
<tr>
<td>22 feet</td>
<td>17.5</td>
<td>15</td>
<td>12.5</td>
<td>10</td>
</tr>
<tr>
<td>24 feet</td>
<td>22.5</td>
<td>20</td>
<td>17.5</td>
<td>15</td>
</tr>
<tr>
<td>26 feet</td>
<td>27.5</td>
<td>25</td>
<td>22.5</td>
<td>20</td>
</tr>
<tr>
<td>28 feet</td>
<td>32.5</td>
<td>30</td>
<td>27.5</td>
<td>25</td>
</tr>
<tr>
<td>30 feet</td>
<td>37.5</td>
<td>35</td>
<td>32.5</td>
<td>30</td>
</tr>
<tr>
<td>32 feet</td>
<td>42.5</td>
<td>40</td>
<td>37.5</td>
<td>35</td>
</tr>
<tr>
<td>34 feet</td>
<td>47.5</td>
<td>45</td>
<td>42.5</td>
<td>40</td>
</tr>
<tr>
<td>36 feet</td>
<td>52.5</td>
<td>50</td>
<td>47.5</td>
<td>45</td>
</tr>
<tr>
<td>38 feet</td>
<td>57.5</td>
<td>55</td>
<td>52.5</td>
<td>50</td>
</tr>
<tr>
<td>40 feet</td>
<td>62.5</td>
<td>60</td>
<td>57.5</td>
<td>55</td>
</tr>
</tbody>
</table>

*Solar setback is usually measured from an eave or from a ridge line of a roof. See Shade Point definition in EC 9.0500 and Figure 9.2795.*
(b) **Solar Setback for R-2 Zone.** The solar setback of the shade point shall be greater than or equal to the following formula:

\[ SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 95 \]

Where:
- **SSB** = Solar setback (the shortest horizontal distance between the shade point and the plane of the northern lot line).
- **SPH** = Shade point height (Reduce this dimension by 3 feet if the shade point is a ridgeline between 45 degrees east or west of true north.)
- **N** = North-south lot dimension. Maximum allowable “N” for purposes of calculating the solar setback shall be 90 feet.

The following table, which accurately applies the formula, can be used to determine compliance with the solar setback standard.

<table>
<thead>
<tr>
<th>Shade Point Height [SPH]</th>
<th>North-South Lot Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>90 feet [N]</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>22 feet</td>
<td>5</td>
</tr>
<tr>
<td>24 feet</td>
<td>10</td>
</tr>
<tr>
<td>26 feet</td>
<td>15</td>
</tr>
<tr>
<td>28 feet</td>
<td>20</td>
</tr>
<tr>
<td>30 feet</td>
<td>25</td>
</tr>
<tr>
<td>32 feet</td>
<td>30</td>
</tr>
<tr>
<td>34 feet</td>
<td>35</td>
</tr>
<tr>
<td>36 feet</td>
<td>40</td>
</tr>
<tr>
<td>38 feet</td>
<td>45</td>
</tr>
<tr>
<td>40 feet</td>
<td>50</td>
</tr>
<tr>
<td>42 feet</td>
<td>55</td>
</tr>
<tr>
<td>44 feet</td>
<td>60</td>
</tr>
<tr>
<td>46 feet</td>
<td>65</td>
</tr>
</tbody>
</table>

*Solar setback is usually measured from an eave or from a ridge line of a roof. See Shade Point definition in EC 9.0500 and Figure 9.2795.

(3) **Exemptions to Solar Setback Requirements.** A building is exempt from the solar setback standards when any of the following conditions exist:

(a) **Slopes.** The lot on which the building is located has an average slope of 20 percent or more in a direction greater than 45 degrees east or west of true south.
(b) Existing Shade. The building will shade an area that is already shaded by one or more of the following:
   1. An existing or approved building or structure.
   2. A topographic feature.
   3. Coniferous trees or broadleaf evergreens that will remain after development of the site.

(c) Insignificant Benefit. The building will shade one or more of the following:
   1. A non-developable area, such as designated open space, a public utility easement, street or alley.
   2. The wall of an unheated space, such as a garage, excluding solar greenhouses and other similar solar structures.
   3. The wall of a non-residential structure.
   4. No more than 20% of a south wall of an existing habitable dwelling. See Figures 9.2795(2), 9.2795(2)(a) and 9.2795(2)(b).

(d) Neighbor Approval. The owner of the abutting property to the north, for which a certificate of occupancy has been issued by the city, grants an exemption to the solar setback requirement on a form supplied by the city and subject to a fee set by the city manager.

(e) PUD Exemption. The lot is identified as being exempt from solar setback provisions through an approved PUD application where one or more of the following exists:
   1. The lot has been identified as being exempt from solar setback standards.
   2. The proposed building locations and heights were approved.

(Section 9.2795, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Special Area Zones

General

9.3000 Purpose for Creating Special Area Zones. The S Special Area zone provides procedures and criteria for recognition of areas of the city that possess distinctive locations, buildings or natural features that have significance for the community and require special consideration or implementation of conservation and development measures that can not be achieved through application of the standard base zones. Application of S Special zone to a lot containing a specific building, structure, object, site or archeological resource that qualifies as an historic landmark will ensure that permitted uses encourage preservation of historic qualities.

(Section 9.3000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3010 Applicability of General Regulations and Standards. When an area is zoned S Special Area, as indicated on the Eugene Zoning Map, the general development standards set forth in this land use code shall govern, except when they conflict with the special standards applicable specifically in the special area zone. In cases of conflict, the standards specifically applicable in the special area zone shall control.

(Section 9.3010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3015 Process for Establishment or Change of an S Special Area Zone. Establishment of an S Special Area zone shall be processed as a Type V application as provided for in EC 9.7500 through EC 9.7560 Type V Application Procedures, based on the criteria in EC 9.3020 and the required provisions of EC 9.3030. Application of the S special area zone to specific areas shall be processed concurrently with establishment of the special area zone. Future application of the zone to specific properties shall be processed as a zone change.

(Section 9.3015, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3020 Criteria for Establishment of an S Special Area Zone. Before adopting an ordinance establishing a S Special Area Zone, the city council shall find that the proposal is in compliance with the following criteria:

(1) The area to which the S Special Area Zone is being applied meets at least one of the following:

(a) Is identified in the Metro Plan or a refinement plan as a location appropriate for a special range of uses or development that can best be achieved with the use of a special area zone.

(b) Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or
rehabilitation. To meet this criterion, it must be demonstrated that:
1. The area is characterized by buildings that merit preservation to
   protect their special features; or
2. The area contains natural features that have been identified by the
   city as worthy of special treatment or preservation.

(2) An analysis of the area demonstrates how the uses and development standards of
the S Special Area zone ordinance will facilitate implementation of the planned
use of the property or the preservation or rehabilitation of distinctive buildings
or natural features of benefit to the community.

(3) Except for areas zoned S-H Historic Special Area zone, the area to be classified
S Special Area includes at least 1/2 acre in area.

(4) The application of the zone to the properties proposed for inclusion in the S
Special Area zone and the required provisions of a special area zone ordinance
are consistent with the criteria required for approval of a zone change, according
to EC 9.8865 Zone Change Approval Criteria.

Except for ordinances establishing individual site-specific historic zones, copies of
which are maintained at the city's planning and development department, all existing
Special Area zones are set forth in this land use code.

(Section 9.3020, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.3030 Required Provisions of a Special Area Zone Ordinance. Each S Special Area zone
is established by an ordinance that contains the following sections:

(1) Purpose describing the intent of the S Special Area zone.

(2) Land Use and Permit Requirements setting forth the uses to be permitted
   outright, permitted based on approval of a land use application, or permitted
   subject to special standards.

(3) Development Standards containing development standards governing factors
   that are necessary to achieve the purpose of the S Special Area zone such as
   required off-street parking, landscaping, setbacks, and building height
   limitations.

(4) Lot Standards containing lot area and dimension standards applicable in the
particular S Special Area zone.

(5) Siting Requirements in addition to those at EC 9.8865 Zone Change Approval
Criteria.

(Section 9.3030, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

S-DW Downtown Westside Special Area Zone

9.3200 Purpose of S-DW Downtown Westside Special Area Zone. The special area zone
applied to the Downtown Westside area is intended to achieve the following
objectives:
(1) Maintenance of the primary residential use and character of the area through rehabilitation of existing residential structures and additional high-density residential development as the primary land use in the area.

(2) Provision for existing office and small commercial uses as well as some limited additional office and small commercial development in the area, provided such uses are secondary to the primary residential land use in the area.

(3) Retention of major landscape features that enhance the character of the area.

(Section 9.3200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be planned for a special mix of uses in the Westside Neighborhood Plan.

(Section 9.3205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3210 S-DW Downtown Westside Special Area Zone Land Use and Permit Requirements. The following Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements identifies those uses in the S-DW zone that are:

(P) Permitted, subject to zone verification.

(C) Subject to an approved conditional use permit or an approved final planned unit development.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

(#) The numbers in () in the table are uses that have special use limitations described in EC 9.3211.

Examples listed in Table 9.3210 are for informational purposes and are not exclusive. Table 9.3210 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>S-DW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses. Examples related to residential uses include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.</td>
<td>P</td>
</tr>
<tr>
<td>Accessory Uses. Examples related to non-residential uses include storage and distribution incidental to the primary use of the site.</td>
<td>P</td>
</tr>
<tr>
<td>Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
<td>S-DW</td>
</tr>
<tr>
<td>Delicatessen</td>
<td>P(1)</td>
</tr>
<tr>
<td>Restaurant</td>
<td>P(1)</td>
</tr>
<tr>
<td>Specialty Food and Beverage. Examples include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.</td>
<td>P(1)</td>
</tr>
<tr>
<td><strong>Educational, Cultural, Religious, Social and Fraternal</strong></td>
<td></td>
</tr>
<tr>
<td>Artist Gallery/Studio</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Church, Synagogue, and Temple, including associated residential structures for religious personnel, but excluding elementary through high school</td>
<td>P</td>
</tr>
<tr>
<td>Community and Neighborhood Center</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Museum</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td><strong>Entertainment and Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Athletic Facility and Sports Club</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Park and Playground (Refer to Park, Recreation, and Open Space zone for examples of activities within this use.)</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Theater, Live Entertainment</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td><strong>Information Technology Services</strong></td>
<td></td>
</tr>
<tr>
<td>Computer Networking (includes services and technical support center)</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>E-commerce (excludes on-site shipping via truck)</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Internet and Web Site (includes services and technical support center)</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td>Software Development (includes services and technical support center)</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td><strong>Lodging</strong></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast (See EC 9.5100)</td>
<td>S</td>
</tr>
<tr>
<td><strong>Medical, Health, and Correctional Services</strong></td>
<td></td>
</tr>
<tr>
<td>Hospital, Clinic, or other Medical Health Treatment Facility (including Mental Health)</td>
<td>C</td>
</tr>
<tr>
<td>10,000 square feet or less of floor area</td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>P</td>
</tr>
<tr>
<td>Residential Treatment Center</td>
<td>C</td>
</tr>
<tr>
<td><strong>Motor, Vehicle Related Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
<td>P</td>
</tr>
<tr>
<td><strong>Office Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Administrative, General, and Professional Office</td>
<td>P(2) or C(2)</td>
</tr>
<tr>
<td><strong>Personal Services</strong></td>
<td></td>
</tr>
<tr>
<td>Barber, Beauty, Nail, Tanning Shop</td>
<td>P(3)</td>
</tr>
<tr>
<td>Day Care Facility (Day care operations part of a residence are included in residential category.)</td>
<td>C</td>
</tr>
<tr>
<td>Laundromat, Self-Service</td>
<td>P(3)</td>
</tr>
<tr>
<td>Mailing and Package Service</td>
<td>P(3)</td>
</tr>
<tr>
<td>Tailor Shop</td>
<td>P(3)</td>
</tr>
</tbody>
</table>
Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Residential</th>
<th>S-DW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings (All dwellings shall meet minimum and maximum density requirements in accordance with Table 9.2750. All dwellings types are permitted if approved through the Planned Unit Development process.)</td>
<td></td>
</tr>
<tr>
<td>One-Family Dwelling (1 Per Lot)</td>
<td>P</td>
</tr>
<tr>
<td>Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)</td>
<td>P</td>
</tr>
<tr>
<td>Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)</td>
<td>P</td>
</tr>
<tr>
<td>Duplex</td>
<td>P</td>
</tr>
<tr>
<td>Tri-plex (Three-Family Attached on Same Lot)</td>
<td>P</td>
</tr>
<tr>
<td>Four-plex (Four Family Attached on Same Lot)</td>
<td>P</td>
</tr>
<tr>
<td>Multiple-Family (3 or More Dwellings on Same Lot) (See EC 9.5500)</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assisted Care and Day Care</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care (3 to 12 people served) (See EC 9.5200)</td>
<td>S</td>
</tr>
<tr>
<td>Day Care (13 or more people served)</td>
<td>C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trade (Retail and Wholesale)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicycle Rental/Sales/Service</td>
<td>P(3)</td>
</tr>
<tr>
<td>Book Store</td>
<td>P(3)</td>
</tr>
<tr>
<td>Drug Store (excludes Drug Treatment Clinic)</td>
<td>P(3)</td>
</tr>
<tr>
<td>Furniture and Home Furnishing Store</td>
<td>P(3)</td>
</tr>
<tr>
<td>Garden Supply/Nursery, includes feed and seed store</td>
<td>P(3)</td>
</tr>
<tr>
<td>General Merchandise (includes supermarket and department store)</td>
<td>P(3)</td>
</tr>
<tr>
<td>Speciality Store (An example includes a gift store.)</td>
<td>P(3)</td>
</tr>
<tr>
<td>Toy and Hobby Store</td>
<td>P(3)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Others Commercial Services</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupation - Catering Service (See EC 9.3350)</td>
<td>P(3)</td>
</tr>
</tbody>
</table>

(Section 9.3210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.3211 Special Use Limitations for Table 9.3210.

1. Eating and Drinking Establishments Allowance in S-DW. Eating and drinking establishments are permitted outright when the total building area used for these uses is 10,000 square feet or less and at least 65 percent of the total building square footage is in residential use. These uses are prohibited from having drive-up or drive-through facilities.

2. Entertainment and Recreation, Information Technology Services, and Office Allowance in S-DW. These uses are permitted outright when the total building area used for these uses is 10,000 square feet or less and at least 65 percent of the total building square footage is in residential use. These uses
require an approved conditional use permit when the total building area for
these uses will exceed 10,000 square feet.

(3) **Personal Services and Trade Allowance in S-DW.** These uses are permitted
outright when the total building area used for these uses is 5,000 square feet or
less and at least 65 percent of the total building square footage is in residential
use.

(Section 9.3211, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.3215 **S-DW Downtown Westside Special Area Zone Development Standards.**

(1) **Application of Standards.** In addition to applicable provisions contained
elsewhere in this land use code, the development standards listed in Table
9.3215 S-DW Downtown Westside Special Area Zone Development Standards
in this section, and in EC 9.3216 Special Development Standards for Table
9.3215 shall apply to all development within this zone. In cases of conflict, the
development standards specifically applicable in the S-DW special area zone
shall apply.

(2) **Residential Standards.** Except as provided in this section or EC 9.3216
Special Development Standards for Table 9.3215, all residential development
shall be subject to the standards established for the R-4 zone.

(3) **Commercial and Office Standards** (any non-residential uses). Except as
provided in this section or EC 9.3216 Special Development Standards for Table
9.3215, all non-residential development shall be subject to the standards
established in the C-2 zone.

(4) **Mixed Use Standards.** An entire mixed use development shall be subject to
the least restrictive standards set forth in this section that are applicable to one
of the uses proposed by the project.

The following Table 9.3215 sets forth development standards within the S-DW zone.
The numbers in ( ) in the table are references to special limitations that are set forth in
EC 9.3216.

| Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards |
|--------------------------|-------------------|
| **S-DW**                |                   |
| **Maximum Building Height (1), (2)** | 120 feet          |
| **Main Building**       |                   |
| **Accessory Building**  | 50 feet            |
| **Minimum Building Setbacks (1), (3), (4), (5)** | |
| **Front Yard Setback (7)** | 10 feet           |
| **Front Yard Setback for garages and carports** | 15 feet           |
| **Interior Yard Setback (6)** | 0 - 10 feet       |
| **Maximum Building Dimension** | 150 feet          |

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### Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards

<table>
<thead>
<tr>
<th></th>
<th>S-DW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Landscape Area (8)</strong></td>
<td>20% of development site (Excludes required landscaping for parking areas. Landscape areas may include rooftops or terraces accessible to building occupants.)</td>
</tr>
<tr>
<td><strong>Outdoor Storage Areas</strong></td>
<td>Not permitted</td>
</tr>
<tr>
<td><strong>Parking and Loading</strong></td>
<td>Shall comply with standards beginning at EC 9.6400</td>
</tr>
<tr>
<td><strong>Residential Density per Net Acre</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Solar Standards</strong></td>
<td>Exempt</td>
</tr>
<tr>
<td><strong>Sign Standards</strong></td>
<td>Shall comply with Residential Sign Standards</td>
</tr>
</tbody>
</table>

(Section 9.3215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

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.)

2. A more restrictive height limit applies within 50 feet of an abutting property zoned R-2 or R-3. (Table 9.2750.)

3. Special setback provisions may also apply. (EC 9.6750 Special Setback Standards.)

4. More restrictive setbacks apply for schools, churches, public and semi-public institutional uses. (EC 9.2740 Residential Zone Land Use and Permit Requirements.)

5. Certain building features and uses may intrude into required setback. (EC 9.6745 Setbacks - Intrusions Permitted, and EC 9.6750 Special Setback Standards.)

6. The following interior yard setbacks are required in the S-DW zone:
   
   (a) All lots or development sites in the S-DW zone shall have interior yard setbacks of at least 10 feet between the buildings, without regard as to the location of the property line, or no interior yards required if the buildings abut or have a common wall, except where a utility easement is recorded adjacent to an interior lot line, in which event there shall be an interior yard no less than the width of the easement. There shall be no projection of building features into the easement.

   (b) Except where buildings abut or share a common wall, the owner of a lot or parcel with an interior yard of less than 5 feet from the adjacent property
line must secure and record in the office of the Lane County Recorder a
maintenance access easement adjacent to that side of the building. The
easement shall be on a form approved by the city manager and shall be
accompanied by a fee set by the city manager. The easement shall provide
a 5 foot wide access the entire length of the building and 5 feet beyond
both ends, and require a 10-foot separation between buildings on separate
lots.

(c) Alley access parcels shall be subject to the provisions of this section for all
yards, including the yard adjacent to the property line separating the alley
access parcel from the original parent parcel.

(7) Parking is prohibited within the front yard setback.

(8) Landscape Standards.

(a) Minimum Landscape Area Required. At least 20% of the development
site shall be landscaped with living plant materials. All required
landscaping shall comply with landscape standards beginning at EC
9.6200 Purpose of Landscape Standards. Any required landscaping, such
as for required front yard setbacks or off-street parking areas, shall apply
toward the minimum landscape requirements for the development site.

(b) Minimum Landscape Standard. Unless otherwise specified in this land
use code, required landscape areas must, at a minimum, comply with EC
9.6210(1) Basic Landscape Standard (L-1). Up to one third of the required
landscape area may be improved for recreational use or for use by
pedestrians. Examples include walkways, plazas and benches.

(c) Required Landscaping in Front Yard Setbacks. Landscape planting beds
within any required front yard setback shall be a minimum of 7 feet in
width and shall comply, at a minimum, with EC 9.6210(1) Basic
Landscape Standard (L-1).

(Section 9.3216, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.3220 S-DW Downtown Westside Special Area Zone Lot Standards. The following
Table 9.3220 sets forth lot standards within the S-DW zone. The numbers in ( ) are
references to special limitations that are set forth in EC 9.3221.
Table 9.3220 S-DW Downtown Westside Special Area Zone Lot Standards

<table>
<thead>
<tr>
<th>Area Minimum</th>
<th>S-DW</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Lots except Small Lots, Rowhouse Lots, Residential Flag Lots and Duplex Division Lots (1)</td>
<td>4,500 square feet</td>
</tr>
<tr>
<td>Small Lots (2)</td>
<td>Per Cluster Subdivision or PUD</td>
</tr>
<tr>
<td>Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)</td>
<td>1,600 square feet</td>
</tr>
<tr>
<td>Duplex Division Lots (4) (Existing lot shall be at least 8,000 square feet.)</td>
<td>8,600 square feet</td>
</tr>
<tr>
<td>Flag Lot</td>
<td>6,000 square feet</td>
</tr>
</tbody>
</table>

Frontage Minimum

<table>
<thead>
<tr>
<th>Lot</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Lot (1)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Corner Lot (1)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Curved Lot (1)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Alley Access</td>
<td>na</td>
</tr>
</tbody>
</table>

Average Width Minimum

<table>
<thead>
<tr>
<th>Lot</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Lot (1)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Corner Lot (1)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Curved Lot (1)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Alley Access</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

(Section 9.3220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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.)

2. Shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.)

3. Rowhouses shall have street frontage for the residence and rear frontage for off-street parking.

4. No variance to residential flag lot standards are allowed. Minimum lot area excludes the pole portion of the lot. Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1.)

5. Shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)

(Section 9.3221, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
S-E Elmira Road Special Area Zone

9.3300 Purpose of S-E Elmira Road Special Area Zone. The purpose of the S-E Elmira Road Special Area Zone is to allow a mix of low-density residential uses and a limited range of commercial uses. The S-E zone is also intended to achieve the following, more specific purposes:

(1) Allow use of existing non-residential structures on property and the development of complementary structures for video, audio, and film production related purposes.

(2) Ensure that non-residential uses of property are compatible with adjacent residential areas, both on and off the development site to which the S-E zone is applied.

(3) Ensure that portions of the area zoned S-E Elmira Road are kept available for residential development.

(4) Ensure that development within the S-E zone is developed in a manner compatible with the surrounding neighborhood.

(Section 9.3300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3305 S-E Elmira Road Special Area Zone Siting Requirements. In addition to approval criteria at EC 9.8865 Zone Change Approval Criteria, the following criteria shall apply:

(1) The property is on the north side of Elmira Road; and

(2) The property has historically been used for a variety of residential, commercial and industrial functions.

(Section 9.3305, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3310 S-E Elmira Road Special Area Zone Land Use and Permit Requirements. The following Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements identifies those uses in the S-E zone that are:

(P) Permitted, subject to zone verification.

(SR) Permitted, subject to an approved site review plan.

(C) Subject to an approved conditional use permit or an approved final planned unit development.

(PUD) Permitted, subject to an approved final planned unit development.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

(#) The numbers in ( ) in the table are uses that have special use limitations that are described in EC 9.3311.

The examples listed in Table 9.3310 are for informational purposes and are not exclusive. Table 9.3310 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.
| Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements |
|---------------------------------|-----------------|
| **Accessory Uses**              |                 |
| Accessory Uses. **Examples** related to residential use include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use. | P(1) |
| Accessory Uses. **Examples** related to non-residential use include accessory business services that are related to audio, video, or film production, such as typesetting, word processing, and computer services. |                 |
| **Agricultural, Resource Production and Extraction** | S(1) |
| Farm Animals, including pastureland, excluding slaughter houses (See EC 9.5250) |                 |
| Agricultural Products Display and Sale, primarily based on products raised or grown on the premises | P(1) |
| Community and Allotment Garden | P(1) |
| Horticultural Use | P(1) |
| **Education, Cultural, Religious, Social and Fraternal** | SR(1) |
| School, Elementary through High School |                 |
| University or College, must provide general education programs as a primary activity | SR(1) |
| **Entertainment and Recreation** |                 |
| Artist Gallery/Studio | P(1),(2) |
| **Government** | P(1),(2) |
| Government Services, only if determined by the planning director as essential to the physical and economic welfare of the area. **Examples**: fire station, utility station, or pump station. |                 |
| **Manufacturing (Includes processing, assembling, packaging, and repairing)** | S(1) |
| Film, Audio, and Video Production | P(1),(2) |
| Recycling- small collection facility (See EC 9.5650) |                 |
| **Motor Vehicle Related Uses** |                 |
| Transit, Neighborhood Improvement | P |
| **Residential** |                 |
| **Dwellings** |                 |
| One-Family Dwelling (1 Per Lot) | P |
| Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) | P |
| Duplex (Two-Family Attached on Same Lot) | P |
| Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500) | PUD |
| **Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)** |                 |
| Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time) | P |
| Assisted Care (6 or more people living in facility) | C |
| Day Care (3 to 12 people served) (See EC 9.5200) | P |
| Day Care (13 or more people served) | C |
| Day care operations not part of a residence are included in the Personal Services category. |                 |
| **Utilities and Communication** | S(1) |
| Amateur Radio Antenna Structure (See EC 9.5050) |                 |

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Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Description</th>
<th>S-E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadcasting Studio, Commercial and Public Education</td>
<td>P(1),(2)</td>
</tr>
<tr>
<td>Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>P(1),(2)</td>
</tr>
<tr>
<td>Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>P(1),(2)</td>
</tr>
<tr>
<td>Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>P(1),(2)</td>
</tr>
<tr>
<td>Telecommunication Facility (Refer to EC 9.5750)</td>
<td>S(1)</td>
</tr>
<tr>
<td>Water Reservoir, elevated above ground level</td>
<td>SR</td>
</tr>
<tr>
<td>Printing, Blueprinting, and Duplicating</td>
<td>P(3)</td>
</tr>
</tbody>
</table>

(Section 9.3310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.3311 Special Use Limitations for Table 9.3310.

1. Limit of Non-residential Development. A minimum of 30 percent or 1.45 acres of the total zone of 4.74 acres shall be developed with residential uses.

2. Non-Residential Uses. Any redevelopment plan for existing industrial structures or new non-residential structures shall be reviewed under the site review procedures contained in this land use code.

3. Printing, Blueprinting, and Duplicating. This use is limited to non-retail activities related to audio, video, or film production.

(Section 9.3311, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3315 S-E Elmira Road Special Area Zone Development and Lot Standards. In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in subsections (1) to (3) of this section shall apply to all development in the S-E zone. In cases of conflict, the standards specifically applicable in the S-E zone shall apply.

1. All residential development shall be governed by the general standards applied to the R-1 zone.

2. All non-residential development shall be governed by the general standards applied to the GO zone, with the exception that all buildings shall conform with the height limitations of the R-1 zone. Any new non-residential structure shall be set back a minimum of 25 feet from the exterior boundaries of the development site.

3. Signing for the residential portions of the development site shall be governed by
EC 9.6650 Residential Sign Standards; signing for non-residential portions of the development site shall be governed by EC 9.6655 General Office Sign Standards.

(Section 9.3315, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

S-F Fifth Avenue Special Area Zone

9.3400 **Purpose of S-F Fifth Avenue Special Area Zone.** The purpose of the S-F zone is to encourage a variety of uses that:

1. Allows preservation of existing substantial buildings.
2. Allows redevelopment of the area with a variety of commercial and industrial uses.
3. Encourages redevelopment that is primarily pedestrian-oriented with only limited provision for automobile use.
4. Ensures that new development conforms with the character of the existing development.

(Section 9.3400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3405 **S-F Fifth Avenue Special Area Zone Land Uses.**

1. Uses that are vehicle-oriented are prohibited as new development or redevelopment (for example, service stations, warehouses, repair garages, and drive-in facilities). Within this broad framework, individual proposals shall be evaluated on the basis of consistency with the expressed purpose of this zone.
2. A conditional use permit shall be required for all new development or redevelopment in the S-F area, in accordance with the procedures beginning at EC 9.8075 Purpose of Conditional Use Permits.

(Section 9.3405, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3410 **S-F Fifth Avenue Special Area Zone Development and Lot Standards.** In the S-F zone the general standards set forth in this land use code governing development in the C-2 zone shall apply except:

1. On-site parking is not required where existing buildings are used.
2. All new development shall provide parking to accommodate parking generated by the development.

(Section 9.3410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3415 **S-F Fifth Avenue Special Area Zone Public Facility Standards.** Within the S-F zone, all of the following improvements shall be provided for:

1. Sidewalks with a combination of concrete and brick.
2. Removal of curbside parking except for short-time loading zones.
(3) Sheltered bus stop.
(4) Street lights, either pole-mounted or building-mounted.
Other improvements installed at public expense within this S-F zone shall be
designed to coordinate with the improvements listed above.

(Section 9.3415, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

S-H Historic Zone

9.3450 S-H Historic Zones. S-H Historic Zones may be established by the city council in
the manner prescribed in EC 9.3000 through 9.3030. Except for ordinances
establishing site-specific historic zones, copies of which are maintained at the city’s
planning and development department, all existing S-H Historic Zones are set forth in
this land use code.

(Section 9.3450, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.3455 S-H Historic Zones - Adjustment to Development Standards. Development
standards applicable in an S-H Historic Zone may be adjusted as set forth in EC
9.8030(15).

(Section 9.3455, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

S-HB Blair Boulevard Historic Commercial Special Area Zone

9.3500 Purpose of S-HB Blair Boulevard Historic Commercial Special Area Zone. The
purpose of the S-HB zone is to permit, after appropriate review, the use of historically
significant buildings and sites for a range of permitted uses not otherwise found in a
base zone, and to preserve these buildings where their maintenance and productive
use would not otherwise be economically practical, and a standard zone classification
would be inappropriate. Historic landmark designation helps to preserve the city’s
heritage. Recognition of landmarks enhances the beautification of the city, promotes
the city’s economic health, and preserves the values of these properties. Regulation
of designated landmarks provides a means to review changes and ensure that historic
and architectural values are preserved.

(Section 9.3500, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.3505 Description of S-HB Blair Boulevard Historic Commercial Special Area Zone.
The S-HB was designated on March 10, 1993, and in order to encourage compatibility
and continuity with the area’s historic ambiance and character, the design standards
in EC 9.3515 are applicable to all properties within the zone.

(Section 9.3505, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)
S-HB Blair Boulevard Historic Commercial Special Area Zone Uses. The S-HB zone designation is based on the area's association with the city's working class and the mix of residential, commercial and light industrial uses within the zone. The S-HB zone is the commercial core of the residential districts located to the east and west of the zone. The Whiteaker Plan Land Use Diagram reflects four underlying land use designations for this zone of residential, commercial, mixed use, and parks. Uses permitted within the S-HB zone are as follows:

(1) **Areas Designated for Low and Medium Density Residential.** Allowable uses are:

   (a) One-family dwellings.
   (b) Duplexes.
   (c) Triplexes.
   (d) Four-plexes.
   (e) Multiple-family dwellings.
   (f) Home occupations.
   (g) Bed and breakfast facilities.

(2) **Areas Designated for Neighborhood Commercial.**

   (a) Some houses in the zone are currently used for commercial purposes. Permitted uses shall allow the conversion of commercial back to residential when it relates to historic residential architecture.

   (b) Notwithstanding subparagraph (a) of this subsection, the following uses are permitted:

   1. Accessory uses. Examples include, but are not limited to, storage and distribution incidental to the primary use of the site.
   2. Administrative, general and professional offices.
   3. Amusement centers (arcades, pool tables, etc.).
   4. Artist galleries/studios.
   5. Assisted care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time).
   6. Athletic facilities and sports clubs.
   7. Automated teller machines (ATMs).
   8. Ballet, dance, martial arts, and gymnastic schools, academies and studios.
   9. Banks, savings and loan offices, credit unions.
   10. Barber, beauty, nail, tanning shops.
   13. Building maintenance services.
   14. Catering services.
   15. Churches, Synagogues, and Temples, including associated residential structures for religious personnel.
   16. Clubs and lodges of state or national organizations.
   17. Community and neighborhood centers.
   18. Convenience stores.
   19. Day care (3 to 12 people served).
20. Day care, not associated with a residence.
22. Equipment, light, rental/sales/service.
23. Film, drop-off/pick-up.
24. Furniture and home furnishings store.
25. Garden supply/nurseries.
26. General merchandise (includes supermarkets and department stores).
27. Government services not specifically listed elsewhere.
28. Hardware/home improvement stores.
29. Home occupations.
30. Hospitals, clinics or other medical health treatment facilities
   (including mental health) 10,000 square feet or less of floor area.
31. Locksmith shop.
32. Mailing and package services.
33. Meal services, non-profit.
34. Healthcare equipment and supplies.
35. Museum.
36. Office equipment and supplies.
37. Parks and playgrounds.
38. Parts stores.
39. Photographer’s studios.
40. Picture framing and glazing.
41. Printing, blueprinting and duplicating.
42. Publishing services.
43. Recycling, reverse vending machines.
44. Restaurants.
45. Schools, business or specialized educational training (excludes
   driving instruction).
46. Scientific and educational research centers.
47. Shoe repair shops.
48. Specialty Food and Beverage. Examples include bagel, candy,
   coffee, donut, and ice cream stores. Products manufactured on-site
   shall comply with manufacturing allowances for food and beverage
   products.
49. Specialty stores (examples include gift, computer or video store).
50. Tailor shops.
51. Theaters, live entertainment.
52. Transit, neighborhood improvement.
53. Veterinarian services.

(3) Areas Designated for Mixed Use. The S-HB zone has always been
characterized by mixed use, and mixed uses shall be encouraged. Permitted
uses shall conform to the uses permitted under subsections (1) and (2) of this
section.

(4) Areas Designated for Park and Open Space. Scobert Park is significant for
its association with the rural landscape that existed along Blair Boulevard during
the historic period, and shall be retained as a significant landscape feature of the
S-HB zone. Shade trees, fruit and nut trees, and ornamental plantings that exist in the park shall be maintained. Future construction of buildings and installation of plant material, park furniture and play equipment shall be evaluated to ensure compatibility with the character-defining features of the park through the historic alteration application process in this land use code. (Section 9.3510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.3515 **S-HB Blair Boulevard Historic Commercial Special Area Zone Development Standards.** The design standards set forth in this section apply to all property within the S-HB zone. In the event any of the development standards of this section conflict with the general development standards of this land use code, the standards in this section control. Property within this zone is also subject to the historic property alteration Type II review and historic property moving and demolition procedures and criteria in this land use code. Alterations shall be in character with the structure's original stylistic integrity as described in the city landmark nomination.

(1) **Facade.** Improvements or alterations shall respond to the verticality of the facade and window proportions. The placement and size of window and door openings shall follow historic precedents that are unique to individual resources. Window and door replacements shall respect the character defining features of the historic structure. Opening shall not be enlarged to accommodate plate glass or non-compatible additions. Detailing of windows and doors shall adhere to precedents that exist on the historic structure, or shall be based on sound documented research. Three dimensional elements, like porches, bay windows, balconies and awnings, shall be designed to conform in scale, texture and harmony to the historic structure and character defining elements of the zone.

(2) **Exterior Materials and Textures.**
   (a) New foundations are subject to Uniform Building Code criteria, but shall attempt to represent a historic appearance that is compatible with the structure.
   (b) Siding shall replicate existing historic siding or be compatible with existing siding. Metal and vinyl sidings, T-1-11 plywood siding, and other non-historic siding materials shall be avoided on buildings located in the S-HB zone. Every attempt shall be made to replicate the historic look that is consistent with the historic structure.
   (c) The exterior color shall be compatible with adjacent landmark structure or of natural or earthtone colors, or of natural materials that are sympathetic to the historic time period, and detailing of individual structures located in the S-HB zone. Choice of color can be influenced by changing technologies, tastes and fashions. A paint analysis is considered the most effective method of determining historic color, and should be considered on structures of significant ranking.

(3) **Height.** Building heights are generally low in the S-HB zone and alterations and additions shall not exceed 2 stories in height. Building height shall not exceed 25 feet.
(4) **Roof.** New roof shapes shall be compatible with historic precedents existing in the S-HB zone, which are generally gabled or hipped, or a combination of the two. The roof pitch shall be medium to steep and surface material shall consist of composition shingle or wood shingle. Wood shakes shall be avoided. Investigations of existing roof materials shall be conducted through research or identification on an individual basis. Earthtones and grays are generally acceptable colors for historic roofs.

(5) **Siting.** Structures facing Blair Boulevard and Van Buren Street shall continue to be sited to follow an east-west orientation, or to allow alignment with Blair Boulevard, which is a unique character defining feature of the S-HB zone. Exceptions may be made for infill structures that are located at the rear of parcels or adjacent to alleys.

(6) **Site Development.**
(a) Existing mature vegetation shall be retained, to the extent possible. The addition of lawns, deciduous and evergreen trees and shrubs, vines and perennials shall be encouraged for ornamental plantings. Novelty plants, variegated foliage, and topiary (shrubbery that is clipped to imitate animal or whimsical shapes) are non-compatible with the character of the zone.
(b) Fences, walls, and hedges located within the front setback shall be low and compatible with the architecture of the building on the development site. Fences, walls and hedges at the rear of property in the zone could be taller, but every consideration shall be given to create fence types that are historic in character, and compatible with the architecture of the S-HB zone.

(7) **Parking.** Off-street parking requirements shall be eliminated when necessary to preserve historic landscape materials or unique historic features to allow for the adaptive re-use of historic buildings or when provision of off-street parking prevents such compatible uses. Within the S-HB zone there shall be no significant expansion of off-street parking. Business shall be encouraged to share off-street parking areas. On-site parking is best achieved at the side or rear of historic structures. Large historic shade trees shall not be removed to make way for parking lots. Existing parking lots shall be evaluated and design considerations shall be sought to make them more compatible with the character of the S-HB zone.

(8) **Public Improvements.** Materials and design solutions for the public improvements listed in this subsection shall also be compatible with the historic character of the S-HB zone. Special consideration shall be given to the location of benches and outdoor seating areas to ensure that they are designed in a manner that is compatible with the S-HB zone.
(a) **Street, Sidewalk, and Alley Improvements.** Improvements to streets and sidewalks shall enhance the visual continuity of the existing streetscape. Improvements and alterations shall be compatible with existing material, yet provide safe access for pedestrian, bicycle and automobile circulation. Alleys shall continue to maintain their attractiveness as public open spaces between properties. Improvements shall provide a sensitivity to existing
historical structures, sheds, additions and landscape features. Additional information regarding the trolley tracks under Blair Boulevard shall be considered before street improvements are implemented.

(b) **Lighting.** New city lighting shall be pedestrian in scale. Research shall be conducted to determine the historic precedents for street lighting in the S-HB zone, or surrounding residential areas. The findings of this research shall be applied when replacement lights are considered to be appropriate in the S-HB zone.

(c) **Street Trees.** The planting of street trees shall continue to reinforce the historic character and planting patterns of the S-HB zone, which is somewhat linear in form. There are existing street trees that are over 100 years old in the S-HB zone, as well are more recent plantings. Deciduous and coniferous trees are both compatible to the character of the S-HB zone.

(d) **Signs.** It is expected that signs in the S-HB zone will satisfy the legitimate needs of commerce without visual clutter and without interference with the view of buildings, landscape features and other signs. Signs shall be positioned with consideration for the facade on which located. Signs shall be designed for careful integration with architectural features. Size and proportion shall relate to the fenestration and detailing of the building. Street signs, historic district signage, and the lighting of signs shall all be reviewed before installation. Ghost signs, like the Shamrock Lunch sign at 1080 West Third Avenue, shall require specific considerations for restoration and enhancement.

(Section 9.3515, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**S-RP Riverfront Park Special Area Zone**

9.3700 **Purpose of S-RP Riverfront Park Special Area Zone.** The fundamental purpose of the S-RP Riverfront Park Special Area Zone is to provide for activities and uses that complement the research and educational functions of the Oregon State System of Higher Education in general and the University of Oregon in particular. It is expressly intended that industrial, commercial, and general or professional offices which have no correlation with those research or educational functions and which could be located within other zones in the city not constitute the primary form of development within the Riverfront Park Special Area Zone. Within the context of this fundamental purpose, the objectives of the Riverfront Park Special Area Zone may be more specifically described as follows:

(1) To carry out the policies of the Riverfront Park Study and other applicable plans.

(2) To encourage a range of primary uses that complement the research and educational activities of the Oregon State System of Higher Education in
general and the University of Oregon in particular.

(3) To provide for supporting manufacturing and accessory uses incidental to the primary uses permitted.

(4) To recognize the natural amenities of the site, balancing the opportunity for development to use those amenities with the public's interest in proper protection and, where appropriate, use of them.

(5) To provide a regulatory context that allows development of a successful research and development park of benefit to both the University of Oregon and the metropolitan area.

(6) To provide a review process that encourages a design characterized by diversity of building mass and other features which foster a sense of interest in and excitement about the development and which complement the Willamette River and the Millrace.

(Section 9.3700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements. According to EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:

(1) The S-RP Riverfront Park Special Area Zone is intended for application to properties included within the boundaries of the Riverfront Park Study, an area generally located between the Willamette River and Franklin Boulevard.

(2) In accordance with the Riverfront Park Study, the S-RP Riverfront Park Special Area Zone is intended for application to property owned by the Oregon State System of Higher Education within the designated area; it may be applied to other properties within the area at the property owner's request.

(Section 9.3705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3710 S-RP Riverfront Park Special Area Zone Permitted Uses. The following uses shall be permitted within the S-RP Riverfront Park Special Area Zone, pursuant to EC 9.3725 S-RP Riverfront Park Special Area Zone Review Procedures:

(1) Primary Uses. The following activities and uses are considered to be the primary types to be encouraged within this zone:

(a) Programs and activities carried out by institutions of the Oregon State System of Higher Education.

(b) Laboratories, offices, and other non-manufacturing facilities for basic or applied research and development that complement the research and educational activities of the Oregon State System of Higher Education in general or the University of Oregon in particular.

(c) Conference facilities and meeting rooms.

(2) Manufacturing Uses. Prototype and product manufacturing or production is permitted, provided:

(a) The manufacturing is directly related to a primary use located within the zone.

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(b) The area devoted to manufacturing does not exceed 40 percent of the gross floor area devoted or applied to the primary use to which the manufacturing is related.

(3) **Accessory and Supporting Uses.** Accessory and supporting uses are permitted, provided that the gross floor area devoted to the accessory and supporting functions does not exceed 25 percent of the gross floor area within a development site. (As used in this and subsequent sections of the S-RP zone provisions, the term "development site" means the total land area under common control, such as the total area subject to a land lease). Examples of accessory and supporting uses include: retail sales of goods and food service such as book stores, office supplies, delicatessen, and similar activities; service functions such as finance, day care, and similar activities; administrative and office support functions; accessory manufacturing activities such as specialized maching; indoor storage and distribution when integral to a primary use within the zone; multiple-family dwellings; and recreational facilities. Recreational facilities available to the general public at no cost shall not be classified as accessory or supporting uses when computing the floor area under the 25-percent limitation stipulated above.

(4) **Interim Uses.** It is anticipated that development within the S-RP zone will occur incrementally. At any time there may be space available for lease either as a result of construction of new facilities or relocation of tenants within a development site. Interim use of vacant space for general or professional office use is only permitted, subject to the following limitations:

(a) The space to be devoted to interim use must have been vacant for at least 3 months.

(b) The gross floor area devoted to interim uses shall not exceed 40 percent of the gross floor area in a development site during the first 10 years following issuance of the first certificate of occupancy and shall not exceed 20 percent of the gross floor area in the development at any time thereafter.

(c) The maximum term of a lease or sublease for interim space utilization permitted here shall not exceed 5 years.

Prior to allowing occupancy of any space within a development site for interim use, the owner or developer shall obtain a certificate of occupancy for that space and submit the following data to the planning and development director:

(d) Data verifying compliance with subsections (4)(a) and (4)(b) above.

(e) A copy of the lease or sublease agreement which sets forth the term of that lease or sublease.

Any structure located within the zone that is constructed and used by the Oregon State System of Higher Education shall be excluded in the computation of gross floor area when calculating the percentage of the development site that may be devoted to interim use.

(Section 9.3710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.3715 **S-RP Riverfront Park Special Area Zone Development Standards.** In order to allow an overall development that is consistent with the purpose and intent of the S-RP Riverfront Park Special Area Zone as well as its unique location adjacent to the Willamette River and Millrace, the following development standards shall prevail. In the event the development standards here conflict with the general standards of this land use code, the standards provided here supersede any conflicting provisions.

1. **Parking Requirements.** The parking requirements for new construction provided here attempt to balance encouragement of use of alternative travel modes with the need for automobile storage; more parking than the minimums specified here may need to be provided. Parking and off-street loading areas shall be designed, laid out, and constructed in accordance with the parking area design, improvements, buffering, and dimensions as specified in EC 9.6420 Parking Area Standards. Required parking shall be determined for each separate occupancy within a building or on a development site. For example, in a combined industrial and office business, parking shall be required for the industrial use at a ratio of one space per 500 square feet and the office portion at one space per 400 square feet. Required parking shall be located within 400 feet of structures to be served unless a greater separation is specifically approved through the master development plan approval process. For that portion of the special area zone located between the Willamette River and the railroad tracks, up to 50 percent of the required parking may be provided north of the Willamette River if approved through the master site plan approval process as outlined in EC 9.3725 S-RP Riverfront Park Special Area Zone Review Procedures. Required parking may be provided through joint use of parking facilities, subject to the requirements of EC 9.6430 Shared Off-Street Parking.

   a. Required parking shall be provided at the following ratios, rounded up to the nearest whole number:

   1. Industrial uses — 1 for each 500 square feet of gross floor area.
   2. Retail uses — 1 for each 300 square feet of gross floor area.
   3. Office uses — 1 for each 400 square feet of gross floor area.
   4. University uses — 1 for each 400 square feet of gross floor area.
   5. Multiple-family dwellings — 1 for each dwelling unit, plus 1 guest parking space for each 3 units.

   b. Bicycle parking: Bicycle spaces shall be provided as follows:

   1. Non-residential uses — the minimum number of spaces shall equal 15 percent of the number of required automobile spaces.
   2. Multiple-family dwellings — 1 space per unit.
   3. Locking and cover shall be provided for all required spaces.
   4. Required spaces shall be located no farther than 2 times the distance between building entrances used by automobile occupants and the automobile parking spaces closest to those entrances.
   5. Each required space must be at least 6 feet long and 2 feet wide, with a minimum overhead clearance of 6 feet.
(2) **Setback Requirements.** Development within the S-RP zone shall comply with the following setbacks:

(a) All structures, parking areas, streets, and access drives shall maintain a minimum setback of 35 feet from the top of the south bank of the Willamette River. A map indicating the location of the top of the south bank is on file with the city's planning and development department.

(b) All structures, parking areas, streets, and access drives shall maintain a minimum setback of 15 feet from the south side of the bicycle path located (or as to be relocated) adjacent to the top of the river bank. If the setback specified herein requires a greater distance than the 35 feet specified under Section 9.3715(2)(a), the greater distance shall be maintained.

(c) Solar access shall be provided to at least 60 percent of the following designated areas:
   1. The south bank of the Willamette River.
   2. The bicycle path located (or as to be relocated) adjacent to the top of the river bank.
   3. The Autzen Stadium footbridge protection area defined in Section 9.3715(2)(e) below.
   4. Active recreation areas defined in the master site plan.

   The solar access required herein shall be provided at noon from February 21 to October 21 of any year. If building setbacks necessary to ensure this solar access area is greater than would otherwise be required, the greater setback shall be required.

(d) The Millrace shall be maintained as an open channel through the S-RP zone with the following setbacks:

   1. No structure, street, access drive, or parking area shall be located adjacent to the east Millrace outfall within the area defined by the bicycle path as it existed on May 11, 1987. This area is indicated on the map referenced in subsection (2)(a) of this section.

   2. No structure, street, access drive, or parking area shall be located within 15 feet of the top of the banks of the Millrace in all areas within the S-RP zone except for the area described under EC 9.3715(2)(d)1. above where a greater setback is required. Except for the east Millrace outfall area described under EC 9.3715(2)(d)1. above, street or access drive crossings that are needed for circulation may be approved as part of the master development plan.

(e) All structures and parking areas shall maintain a setback of 50 feet on both sides of a straight line between the existing pedestrian underpass under the railroad tracks and the Autzen Stadium footbridge to provide visual linkage between the two structures. This area is indicated on the map referenced in subsection (2)(a) of this section.

(f) Multiple-family dwellings shall have interior yards of not less than 10 feet between buildings, without regard as to the location of the property line, or no interior yards required if the buildings abut or have a common wall,
except where a utility easement is recorded adjacent to an interior lot line, in which event there shall be an interior yard of no less than the width of the easement.

(g) Except as provided above, all structures other than multiple-family dwellings shall have no setback requirements. Public improvements, including pedestrian and bicycle trails, public plazas, and similar amenities, but excluding roads and parking areas, are exempt from the setback requirements specified above.

(3) Required Building Separation and Profile Offsets. All buildings located within 75 feet of the top of the south bank of the Willamette River shall observe the following profile and separation requirements:

(a) The maximum building profile as seen from end to end of the side(s) facing the river shall not exceed 200 lineal feet in total horizontal length.

(b) Any building elevation parallel to the river shall not continue along an uninterrupted, continuous plane for more than 100 feet. For the purpose of this requirement, an uninterrupted, continuous plane is a wall having no variation in exterior surface along its length of more than 5 feet as measured at a perpendicular line from the plane of the wall.

(c) Each building shall be separated by at least 50 feet from an adjoining building, measured parallel to the river.

No building shall have a total horizontal length of more than 300 feet as measured on its longest axis.

(4) Coverage Requirements. Coverage requirements within the S-RP zone shall be as follows:

(a) For that portion of a development site allocated for multiple-family residential use, the maximum permitted coverage by buildings and structures shall be 50 percent.

(b) For that portion of a development site allocated for all uses other than multiple-family residential, at least 40 percent of that portion of the site to be developed shall be landscaped with living plant materials. Natural areas (e.g., along the Millrace or from the top of the bank along with the Willamette River south) may be included in the 40 percent computation. The amount of open space may be reduced to 30 percent if 40 percent of the required parking for the development or phase thereof is provided either below grade, at grade but under a structure, or in a parking structure. Public amenities such as plazas, pedestrian or bicycle trails, and similar improvements shall be considered open space when computing coverage. When computing coverage within the S-RP zone, structures owned by the Oregon State System of Higher Education and in existence as of May 11, 1987 shall not be included.

(5) Height Limitation. No portion of a structure located within 75 feet of the top of the south bank of the Willamette River shall exceed 45 feet in height above grade (not to exceed 3 stories). There is no height limitation for a structure or a portion thereof outside the area described above.
9.3715

(6) Signs. Signs within the S-RP zone shall conform to the provisions of EC 9.6670 Central Commercial Sign Standards, except for any area located within 200 feet of the centerline of Franklin Boulevard in which area the provisions of EC 9.6675 Highway Commercial Sign Standards shall apply. No signs facing the river shall be permitted within 75 feet of the top of the south bank of the Willamette River, except identity signs not exceeding 12 square feet in surface area which are not more than 5 feet above grade if ground-mounted or 10 feet above grade if wall-mounted.

(Section 9.3715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3720 S-RP Riverfront Park Special Area Zone Public Facilities. Within the S-RP zone, the following standards shall govern installation of improvements that are of benefit to the public and ensure public access:

(1) A continuous, two-way (Class I) bicycle path shall be provided through the development along the river and at other locations designated in the Eugene Bikeways Master Plan.

(2) Pedestrian-scale lighting shall be provided along the bicycle paths required above.

(3) Street lights shall be provided along all public streets within the S-RP zone.

(4) Street trees shall be provided along all public streets within the S-RP zone.

(5) Setback sidewalks shall be provided along all public streets within the S-RP zone, unless an alternative pedestrian circulation system of substantial equivalency is specifically approved as part of the master site plan approval process.

(6) Provision shall be made for security, such as lighting, between any parking areas located outside the boundaries of the S-RP zone and the development site the parking is intended to serve.

(7) All utilities shall be installed underground unless specifically exempted through the master site plan approval process. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

(Section 9.3720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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:

(1) Criteria for all Development.
   (a) The proposed development shall be consistent with the Metropolitan Area General Plan, Riverfront Park Study, and other applicable policy documents or functional plans.

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(b) Based on technical analysis (particularly with respect to transportation facilities), planned public facilities shall be shown to accommodate the requirements of the proposed development.

(c) The proposed development shall protect visual access from main entry points from Franklin Boulevard to the river/riparian vegetation.

(2) Criteria for Development Within Willamette Greenway Boundaries.
(a) Compliance with the criteria in EC 9.3725(1) Criteria for all Development above.

(b) The height and bulk of the proposed development shall be designed to consider the impacts on public open space, especially the buffer strips along the Willamette River and Millrace, and to adhere to the height limitations specified along the Willamette River. Building setbacks shall be varied to avoid the effect of a continuous wall along the minimum setback line and to adhere to the requirement for protection of designated features (i.e., Millrace and pedestrian linkage to the Autzen Stadium footbridge).

(c) To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

(d) To the maximum extent practicable, the proposed development shall provide for protection and enhancement of the natural vegetative fringe along the Willamette River. This means protection and enhancement of trees and understory characteristic of native vegetation within the riparian strip along the Willamette River. It also means removal, and active management to prevent re-introduction of, disturbance vegetation such as Himalayan blackberries and English ivy. As used herein, the riparian strip means the area between the top of the river bank and the water’s edge.

(e) To the greatest possible degree, necessary and adequate public access will be provided to and along the river by appropriate legal means.

As used in this section, the words “greatest possible degree” are drawn from Statewide Planning Goal 15 (F.3.b.) and are intended to require a balancing of factors so that each of the identified Greenway criteria is protected to the greatest extent possible without precluding the requested use. Goal 15 (C.3.j.) provides that “lands committed to urban uses within the Greenway shall be permitted to continue as urban uses.”

(3) Interpretation. In the event any of the terms used in these S-RP zone provisions require interpretation, the planning and development director shall be responsible for such interpretation.

(Section 9.3725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3730 S-RP Riverfront Park Special Area Zone Required Reporting. In order to ensure that the primary purpose of the S-RP zone is preserved, the owner or the developer of the property within the zone shall submit an annual report to the planning and
development director that provides data demonstrating that:

(1) Primary use(s) within a development site complement the research or
educational activities of the Oregon State System of Higher Education.

(2) Accessory and supporting uses do not occupy more than 25 percent of the gross
floor area within a development area at any time.

(3) Product manufacturing carried out in conjunction with a primary use does not
exceed the 40 percent limitation of EC 9.3710(2)(b).

(4) Interim uses do not occupy more than the specified percentage of the gross floor
area within a development site at any one time.

In the event there is more than one owner or developer involved in development
within the S-RP zone, the provisions concerning manufacturing, accessory and
support uses, and interim uses apply to each development site. Each owner or
developer shall submit the required annual report verifying compliance with the
provisions of this S-RP zone. Failure to submit the annual report required under this
section or failure to adhere to the specifications of the requirements in this section
shall constitute a violation subject to the enforcement provisions of sections 9.0000
through 9.0280 General Administration. Such failure shall also constitute grounds for
withholding further development permits and/or certificates of occupancy within a
development site until the violation has been remedied.

(Section 9.3730, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

S-RN Royal Node Special Area Zone

9.3800 Purpose of S-RN Royal Node Special Area Zone. The special area zone applied to
the Royal Node area is intended to ensure that:

(1) The overall street system and internal circulation systems for large
developments shall provide for a circulation network that encourages walking,
bicycling and transit use;

(2) Local streets shall be designed with narrow lane widths to reduce vehicle
speeds, reduce construction costs, and meet stormwater goals;

(3) On-street parking shall be provided on all streets within the node, except alleys;

(4) Alleys shall be used, whenever possible, to provide service and parking access
to residential and commercial developments within the node.

(5) The street system shall be designed to discourage cut-through traffic seeking an
alternative to travel on arterial and collector streets;

(6) A coordinated system of striped bicycle lanes, on-street bicycle routes, and off-
street bicycle paths shall be developed within the node;

(7) Residential development shall achieve an overall density of 12 dwelling units
per net acre for the entire development site;

(8) A mix of housing densities, ownership patterns, prices, and building types shall
be developed in the node;

(9) Open space areas adjacent to the node shall be integrated into the overall design
concept for the node;

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(10) Existing drainageways shall be maintained and enhanced;
(11) Homes located along major streets shall be placed so as to face the street;
(12) Streets that front on neighborhood parks shall be lined with homes that face the park;
(13) Residential accessory units shall be allowed and promoted as a means of increasing density of development in the area;
(14) Residential garages shall be provided access from alleys whenever possible to improve the visual character of the street, improve pedestrian qualities along the street, and to promote construction of small-lot single family housing with reduced lot widths;
(15) Multi-family developments shall retain visual and physical links to adjacent public parks and natural areas and preserve unique natural features found on the site;
(16) Multi-family developments shall front onto public and private streets with building entrances visible from the street;
(17) Setbacks and building designs for multi-family developments shall insure privacy for and promote compatibility with abutting lower intensity uses;
(18) Vehicle parking lots or areas shall not be located between buildings and the public street;
(19) Large parking areas shall be separated into smaller lots to minimize their visual impact;
(20) Vehicle access points for multi-family, commercial, and mixed-use developments shall connect to local or collector streets, via alleys whenever possible, rather than arterial streets;
(21) Commercial buildings shall be designed so as to stimulate the creation of high-quality pedestrian use areas and are situated so as to define the street right-of-way;
(22) Commercial buildings shall be designed with building entrances fronting on the street and with street-facing facades that contain windows; and
(23) A mixture of retail, service, education, office and higher-density residential uses shall be developed in the node.

(Section 9.3800 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.3805 S-RN Royal Node Special Area Zone Siting Requirements. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be included within the area depicted on Map 9.3805 S-RN Royal Node Special Area Zone and Subareas. When property is rezoned to S-RN, as part of the rezoning process, the City shall identify the subarea designation applicable to the property. Within the S-RN Special Area Zone, the 7 subareas are:

(1) S-RN/LDR (low density residential);
(2) S-RN/MDR (medium density residential);
(3) S-RN/MSC (main street commercial);
(4) S-RN/CMU (commercial mixed use);
9.3805 S-RN/RMU (residential mixed use); S-RN/PRO (park, recreation and open space); and S-RN/NR (natural resources).

The applicable subarea shall be that shown on Map 9.3805 unless a different subarea designation is found to be consistent with EC 9.3800 Purpose of S-RN Royal Node Special Area Zone.

(Section 9.3805 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.3808 S-RN/NR Royal Node Natural Resources Subarea and S-RN/PRO Royal Node Park, Recreation and Open Space Subarea Regulations. Land use and development within the S-RN/NR subarea shall be governed by the code sections applicable in the NR Natural Resources Zone. Land use and development within the S-RN/PRO subarea shall be governed by the code sections applicable in the PRO Park, Recreation and Open Space Zone.

(Section 9.3808 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.3810 S-RN Royal Node Special Area Zone Land Use and Permit Requirements. The following Table 9.3810 S-RN Royal Node Special Area Zone Uses and Permit Requirements identifies those uses in the S-RN zone that are:

(P) Permitted, subject to zone verification.

(C) Subject to an approved conditional use permit.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

(SR) Permitted, subject to an approved site review plan.

(#) The numbers in () in the table are uses that have special use limitations described in EC 9.3811 Special Use Limitations for Table 9.3810.

Examples listed in Table 9.3810 are for informational purposes and are not exclusive. Table 9.3810 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.
### Table 9.3810 S-RN Royal Node Special Area Zone

#### Land Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>LDR</th>
<th>MDR</th>
<th>RMU</th>
<th>CMU</th>
<th>MSC</th>
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<td>Accessory Uses. <strong>Examples</strong> related to residential use include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principal use on the development site, such as an apartment, are allowed as an accessory use. <strong>Examples</strong> related to non-residential use include storage and distribution facilities incidental to the primary use of the site.</td>
<td>P</td>
<td>P</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
</tr>
</tbody>
</table>

#### Agricultural, Resource Production and Extraction

| Community and Allotment Garden | P | P | P(6) | P(7) |
| Horticultural Use | P(6) | P(7) |

#### Cultural, Religious, Social and Fraternal

| Church, Synagogue, and Temple, including associated residential structures for religious personnel, but excluding elementary through high school | C(5) | C(5) |
| Community and Neighborhood Center | P | P | P |

#### Eating and Drinking Establishments

| Bar and Tavern | C(6) | C(7) | C(8) |
| Delicatessen, Coffee, Bagel, Donut Shop | P(6) | P(7) | P(8) |
| Restaurant | P(6) | P(7) | P(8) |

#### Entertainment and Recreation

| Amusement Center (Arcade, pool tables, etc.) | C(6) | C(7) | P(8) |
| Artist Gallery/Studio | P(6) | P(7) | P(8) |
| Athletic Facility and Sports Club | C | C | P(6) | P(7) | P(8) |
| Athletic Field, Outdoor | C | C | P(6) | P(7) | P(8) |
| Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Smdio | P(6) | P(7) | P(8) |
| Park and Playground (Refer to Park, Recreation, and Open Space zone for examples of activities within this use.) See EC 9.2640 | P | P | P(6) | P(7) | P(8) |
| Theater, Live Entertainment | C |

#### Financial Services

| Automated Teller Machine (ATM) | P | P | P |
| Bank, Savings and Loan Office, Credit Union | P(6) | P(7) | P(8) |

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<th>Government</th>
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<td>Government Services, not specifically listed in this or any other uses and permit requirements table.</td>
<td>P</td>
<td>P</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td><strong>Lodging</strong></td>
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<tr>
<td>Bed and Breakfast Facility (See EC 9.5100)</td>
<td>S</td>
<td>S</td>
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<tr>
<td><strong>Manufacturing</strong></td>
<td></td>
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</tr>
<tr>
<td>Recycling, reverse vending machine</td>
<td>S</td>
<td></td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
</tr>
<tr>
<td>Recycling, small collection facility (See EC 9.5650)</td>
<td>S</td>
<td>S</td>
<td>S(6)</td>
<td>S(7)</td>
<td>S(8)</td>
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<tr>
<td><strong>Medical and Health Services</strong></td>
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<tr>
<td>Hospital, Clinic, or other Medical Treatment Facility (including mental health), 10,000 square feet or less of floor area</td>
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<td>P(3)</td>
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<td>Meal Service, Non-Profit</td>
<td>C(6)</td>
<td>C(7)</td>
<td>C(8)</td>
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<tr>
<td><strong>Motor Vehicle Related Uses</strong></td>
<td></td>
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</tr>
<tr>
<td>Parking Garage, up to 2 levels</td>
<td>C(6)</td>
<td>C(7)</td>
<td>C(8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit Station, Major</td>
<td>C(6)</td>
<td>C(7)</td>
<td>C(8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit Station, Minor</td>
<td>C(6)</td>
<td>C(7)</td>
<td>C(8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
<td>P</td>
<td>P</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor, Only when Shared Parking Arrangement with Other Permitted Use</td>
<td>P</td>
<td>P</td>
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<tr>
<td><strong>Office Uses</strong></td>
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<tr>
<td>Administrative, General and Professional Offices</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Scientific and Educational Research Center, includes laboratory</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<td><strong>Personal Services</strong></td>
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<tr>
<td>Barber, Beauty, Nail, Tanning Shop</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Day Care Facility (Day care operations part of a residence are included in residential)</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<td></td>
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<tr>
<td>Dry Cleaner</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Film, Drop-off/Pick-up</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Locksmith Shop</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Laundromat, Self-Service</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Mailing and Package Service</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Shoe Repair Shop</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Tailor Shop</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
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<tr>
<td>Residential</td>
<td>LDR</td>
<td>MDR</td>
<td>RMU</td>
<td>CMU</td>
<td>MSC</td>
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</tr>
<tr>
<td>Dwellings. (All dwellings shall meet minimum and maximum density requirements for development within the Royal Specific Plan area. All dwelling types are permitted.)</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>One-Family Dwelling (1 Per Lot, includes zero lot line dwellings)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)</td>
<td>P(2)</td>
<td>P(2)</td>
<td>P(2)</td>
<td>P(2)</td>
<td>P(2)</td>
</tr>
<tr>
<td>Duplex (Two-Family Attached on Same Lot)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
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</tr>
<tr>
<td>Tri-plex (Three family attached on the same lot) See EC 9.5500</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Four-plex (Four-Family Attached on Same Lot) See EC 9.5500</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500</td>
<td>S(3)</td>
<td>S(3)</td>
<td>S(3)</td>
<td>S(3)</td>
<td>S(3)</td>
</tr>
<tr>
<td>Manufactured Home Park. Shall comply with EC 9.5400 or site review.</td>
<td>S-SR</td>
<td>S-SR</td>
<td>S(9)</td>
<td>S(9)</td>
<td></td>
</tr>
<tr>
<td>Controlled Income and Rent Housing where density is above that normally permitted in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-family standards in EC 9.5500.)</td>
<td>S(9)</td>
<td>S(9)</td>
<td></td>
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</tr>
</tbody>
</table>

| Assisted Living & Day Care (Residences Providing Special Services, Treatment or Supervision) | | | | | |
| Assisted Living (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time) | P | P |
| Assisted Living (6 or more people living in facility) | C | C |
| Day Care (3 to 12 people served) (See EC 9.5200) | S | S | P | P | P |
| Day Care (13 or more people served) | C | C | C | C | C |

<p>| Trade (Retail and Wholesale) | | | | | |
| Convenience Store | P(6) | P(7) | P(8) |
| Furniture and Home Furnishing Store | | | | P(8) |
| Garden Supply/Nursery, includes feed and seed store | P(6) | P(7) | P(8) |
| General Merchandise, includes supermarket and department store | P(6) | P(7) | P(8) |
| Hardware/Home Improvement Store | P(6) | P(7) | P(8) |
| Specialty Store (examples include gift, computer or video store) | P(6) | P(7) | P(8) |</p>
<table>
<thead>
<tr>
<th>Utilities and Communication</th>
<th>LDR</th>
<th>MDR</th>
<th>RMU</th>
<th>CMU</th>
<th>MSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>P</td>
<td>P</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
</tr>
<tr>
<td>Pump Station, well head, non-elevated reservoir, and other water or sewer facilities, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>P</td>
<td>P</td>
<td>P(6)</td>
<td>P(7)</td>
<td>P(8)</td>
</tr>
<tr>
<td>Telecommunication Facilities (See EC 9.5750)</td>
<td>S</td>
<td>S</td>
<td>S(6)</td>
<td>S(7)</td>
<td>S(8)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Commercial Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Maintenance Service</td>
</tr>
<tr>
<td>Catering Service</td>
</tr>
<tr>
<td>Collection Center, Collection of Used Goods (See EC 9.5150)</td>
</tr>
<tr>
<td>Home Occupation (See EC 9.5350)</td>
</tr>
<tr>
<td>Model Home Sales Office (See EC 9.5450)</td>
</tr>
<tr>
<td>Photographer Studio</td>
</tr>
<tr>
<td>Picture Framing and Glazing</td>
</tr>
<tr>
<td>Printing, Blueprinting, and Duplicating</td>
</tr>
<tr>
<td>Publishing Service</td>
</tr>
<tr>
<td>Veterinary Service</td>
</tr>
</tbody>
</table>

(Section 9.3810 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.3811 Special Use Limitations for Table 9.3810.

1) Secondary Dwellings. Secondary dwellings shall conform to all of the following:

a) The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.

b) Either the primary dwelling or the secondary dwelling shall be occupied by

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the property owner.
(c) There shall be at least 1 off-street parking space on the property.
(d) The dwelling shall be located on a lot that is not a flag lot.
(e) Detached secondary dwellings shall:
   1. Comply with the residential density limitations in Table 9.3815(3)(n) Royal Node Special Area Zone Development Standards.
   2. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.
   3. The primary entrance to a secondary dwelling shall be defined by a roofed porch.
   4. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.

Prior to issuance of a final occupancy permit for the secondary dwelling, the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the secondary dwelling or primary dwelling is owner/occupied.

(2) **Rowhouses.** Rowhouses shall comply with the following:
(a) **Maximum Building Size.** Eight rowhouses in a building, no more than 180 feet in width.
(b) **Minimum Interior or Rear Open Space Required.** 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.
(c) **Auto Access and Parking.** Auto access and parking shall be provided from an alley to the rear of the lot; there shall be no auto access from the front of the lot.

(3) **Alley Access.** This use is permitted only if there is an alley that can provide auto access and parking. There shall be no auto access in front of the lot.

(4) **Manufactured Home Park.** The number of spaces designed for manufactured homes in the park shall comply with minimum residential density standards for the Royal Node.

(5) **Churches, Synagogues and Temples.** Permitted conditionally in areas designated for Low Density Residential use, subject to the following standards:
(a) Primary and accessory structures associated with the religious use are limited in size, at the ground floor, to no more than 10,000 square feet.
(b) Minimum requirements for on-site parking are reduced to 1 parking space per 300 square feet of floor area.

(6) **Small Business Size Limits in RMU.** Each individual business is limited to 3,000 square feet of floor area. In addition, no use may include a drive-through facility.

(7) **Small Business Size Limits in CMU.** Each individual business is limited to 5,000 square feet of floor area. In addition, no use may include a drive-through facility.

(8) **Business Size Limits in MSC.** Each individual business is limited to 30,000 square feet of floor area. In addition, no use may include a drive-through facility.
(9) **Multiple-Family Structures.** On development sites that will result in 100 feet or more of public or private street frontage, at least 60% of the site frontage abutting the street (including required yards) shall be occupied by a building(s) or enhanced pedestrian space with not more than 20 percent of the 60 percent in enhanced pedestrian space, placed within 10 feet of the minimum front yard setback line. On development sites with less than 100 feet of public or private street frontage, at least 40% of the site width shall be occupied by a building(s) placed within 10 feet of the minimum front yard setback line. Building projections and offsets with an offset interval of 10 feet or less meet this standard (excluding required yards). “Site width” as used in this standard, shall not include areas of street frontage that have significant natural resources as mapped by the city, delineated wetlands, slopes greater than 15%, recorded easements, required fire lanes or other similar non-buildable areas, as determined by the planning director.

(10) An adjustment may be made to the special use limitations in this section if consistent with the criteria in EC 9.8030(17).

(Section 9.3811 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.3815 **S-RN Royal Node Special Area Zone Development Standards - General.**

1. **Application of Standards.** In addition to the special use limitations in EC 9.3811 and the development standards in EC 9.3815 to EC 9.3823, the General Standards for All Development in EC 9.6000 through 9.6885 apply within this zone. In the event of a conflict between those general development standards and the development standards in EC 9.3815 to EC 9.3823, the specific provisions of EC 9.3815 to EC 9.3823 shall control.

2. **Adjustment.** The development standards in subsections (2) and (3) of this section may be adjusted in accordance with EC 9.8030(17).

2. **Development Standards Applicable in the LDR, MDR, RMU, CMU and MSC Subareas.**

(a) **Transportation System.**

1. **Street Network.** The location of arterial, collector, and local streets adjacent to drainage corridors, shall conform to Map 9.3815(2)(a)1 S-RN Royal Node Special Area Zone Street Network.

2. **Street Standards.** In addition to the requirements set out in The Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways:

   a. Neighborhood collector streets shall be developed in conformance with Figure 18 of the Royal Avenue Specific Plan.

   b. Alleys and local streets with drainage swales shall be designed in conformance with Figures 23 and 24 of the Royal Avenue Specific Plan.
3. **Required Alleys.** Alleys are required to be built within the areas shown on Map 9.3815(2)(a)3 S-RN Royal Node Special Area Zone Required Alleys. Alleys shall have a minimum width of 14' and a maximum width of 20'.

4. **Access from Alleys.**
   a. If the site abuts an alley, access for motor vehicles must be provided from the alley.
   b. In cases where lots front on arterial and/or collector streets or on neighborhood parks, alley access shall be provided.

(b) **Streetscapes.**
1. **Street Trees.** Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedures, and rules issued thereunder.
2. **Fences and Walls.** With the following exception, fence standards in EC 9.2171(9) shall be applied within the node. Fences and walls greater than 42" in height shall be prohibited in front yard setback areas.

(c) **Parking.**
1. **On-Street Parking.** On-street parking is required:
   a. On at least one side of the street on all local streets within the plan area, and
   b. In accordance with, and where specifically indicated on Map 9.3815(2)(c)1 S-RN Royal Node Special Area Zone On-Street Parking.
2. **On-Street Parking Allowance.** Except within the S-RN/LDR area, on-street parking spaces that directly abut a development site can be used by the development on the site to satisfy a portion of the off-street parking requirements. If two properties abut a space, both properties may count the space toward their respective requirements. If on-street spaces are not marked, the number of spaces shall be determined by measuring the curb frontage in feet and dividing by 20 feet. The curb frontage shall exclude driveways and areas where parking is not permitted.

(d) **Trash Pickup.** Trash receptacles shall be served from the alley for all sites that abut an alley.

(e) **Multi-Family Development.** With the following exceptions, Multi-Family Development Standards in EC 9.5500 shall be applied to new multi-family development within the S-RN Special Area Zone:
   1. Except as provided in EC 9.3816(5), setback sidewalks, a minimum of 5 feet in width, are required along all public streets within and abutting the development site.
   2. Setback sidewalks, a minimum of 5 feet in width, are required along all private streets serving development of 20 or more units.
   3. Sidewalks may be designed as curbside walks along portions of
public or private streets that provide parallel on-street parking within parking bays. Where this option is used, canopy street trees shall be planted within the planting strip areas created by the parking bays with an average spacing of 50' along the full length of the street.

4. On street parking spaces adjacent to the street frontage of a building shall be counted toward meeting the off-street parking requirement. If two properties abut a space, both properties may count the space toward their respective requirements. If on-street spaces are not marked, the number of spaces shall be determined by measuring the curb frontage in feet and dividing by 20 feet. The curb frontage shall exclude driveways and areas where parking is not permitted.

5. Roofs pitches must have gable, hip, or gambrel forms. Minimum roof pitch for all structures except manufactured homes shall be 4 inches of vertical rise for each 12 inches of horizontal width, and with a minimum 6-inch overhang.

(3) Development Standards Applicable in Specific Subareas of the S-RN Zone.

(a) Building Orientation and Entrances.
   1. Within the LDR subarea all primary residential structures, including multi-unit structures, must comply with the following:
      a. For buildings within 50' of the front lot line, primary building entrances shall face the street and be directly accessed by a sidewalk. On corner lots, the building entrance may face either of the streets, or be oriented toward the intersection of both streets.
      b. Off-street motor vehicle parking or vehicular circulation may not be located between the front door of the primary residence and the street.
   2. Within the RMU, CMU and MSC subareas:
      a. Buildings fronting on a street or streets must provide a main entrance on the facade of the building nearest to and facing each street that the building abuts. A main entrance is a principle entrance through which people enter the building.
      b. So long as the length of the building adjacent to the street does not exceed 50 feet, corner entrances may be used to provide entrance orientation to two streets.
      c. Off-street motor vehicle parking or vehicle circulation may not be located between the front door of any building and the street.

(b) Building Facades and Windows.
   1. Blank Walls. Within the LDR subarea, a minimum of 15 percent of any facade that faces a front property line shall contain windows or doors. Windows in garage doors do not count toward meeting this standard, but windows in garage walls that face the street do count toward meeting this standard. To count toward meeting this

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standard, a door must be at the main entrance and facing a street lot line. Gabled areas are not part of the facade for purposes of determining compliance with this section.

2. **Exterior Finish Materials.**
   a. Within the LDR subarea, concrete block, concrete, or corrugated metal may not be used as primary exterior building materials in low density residential structures, except as a trim material that covers no more than ten percent of any facade. Plywood and sheet pressboard may be used only as finish exterior material when applied in a board and batten pattern with battens spaced at two feet on center or less. Concrete and concrete block are allowed as foundation materials only.
   b. Within the RMU, CMU and MSC subareas, the exterior walls building facades shall be of suitable durable building materials including the following: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, vertical board & batten siding, articulated architectural concrete masonry units (CMU), brick, textured concrete, stucco, synthetic stucco (EIFS), and textured concrete block, or similar materials which are low maintenance, weather resistant, abrasion resistant and easy to clean. Prohibited building materials include the following: plain concrete, plain concrete block, corrugated metal, and unarticulated board siding (e.g. T1-11 siding, plywood, sheet pressboard) and similar quality, non-durable materials.

3. Within the RMU, CMU and MSC subareas, the following standards apply to stand-alone commercial buildings and to mixed-use buildings with ground-floor commercial uses:
   a. Except for building walls that face an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finish grade to a height at least 3 feet above the sill with no other limits on the height of the window. The windows on any walls that require windows shall occupy at least 60 percent of the length of the ground floor wall area. On corner lots, this provision applies to both street frontage elevations. The transparency is measured in lineal fashion (e.g. a 100 foot wide building facade shall have a total of at least 60 lineal feet of windows). This standard shall not apply to parking structures. The bottom of required windows shall be no more than 4 feet above the finished grade at the front building facade.
   b. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.
   c. Along the vertical face of a structure, offsets shall occur at a
minimum of every 50 feet by providing at least 1 of the following:
(1) Recesses, including entrances, of a minimum depth of 3 feet.
(2) Extensions, including entrances, at a minimum depth of 3 feet.
(3) Offsets or breaks in roof elevation of at least 3 feet in height.

(c) Front Porches. Within the LDR subarea, front porches shall be provided on the ground floor of all dwelling units, other than multi-family dwelling units. Front porches shall be a minimum of 6 feet deep by 10 feet wide (a minimum of 60 square feet). A minimum of 60% of each porch shall be covered to provide weather protection.

(d) Elevated Finished Floor Elevations. Within the LDR subarea, finished floor elevations of residential structures shall be a minimum of 2 feet above the grade of the sidewalks, where sidewalks are adjacent to the dwelling units.

(e) Roof Pitch.
1. Within the LDR subarea, roof pitches must have gable, hip, or gambrel forms. Minimum roof pitch for all structures except manufactured homes shall be 4 inches of vertical rise for each 12 inches of horizontal width (4:12), and with a minimum 6-inch overhang.
2. Within the CMU, RMU and MSC subareas, pitched roofs shall provide a minimum 4:12 pitch. Flat roofs shall provide a cornice, or other decorative treatment.
   a. Residential and mixed-use buildings, including accessory buildings, shall be constructed with pitched roofs having a gable, hip, or gambrel form. Minimum roof pitch on these buildings is 4 inches of vertical rise for each 12 inches of horizontal width (4:12). Such roofs shall have a minimum 6-inch overhang.
   b. Any non-residential building may have either pitched or flat roofs provided that the buildings are constructed with a cornice or parapet extending a minimum of 3 feet above the roof plane.

(f) Window and Door Treatments. Within the LDR subarea, all windows and doors shall provide a minimum 3-inch trim or be recessed a minimum of 3 inches to provide shadowing.

(g) Signs. In addition to the applicable sign standards in EC 9.6600 through 9.6650, the following standards apply:
1. Within the CMU subarea:
   a. Permitted Sign Types. Signs allowed shall be limited to the following types:
      (1) Awning signs;
Electronic message centers; Freestanding signs; Marquee signs; Readerboards; Under-marquee signs; and Wall signs.

b. **Maximum Number of Signs.** The number of signs allowed shall be limited to no more than the following amounts for each business occupant:

1. One under-marquee sign per business occupant; and
2. One awning, marquee or wall sign per business occupant; and
3. One freestanding sign per occupied building.

c. **Maximum Sign Area.** The following size limitations apply to signs in areas designated for Commercial Mixed-Use:

1. A freestanding sign shall be no more than 24 square feet for 1 face and 48 square feet for 2 or more faces.
2. The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general office sign stands apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located.
3. No awning, marquee, under-marquee, or wall sign may exceed 100 square feet.

d. **Freestanding Sign Location.** Freestanding signs are allowed to be located only at entrances to or exits from parking areas for multi-tenant buildings.

e. **Maximum Sign Height.** A freestanding sign shall be no more than 8 feet in height.

2. Within the MSC subarea:

a. **Permitted Sign Types.** Signs allowed under sign standards shall be limited to the following types:

1. Awning signs;
2. Electronic message centers;
3. Freestanding signs.
4. Marquee signs;
5. Readerboards;
6. Under-marquee signs; and
7. Wall signs.

b. **Maximum Number of Signs.** The number of signs allowed shall be limited to no more than the following amounts for each business occupant:

1. If the development site is occupied by only 1 business occupant:
(A) One under-marquee sign; and
(B) One awning, marquee, or freestanding sign;
(C) The business occupant may substitute 2 wall signs on separate walls for the free-standing sign permitted in EC 9.3815(3)(g)2.a.

(2) If the development site is occupied by more than 1 business occupant:
(A) One under-marquee sign per business;
(B) One awning, marquee or wall sign per business; and
(C) One freestanding sign or 2 additional wall signs per development site, provided that each additional wall signs are placed on separate walls.

c. Maximum Sign Area  The following size limitations apply to
signs in areas designated for Main Street Commercial use:
(1) A freestanding sign for a development site shall be no
more than 32 square feet for 1 face and 64 square feet for
2 or more faces for each business occupant on a
development site. The maximum freestanding sign area
when 2 business occupants are on the development site
shall not exceed 64 square feet for 2 face or 132 square
feet for 2 or more faces. The maximum freestanding sign
area when 3 or more business occupants are on the
development site shall not exceed 90 square feet for 1
face and 180 square feet for 2 or more faces.
(2) The sum of the area of all wall signs, marquee signs and
awning signs on any wall shall be limited to 1.0 square
feet times the length of the perimeter wall upon which the
signs are located.
(3) No individual awning, marquee, under-marquee, or wall
sign may exceed 100 square feet per face or 200 square
feet for 2 or more faces.

d. Freestanding Sign Location  Freestanding signs are permitted
only at entrances to or exits from parking areas for single
tenant or multi-tenant buildings.

e. Maximum Sign Height  A freestanding sign shall be no more
than 16 feet in height.

(h) Landscaping Standards. In addition to the landscape standards beginning
with EC 9.6200 Purpose of Landscape Standards, and for multi-family
development in EC 9.5500(8), the following standards apply to
Commercial Mixed-Use area developments in the RMU, CMU and MSC
subareas:
1. For commercial and mixed-use buildings with ground floor
commercial uses, if the building is set back from the front lot line,
the land between the building and a street must be landscaped to at
least the L-1 Landscape Standard or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least two of the pedestrian amenities described in (h)2. below. The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this subsection.

2. Acceptable pedestrian amenities to satisfy (h)1., above, include:
   a. Sidewalks, at least 8 feet in width, which include ornamental treatments (e.g. brick pavers, etc.).
   b. Benches and public outdoor seating areas.
   c. Public art (e.g. sculpture, fountain, clock, mural, etc.) with an acquisition and placement cost greater than \( \frac{3}{8} \) of 1 percent of the construction value of the structure.
   d. Plazas or pocket parks with a minimum usable area of 300 square feet
   e. Preservation of healthy, mature trees within 20' of the front sidewalk area.
   f. Transit shelter.

(i) Parking and Loading. Within the RMU, CMU and MSC subareas, in addition to the standards beginning at EC 9.6100 Purpose of Bicycle Parking Standards and EC 9.6400 Purpose of Motor Vehicle Parking and Loading Standards, the following standards apply:
   1. Motor vehicle parking, maneuvering and circulation is not permitted between the street and the portion of a building that is used to comply with building setback requirements.
   2. For commercial uses, including commercial uses in mixed use buildings:
      a. No parking spaces are necessary if 8 or fewer parking spaces are otherwise required.
      b. If 9 or more parking spaces are otherwise required, the required parking can be reduced by 4 spaces if the business provides a minimum of 2 of the amenities described in EC 9.3815(3)(h)2., above.

(j) Outdoor Storage Areas. Within the RMU, CMU and MSC subareas, except for plant nurseries, outdoor storage is not permitted.

(k) Outdoor Merchandise Display. Within the RMU, CMU and MSC subareas, except for plant and garden supply products, outdoor merchandise display is not allowed.

(l) Garbage Collection. Within the RMU, CMU and MSC subareas, all outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:
   1. Materials within enclosures shall not be visible from streets and adjacent properties.
   2. Required screening shall comply with EC 9.6210(6) Full Screen.
3. Trash and recycling receptacles for pedestrians are exempt from these requirements.

(m) **Outdoor Lighting.** Within the LDR subarea, outdoor lighting shall comply with the Low Ambient Light standards in EC 9.6725. Within the MDR, RMU, CMU and MSC subareas, outdoor lighting shall comply with the Medium Ambient Light standards in EC 9.6725.

(n) The following Table 9.3815(3)(n) sets forth additional standards for specific subareas of the S-RN Zone, subject to the special development standards in EC 9.3816 Special Development Standards for Table 9.3815(3)(n).

<table>
<thead>
<tr>
<th>Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards (See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Net Density per Acre</strong></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>8 units</td>
</tr>
<tr>
<td>14 units</td>
</tr>
<tr>
<td><strong>Maximum Net Density per Acre</strong></td>
</tr>
<tr>
<td>28 units</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
</tr>
<tr>
<td>35 feet</td>
</tr>
<tr>
<td>50'</td>
</tr>
<tr>
<td><strong>Main Building</strong></td>
</tr>
<tr>
<td>25 feet</td>
</tr>
<tr>
<td>50'</td>
</tr>
<tr>
<td><strong>Accessory Building. Includes Secondary Dwellings Detached from Main Building</strong></td>
</tr>
<tr>
<td>25 feet</td>
</tr>
<tr>
<td>50'</td>
</tr>
<tr>
<td><strong>Minimum Front Yard Setbacks</strong></td>
</tr>
<tr>
<td><strong>Setbacks (2) (3) (5) (6) (7) (8) (9)</strong></td>
</tr>
<tr>
<td>Front Yard Setback - residential (3)</td>
</tr>
<tr>
<td>Front Yard Setback - Garage doors and Carport (7)</td>
</tr>
<tr>
<td>Front Yard Setback - Commercial (5) (6)</td>
</tr>
<tr>
<td>Front Yard Setback - Mixed Use (5) (6)</td>
</tr>
<tr>
<td>Interior Yard Setback - Attached Buildings (2)(4)</td>
</tr>
<tr>
<td>Interior Yard Setback - Detached Buildings (2)(4)</td>
</tr>
<tr>
<td>Front Yard Setback - Mixed Use Building with Ground Floor Commercial (5)(6)</td>
</tr>
<tr>
<td>Maximum Front Yard Setback</td>
</tr>
<tr>
<td>Commercial and/or Mixed Use Building except those Buildings on Royal Avenue or Roosevelt Boulevard with Commercial on Ground Floor in CMU or MSC</td>
</tr>
</tbody>
</table>

9-158.9  2/15/2003
Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards
(See EC 9.3816 Special Development Standards for Table 9.3815(3)(n))

<table>
<thead>
<tr>
<th></th>
<th>LDR</th>
<th>MDR</th>
<th>RMU</th>
<th>CMU</th>
<th>MSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Buildings with more than 100' of street frontage</td>
<td>60% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>60% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>60% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>60% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>60% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
</tr>
<tr>
<td>Residential Building with less than 100' of street frontage</td>
<td>40% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>40% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>40% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>40% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
<td>40% of the lot width occupied by building placed within 10' of the minimum front yard setback line</td>
</tr>
<tr>
<td>Non-residential Building fronting on Royal Avenue or Roosevelt Boulevard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard Setback Residential Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Lots, Excluding Rowhouse Lots</td>
<td>50%</td>
<td>50%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowhouse Lots</td>
<td>75%</td>
<td>75%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fences - Maximum Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within Front Yard Setback Area</td>
<td>42 inches</td>
<td>42 inches</td>
<td>42 inches</td>
<td>42 inches</td>
<td>42 inches</td>
</tr>
<tr>
<td>Within Interior Yard Setback Area</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>Minimum Floor Area Ratio</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Structures Not Mixed with Residential Uses</td>
<td>0.5</td>
<td>0.5</td>
<td>0.5</td>
<td>0.5</td>
<td>0.5</td>
</tr>
</tbody>
</table>

(Section 9.3815 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.3816 Special Development Standards for Table 9.3815(3)(n).

(1) An adjustment may be made to the development standards of Table 9.3815(3)(n) and this section in accordance with EC 9.8030(17).

(2) A minimum 5' interior yard setback is required along alleys.

(3) Certain building features and uses may intrude into the required setback. See EC 9.6745 Setbacks - Intrusions Permitted.
Except as provided in this subsection (4), no interior setback along the side property lines is required if common wall construction is used. If common wall construction is used, it must conform to applicable building codes. A 5 foot setback is required at the end of a rowhouse building, or a minimum of 10 feet between the rowhouse building and any adjacent building.

All buildings in the MSC and CMU subareas fronting on either Royal Avenue or Roosevelt Boulevard shall be set back 6' from the front property line. The setback area shall be paved to create a continuous 12' wide sidewalks along the full length of the Main Street Commercial and Commercial Mixed-Use designations along the Royal Avenue and Roosevelt Boulevard street frontage.

For commercial and mixed use buildings not fronting on either Royal Avenue or Roosevelt Boulevard, at least 80% of the street-facing facade of commercial and mixed-use buildings must be within 15' of the front lot line.

Garage and Carport Placement.

(a) Within the LDR subarea, attached or detached garages and carports:
   1. Shall be set back a minimum of 18' from a public or private street if the garage or carport entrance faces the street;
   2. Shall be set back a minimum of 10' from a public or private street if the garage or carport entrance is perpendicular to the street;
   3. Shall be set back a minimum of 5' from an alley, measured from the edge of the property line;
   4. Garage and carport entrances may be placed only:
      a. Perpendicular to (facing) an alley, parallel to an alley, or angled up to 45 degrees to an alley.
      b. Perpendicular to (facing) or parallel to a street;
      c. As part of the front facade of a structure if recessed at least 4' behind the front wall of the structure, excluding porches or other projections;
      d. At the rear of a dwelling unit with access from a street. This type of access is prohibited where it would result in adjacent driveways. In that case, a shared driveway and reciprocal access easements shall be required.

(b) Within the RMU subarea:
   1. All garages and carports shall be located so as to take access from an alley
   2. A minimum 5-foot rear yard setback is required for garages and carports that are accessed from an alley. Garages and carport entrances may be located perpendicular to (facing) an alley, parallel to an alley, or angled up to 45 degrees to an alley.

Garbage Collection. Garbage collection areas shall not be located within required setbacks.

Delivery and Loading Areas. Within the RMU, CMU and MSC subareas, delivery and loading facilities are not permitted in required setback areas.

(Section 9.3816 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)
### S-RN Royal Node Special Area Zone Lot Standards

The following Table 9.3822 sets forth lot standards within the S-RN zone. The numbers in () are references to special limitations that are set forth in EC 9.3823.

<table>
<thead>
<tr>
<th>Lot Area Minimum</th>
<th>LDR</th>
<th>MDR</th>
<th>RMU</th>
<th>CMU</th>
<th>MSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rowhouse Lot (2)</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
</tr>
<tr>
<td>Duplex Lots (3)</td>
<td>6,400 square feet</td>
<td>6,400 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
</tr>
<tr>
<td>Triplex Lots (4)</td>
<td>9,600 square feet</td>
<td>9,600 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
</tr>
<tr>
<td>Fourplex Lots (5)</td>
<td>12,800 square feet</td>
<td>12,800 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
<td>1,600 square feet</td>
</tr>
<tr>
<td>All Other Lots in LDR and MDR</td>
<td>3,200 square feet</td>
<td>1,600 square feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Commercial Lots</td>
<td></td>
<td></td>
<td>10,000 square feet</td>
<td>10,000 square feet</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)</td>
<td>3,600 square feet</td>
<td>3,600 square feet</td>
<td>3,600 square feet</td>
<td>3,600 square feet</td>
<td>3,600 square feet</td>
</tr>
<tr>
<td>Maximum Lot Area Per Residential Unit (Except Rowhouse Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Duplex Division Lots)</td>
<td></td>
<td></td>
<td>4,500 square feet</td>
<td>4,500 square feet</td>
<td>4,500 square feet</td>
</tr>
</tbody>
</table>

### Lot Frontage Minimum

#### Interior Lot
- Rowhouse Lot (2) | 20 feet | 20 feet | 20 feet | 20 feet | 20 feet |
- Duplex, Triplex, Fourplex | 40 feet | 40 feet | 20 feet | 20 feet |
- Other Residential Lot | 40 feet | 20 feet | 20 feet | 20 feet |
- Commercial Lot | 20 feet | 20 feet | 20 feet |

#### Corner Lot
- Rowhouse Lot (2) | 20 feet | 20 feet | 20 feet | 20 feet |
- Duplex, Triplex, Fourplex | 40 feet | 40 feet | 20 feet |
- Other Residential Lot | 40 feet | 20 feet | 20 feet |
- Commercial Lot | 20 feet | 20 feet | 20 feet |

#### Curved Lot
- Rowhouse Lot (2) | 20 feet | 20 feet | 20 feet | 20 feet |
- Duplex, Triplex, Fourplex | 30 feet | 30 feet | 20 feet |
- Other Residential Lot | 30 feet | 20 feet | 20 feet |
- Commercial Lot | 20 feet | 20 feet | 20 feet |

#### Cul-de-sac Bulb (6)(7)
- Rowhouse Lot (2) | 20 feet | 20 feet |
- Duplex, Triplex, Fourplex | 30 feet Duplex only | 20 feet |
- Other Residential Lot | 30 feet | 20 feet | 20 feet | 20 feet |
Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards
(See EC 9.3823 Special Standards for Table 9.3822.)

<table>
<thead>
<tr>
<th>Average Lot Width Minimum</th>
<th>LDR</th>
<th>MDR</th>
<th>RMU</th>
<th>CMU</th>
<th>MSC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interior Lot</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowhouse Lot (2)</td>
<td></td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Duplex, Triplex, Fourplex</td>
<td>40 feet</td>
<td>40 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Other Residential Lot</td>
<td>40 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Commercial Lot</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Corner Lot</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowhouse Lot (2)</td>
<td></td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Duplex, Triplex, Fourplex</td>
<td>50 feet</td>
<td>50 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Other Residential Lot</td>
<td>50 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Commercial Lot</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Curved Lot</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowhouse Lot (2)</td>
<td></td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Duplex, Triplex, Fourplex</td>
<td>30 feet</td>
<td>30 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Other Residential Lot</td>
<td>30 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Commercial Lot</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Cul-de-sac Bulb (6)(7)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowhouse Lot (2)</td>
<td></td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Duplex, Triplex, Fourplex</td>
<td>30 feet, Duplex Only</td>
<td>20 feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Residential Lot</td>
<td>30 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td></td>
</tr>
</tbody>
</table>

(Section 9.3822 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.3823 **Special Standards for Table 9.3822.**

(1) An adjustment may be made to the development standards of Table 9.3822 and this section in accordance with EC 9.8030(17).

(2) Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse. Rowhouses are not required to comply with the density requirements for other types of residential development.

(3) Duplex lots shall be indicated on the final plat and shall be developed as a duplex.

(4) Tri-plex lots shall be indicated on the final plat and shall be developed as a tri-plex.

(5) Four-plex lots shall be indicated on the final plat and shall be developed as a four-plex.

(6) Cul-de-sacs will only be permitted as provided in EC 9.6815 and EC 9.6820.

(7) Cul-de-sacs are not permitted in areas designated for Medium-Density residential use.

9-158.13 2/15/2003
(8) Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)

(Section 9.3823 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

S-W Whiteaker Special Area Zone

9.3900 Purpose of S-W Whiteaker Special Area Zone. The purpose of the S-W Whiteaker Special Area Zone is to encourage the economic vitality of the area for industrial, institutional, and commercial uses while also allowing a mix of residential dwellings. This zone has a broad range of permitted uses. No single use is mandated or required within the area and the zone encourages both a mixture of uses within a building as well as within a block. The mix of land uses and increase in residential density and employment opportunities is designed to provide a place for people to live and work in the same area. It is intended that the character of the zone develop so that the diversity of uses are enhanced and tied together with various forms of usable public and private open space where there is pedestrian-oriented activity. Appropriate intermingling of structures, street amenities, and major landscape features will be necessary in order to integrate older development with newer development. Development within the zone will occur incrementally over time and this zoning will help ensure a coordinated effort is undertaken to improve the area by the public and private sectors. The S-W zone is also designed to:

(1) Encourage the continued economic vitality of existing and redeveloped commercial and industrial uses with recognition of their role in providing a needed diversity of land uses and job opportunities.
(2) Encourage an increase in residential density to create additional opportunities for people to live close to major employment areas.
(3) Encourage actions that will enhance the attractiveness of the area and increase the use of major landscape features that can help tie the public and private open spaces together.
(4) Encourage the preservation, rehabilitation, and restoration of significant historic structures and retention of older, mature street trees.

(Section 9.3900, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3905 S-W Whiteaker Special Area Zone Siting Requirements. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be planned for a special mix of uses in the Whiteaker Neighborhood Plan.

(Section 9.3905, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.3910 S-W Whiteaker Special Area Zone Land Use and Permit Requirements. The following Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements identifies those uses in the S-W zone that are:

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Permitted, subject to zone verification.
Permitted, subject to an approved site review plan.
Subject to conditional use permit or an approved final planned unit development.
Permitted, subject to an approved final planned unit development.
Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
The numbers in () in the table are uses that have special use limitations that are described in EC 9.3911.

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

<table>
<thead>
<tr>
<th>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accessory Uses</strong></td>
</tr>
<tr>
<td>Accessory Uses. Examples related to residential uses include a garage, storage shed, bed and breakfast facility (see EC 9.5100), home occupations (see EC 9.5350), and secondary dwellings (see EC 9.2741(2)). Examples relating to commercial and industrial uses include security work, administration activity and sales related to industrial uses manufactured on the same development site, and storage and distribution incidental to the primary use of the site.</td>
</tr>
<tr>
<td>Community and Allotment Garden</td>
</tr>
<tr>
<td>Horticultural Use</td>
</tr>
<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
</tr>
<tr>
<td>Bar and Tavern</td>
</tr>
<tr>
<td>Delicatessen</td>
</tr>
<tr>
<td>Restaurant</td>
</tr>
<tr>
<td>Specialty Food and Beverage. Examples include a bagel, candy, coffee, donut, and ice cream store. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.</td>
</tr>
<tr>
<td><strong>Education, Cultural, Religious, Social and Fraternal</strong></td>
</tr>
<tr>
<td>Artist Gallery/Studio</td>
</tr>
<tr>
<td>Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio</td>
</tr>
<tr>
<td>Church, Synagogue, and Temple, including associated residential structures for religious personnel, but excluding elementary through high school</td>
</tr>
<tr>
<td>Community and Neighborhood Center</td>
</tr>
<tr>
<td>School, Business or Specialized Educational Training, excludes driving instruction</td>
</tr>
<tr>
<td>School, Elementary through High School</td>
</tr>
<tr>
<td>Museum</td>
</tr>
<tr>
<td><strong>Entertainment and Recreation</strong></td>
</tr>
<tr>
<td>Amusement Center (arcade, pool tables, etc.)</td>
</tr>
<tr>
<td>Athletic Facility and Sports Club</td>
</tr>
<tr>
<td>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td><strong>Financial Services</strong></td>
</tr>
<tr>
<td>Automated Teller Machine (ATM)</td>
</tr>
<tr>
<td>Bank, Savings and Loan Office, Credit Union</td>
</tr>
<tr>
<td><strong>Government</strong></td>
</tr>
<tr>
<td>Government Services, not listed elsewhere</td>
</tr>
<tr>
<td><strong>Information Technology Services</strong></td>
</tr>
<tr>
<td>Computer Networking (includes services and technical support center) (See EC 9.3915(3))</td>
</tr>
<tr>
<td>E-commerce (includes on-site shipping via truck) (See EC 9.3915(3))</td>
</tr>
<tr>
<td>E-commerce (excludes on-site shipping via truck) (See EC 9.3915(3))</td>
</tr>
<tr>
<td>Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics) (See EC 9.3915(3))</td>
</tr>
<tr>
<td>Internet and Web Site (includes services and technical support center) (See EC 9.3915(3))</td>
</tr>
<tr>
<td>Software Development (includes services and technical support center) (See EC 9.3915(3))</td>
</tr>
<tr>
<td><strong>Lodging</strong></td>
</tr>
<tr>
<td>Homeless Shelter Not in Existence as of January 1, 1984</td>
</tr>
<tr>
<td><strong>Manufacturing</strong></td>
</tr>
<tr>
<td>Apparel, Clothing, and other finished products made from fabrics, wool, yarn and similar materials</td>
</tr>
<tr>
<td>Asphalt Mixing and Batching/Concrete Mixing and Batching</td>
</tr>
<tr>
<td>Beverage Products</td>
</tr>
<tr>
<td>Chemical, Drug, Cosmetics, and Related Products</td>
</tr>
<tr>
<td>Cleaning and Dyeing Plant</td>
</tr>
<tr>
<td>Concrete, Gypsum, and Plaster Products</td>
</tr>
<tr>
<td>Contractor's Storage Yard</td>
</tr>
<tr>
<td>Electronic and Communication Components, Systems, Equipment, and Supplies, includes computers and semi-conductors</td>
</tr>
<tr>
<td>Food Products</td>
</tr>
<tr>
<td>Furniture and Fixtures</td>
</tr>
<tr>
<td>Glass Products</td>
</tr>
<tr>
<td>Handcraft Industries, small scale manufacturing</td>
</tr>
<tr>
<td>Leather Products</td>
</tr>
<tr>
<td>Lumber and Wood Products</td>
</tr>
<tr>
<td>Machinery</td>
</tr>
<tr>
<td>Measuring, analyzing, and controlling instruments and time pieces</td>
</tr>
<tr>
<td>Metal Products Fabrication, machine/welding shop (no blast furnace)</td>
</tr>
<tr>
<td>Motor Vehicles and Transportation Equipment</td>
</tr>
<tr>
<td>Paints and Allied Products</td>
</tr>
<tr>
<td>Paper and Allied Products (In I-1 no manufacturing of raw materials)</td>
</tr>
<tr>
<td>Photographic and Copying Equipment</td>
</tr>
<tr>
<td>Precision Testing, Medical, and Optical Goods</td>
</tr>
<tr>
<td>Recycling- reverse vending machine</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Medical, Health, and Correctional Services</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Correctional Facility, excluding Residential Treatment Center</td>
<td>C(3)</td>
</tr>
<tr>
<td>Hospital, Clinic or other Medical Health Treatment Facility (including mental health) in excess of 10,000 square feet of floor area</td>
<td>C(3)</td>
</tr>
<tr>
<td>Hospital, Clinic, or other Medical Health Treatment Facility (including mental health) 10,000 square feet or less of floor area</td>
<td>P</td>
</tr>
<tr>
<td>Meal Service, Non-profit</td>
<td>P</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>P</td>
</tr>
<tr>
<td>Residential Treatment Center</td>
<td>C(3)</td>
</tr>
<tr>
<td>Motor Vehicle Related Uses</td>
<td></td>
</tr>
<tr>
<td>Parking Area not directly related to a primary use on the same development site</td>
<td>P</td>
</tr>
<tr>
<td>Repair, includes paint and body shop</td>
<td>P</td>
</tr>
<tr>
<td>Structured Parking, up to two levels not directly related to a primary use on the same development site</td>
<td>P</td>
</tr>
<tr>
<td>Structured Parking, three or more levels not directly related to a primary use on the same development site</td>
<td>C</td>
</tr>
<tr>
<td>Tires, Sales/Service</td>
<td>P</td>
</tr>
<tr>
<td>Transit, Neighborhood Improvement</td>
<td>P</td>
</tr>
<tr>
<td>Transit Park and Ride, Major</td>
<td>P</td>
</tr>
<tr>
<td>Transit Park and Ride, Minor</td>
<td>P</td>
</tr>
<tr>
<td>Transit Station, Major</td>
<td>P</td>
</tr>
<tr>
<td>Transit Station, Minor</td>
<td>P</td>
</tr>
<tr>
<td>Office Uses</td>
<td></td>
</tr>
<tr>
<td>Administrative, General, and Professional Office</td>
<td>P</td>
</tr>
<tr>
<td>Scientific and Educational Research Center, includes laboratory</td>
<td>P</td>
</tr>
<tr>
<td>Personal Services</td>
<td></td>
</tr>
<tr>
<td>Barber, Beauty, Nail, Tanning Shop</td>
<td>P(1)</td>
</tr>
<tr>
<td>Day Care Facility (Day care operations part of a residence are included in residential category.)</td>
<td>C</td>
</tr>
<tr>
<td>Dry Cleaner</td>
<td>P(1)</td>
</tr>
<tr>
<td>Film, Drop-off/Pick-up</td>
<td>P(1)</td>
</tr>
<tr>
<td>Locksmith Shop</td>
<td>P(1)</td>
</tr>
<tr>
<td>Laundromat, Self-Service</td>
<td>P(1)</td>
</tr>
<tr>
<td>Mailing and Package Service</td>
<td>P(1)</td>
</tr>
<tr>
<td>Shoe Repair Shop</td>
<td>P(1)</td>
</tr>
<tr>
<td>Tailor Shop</td>
<td>P(1)</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Dwellings</td>
<td></td>
</tr>
<tr>
<td>One-Family Dwelling (1 Per Lot)</td>
<td>P(2)</td>
</tr>
<tr>
<td>S-W Whiteaker Special Area Zone Uses and Permit Requirements</td>
<td>S-W</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)</td>
<td>P(2)</td>
</tr>
<tr>
<td>Duplex (Two-Family Attached on Same Lot)</td>
<td>P(2)</td>
</tr>
<tr>
<td>Tri-plex (Three-Family Attached on Same Lot)</td>
<td>P(2)</td>
</tr>
<tr>
<td>Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)</td>
<td>P(2)</td>
</tr>
<tr>
<td><strong>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</strong></td>
<td></td>
</tr>
<tr>
<td>Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)</td>
<td>P</td>
</tr>
<tr>
<td>Assisted Care (6 or more people living in facility)</td>
<td>P</td>
</tr>
<tr>
<td>Day Care (3 to 12 people served) (See EC 9.5200)</td>
<td>P</td>
</tr>
<tr>
<td>Day Care (13 or more people served)</td>
<td>P</td>
</tr>
<tr>
<td>Day care operations not part of a residence are included in the Personal Services category.</td>
<td></td>
</tr>
<tr>
<td><strong>Rooms for Rent Situations</strong></td>
<td></td>
</tr>
<tr>
<td>Boarding and Rooming House</td>
<td>P</td>
</tr>
<tr>
<td><strong>Trade (Retail and Wholesale)</strong></td>
<td></td>
</tr>
<tr>
<td>Agricultural Machinery Rental/Sales/Service</td>
<td>P</td>
</tr>
<tr>
<td>Bicycle Rental/Sales/Service</td>
<td>P</td>
</tr>
<tr>
<td>Boat and Watercraft Sales/Service</td>
<td>P</td>
</tr>
<tr>
<td>Book Store</td>
<td>P</td>
</tr>
<tr>
<td>Building Materials and Supplies</td>
<td>P</td>
</tr>
<tr>
<td>Computer Store</td>
<td>P</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>P(1)</td>
</tr>
<tr>
<td>Drug Store (excludes drug treatment center)</td>
<td>P</td>
</tr>
<tr>
<td>Electrical Appliances and Supplies</td>
<td>P</td>
</tr>
<tr>
<td>Equipment, Light, Rental/Sales/Service</td>
<td>P</td>
</tr>
<tr>
<td>Fabric Store</td>
<td>P</td>
</tr>
<tr>
<td>Floor Covering Store</td>
<td>P</td>
</tr>
<tr>
<td>Furniture and Home Furnishing Store</td>
<td>P</td>
</tr>
<tr>
<td>Garden Supply/Nursery, includes feed and seed store</td>
<td>P</td>
</tr>
<tr>
<td>General Merchandise (includes supermarket and department store)</td>
<td>P(1)</td>
</tr>
<tr>
<td>Office Equipment and Supplies</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor Vending</td>
<td>P</td>
</tr>
<tr>
<td>Plumbing Supplies and Services</td>
<td>P</td>
</tr>
<tr>
<td>Retail trade when secondary, directly related, and limited to products manufactured, repaired, assembled, or packaged on the development site</td>
<td>P</td>
</tr>
<tr>
<td>Specialty Store (examples include a gift, computer, candy, or video store)</td>
<td>P(1)</td>
</tr>
<tr>
<td>Storage Facility, Household/Consumer Goods (excluding motor vehicles)</td>
<td>P</td>
</tr>
<tr>
<td>Toy and Hobby Store</td>
<td>P</td>
</tr>
<tr>
<td>Video Store</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale Trade, Regional Distribution</td>
<td>P</td>
</tr>
<tr>
<td><strong>Utilities and Communication</strong></td>
<td></td>
</tr>
<tr>
<td>Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td>P</td>
</tr>
</tbody>
</table>
| Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact. | P
| Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact. | P
| Telecommunication Facility (Refer to EC 9.5750) | S
| Water Reservoir, elevated above ground level | SR

**Other Commercial Services**

| Building Maintenance Service | P
| Catering Service | P
| Collection Center, Collection of Used Goods (See EC 9.5150) | P
| Heliport and Helistop | C(3)
| Kennel | C(3)
| Mortuary | C(3)
| Photographers’ Studio | P
| Picture Framing and Glazing | P
| Printing, Blueprinting, and Duplicating | P
| Publishing Service | P
| Temporary Activity (See EC 9.5800) | S
| Train Station | P

(Section 9.3910, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**9.3911 Special Use Limitations for Table 9.3910.**

1. **Drive-up or Drive-through Facilities.** No drive-up or drive-through facilities are allowed in this zone.

2. **Residential Density.** There is no minimum density; maximum density is according to the R-4 residential density requirements in Table 9.2750.

3. **Conditional Use Permit Process.** Where a conditional use permit process is required, the hearings official shall give special attention to the potential noise emissions or other environmental qualities that could influence the livability and economic vitality of the area.

(Section 9.3911, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
S-W Whiteaker Special Area Zone Development and Lot Standards. Except as provided in subsections (5) to (12) of this section, sections 9.6000 to 9.6885 General Standards for All Development in this land use code shall apply within this S-W zone. In the event of a conflict between the general development standards of this land use code and the standards set forth in this section, the specific provisions of this section shall control.

(1) **Residential Standards.** Except as provided in subsections (5) to (12) of this section, all residential development shall be subject to the standards established for the C-2 zone.

(2) **Industrial Standards.** Except as provided in subsections (5) to (12) of this section, all industrial development shall be subject to the standards established for the I-2 zone.

(3) **Commercial and Professional Office Standards.** Except as provided in subsections (5) to (12) of this section, all commercial or professional office development and information technology services shall be subject to the standards established for the C-2 zone.

(4) **Mixed Use Standards.** Mixed use development shall be subject to the least restrictive standards set forth in this section that are applicable to the project.

(5) **Parking.** Off-street parking shall be provided in accordance with applicable provisions of this land use code, including provisions for shared parking and parking within 1000 feet of the development site, except that there shall be no off-street parking required for motor vehicles for up to 6 residential dwellings that are part of a mixed use development.

(6) **Landscaping.** At the time property adjoining a public right-of-way is developed or redeveloped, the curb strip landscaping shall be restored or implemented. An exception to the use of plant materials shall be made if the curb strip is providing another function for the public such as a bus stop shelter, secure bicycle storage area, or wider sidewalk. The use of benches or moveable planters are also encouraged in this area. Any permits required by provisions of this land use code shall be obtained prior to such restoration or installation of benches or planters.

(7) **Height.** Height limitations in this S-W zone shall not exceed 45 feet in height. Height limitations established in EC 9.6715 Height Limitation Areas to protect the view to and from Skinner Butte, shall apply to those areas indicated herein.

(8) **Lot Area.** Each lot or development site shall have a minimum area of 4,500 square feet. However, lot area, frontage, and width minimums may be adjusted by the planning director if consistent with the purpose and intent of this land use code and necessary and suitable within the zone.

(9) **Solar Access.** Development shall be exempt from the solar access requirements of this land use code.

(10) **Sign Standards.** The provisions of the Industrial Sign Standards set forth in this land use code shall apply within this S-W zone, except that additional restrictions may be imposed through site review.
(11) **Historic Marker Preservation.** Development within this zone shall not result in removal of the stone marker of Eugene Skinner's cabin. When the area south of Second Avenue, between Lawrence and Lincoln Streets, is redeveloped, enhanced opportunities for public viewing of the stone marker shall be provided.

(12) **3rd-4th Connector.** Prior to new development along the 3rd-4th connector, the city manager may include requirements such as, but not limited to, public right-of-way dedication and realignment, street improvements, and sidewalks.

(Section 9.3915, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Eugene Code/UL Urban Land Code

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Overlay Zones

General

9.4000 Overlay Zones - Purpose and Applicability of Standards. Overlay zones are intended to provide special regulations and standards that supplement the base zone and special area zone regulations and standards. In addition to the applicable provisions in this code, the development standards in EC 9.4050 through 9.4860 shall apply to any development in the applicable overlay zone, unless otherwise provided in those sections.

(Section 9.4000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

/# Residential Density Range Overlay Zone

9.4050 Purpose of Residential Density Range Overlay Zone. The residential density range overlay zone is intended to narrow the density range normally allowed in the base zone or special area zone to achieve one or more of the following:

(1) Increase the efficiency of public services and facilities.
(2) Ensure higher densities in appropriate locations, such as transit corridors or nodes.
(3) Ensure lower densities in areas with significant natural resources or environmental site constraints such as steep slopes or natural hazards.
(4) Promote preservation of existing neighborhood character distinguished by significant architectural or historic resources.

(Section 9.4050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4060 Applicability. The residential density overlay zone applies to all property where # is indicated on the Eugene overlay zone map. The Residential Density Range overlay zone only pertains to requirements for lot area per dwelling unit and residential net density as indicated on the Eugene overlay zone map. The provisions of the residential density range overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4065 Standards. Suffix numbers, including but not limited to the following examples, shall indicate the maximum number of dwelling units permitted per net acre or, as indicated with the use of a second number, both the minimum and maximum net residential density. The following are examples of suffixes for the residential density
range overlay zone and their density equivalents:

<table>
<thead>
<tr>
<th>Suffix Numbers (examples)</th>
<th>Density Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>/5</td>
<td>Maximum density of 5 dwelling units per net acre; no minimum density.</td>
</tr>
<tr>
<td>/5-10</td>
<td>Minimum density of 5 dwelling units per net acre, maximum density of 10 dwelling units per net acre.</td>
</tr>
</tbody>
</table>

Previously established suffixes described in terms of the maximum allowed dwelling units per gross acre shall hereafter be described as the maximum allowed dwelling units per net acre. (Refer also to Table 9.2750.)

(Section 9.4065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4070 **Purpose of /BW Broadway Overlay Zone.** The /BW overlay zone is intended to implement the Metro Plan and TransPlan by:

(1) Establishing, strengthening, and maintaining a high quality urban environment with compatible commercial, residential and recreational uses.

(2) Creating a pedestrian-friendly environment.

(3) Encouraging active retail uses and eating establishments on the ground floor.

(4) Prohibiting development and activities that are antithetical to pedestrian activity along the street.

(5) Making Broadway a major destination in Downtown for both daytime and nighttime activities.

(6) Creating development standards that:

(a) Improve the quality and appearance of development in the city.

(b) Ensure that such development is complementary to the community as a whole.

(c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.

(d) Increase opportunities for use of alternative modes of transportation.

(e) Promote streetscapes that are consistent with the desired character of the underlying commercial zones.

(f) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.

(7) Encourage residential uses, especially above the ground floor.

(Section 9.4070 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

9.4075 **/BW Broadway Overlay Zone Siting Requirements.** If consistent with the approval criteria in EC 9.8865 Zone Change Approval Criteria, the /BW Broadway
Overlay Zone may be applied to properties abutting Broadway between Charnelton and Oak Streets but not to historic properties. (See EC 9.0500)
(Section 9.4075 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

9.4080 **Applicability.** The /BW overlay zone applies to all property to which the /BW overlay zone has been applied through the City’s rezoning process.
(Section 9.4080 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

9.4085 **/BW Broadway Overlay Zone Development Standards.**
(1) (a) **Application of Standards.** The General Standards for All Development in EC 9.6000 through EC 9.6885, the special standards for specific uses in EC 9.5000 through EC 9.5850, as well as all development standards in the applicable base zone apply within this overlay zone. In the event of a conflict between the development standards, the specific provisions of EC 9.4085 through EC 9.4090 shall control. The /BW standards in this section only apply to:
2. New development on vacant land.
3. New structures on redevelopment sites, such as conversion of a parking area to a building or demolition of a building and construction of a new building.
4. A proposed expansion of 30% or more of the total existing structure square footage on the development site.
5. A proposed exterior modification affecting 30% or more of the ground floor wall surface facing Broadway. These modifications must comply only with the standards at EC 9.4085(3), (5), (7) and (8).
(b) **Adjustment.** The development standards in EC 9.4085(2) through (9) may be adjusted in accordance with EC 9.8030(16).
(c) **Nonconforming Uses.** Notwithstanding EC 9.1220(3), a legally established use that does not conform to the allowed uses for the /BW Broadway Overlay Zone may expand its square footage by up to 30% of the area occupied by the use on November 25, 2002.

(2) **Building Setback.** At least 70% of the Broadway-facing linear footage of first and second floors shall have a maximum two-foot building setback.
(3) **Entrances.** For buildings that are not on street corners, main building entrances shall face Broadway. Main entrances on corner buildings may face the corner.
(4) **Building Height.** A building shall provide either a floor-to-ceiling first floor minimum height of 12 feet for new construction, or a two-story entry space with corresponding glazed area of no less than one-third of the building width along Broadway.

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(5) Building Facade. At least 75 percent of Broadway-facing first floor wall area shall have openings, glazing, display windows or doorways with at least 75 percent of the total door faces being glazing, or a combination thereof. The openings, glazing and display windows must allow two-way visibility. Mullions and other solid components normally associated with glazed window systems may be counted as part of the glazing for purposes of this section. Dwelling units on the ground floor are exempt from this requirement.

(6) Lighting. Notwithstanding any other provisions of this code, outdoor lighting of a building facade is permitted if provided in accordance with the standards for buildings of exceptional symbolic or historic significance (refer to EC 9.6725(13)).

(7) Rain Protection. For every building abutting Broadway, awnings, canopies or recessed entries, or a combination of these, shall provide at least 30 inches of rain protection along at least 50 percent of that building’s walls abutting Broadway.

(8) Building Projections. Building projections such as bay windows and functional balconies shall be permitted for no more than 30 percent of the length of the affected floor along Broadway. No projection shall extend to more than three feet over the right-of-way.

(9) Outdoor Storage. No outdoor storage shall be permitted except for equipment used by an outdoor café permitted pursuant to EC 3.344(3) during the period from March 1 through November 30.

(10) Ground Floor Use. Ground floor non-residential uses located within 15 feet of the Broadway facade must accommodate walk-in customer service.

(Section 9.4085 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

9.4090 Prohibited Uses in the /BW Broadway Overlay Zone. The following uses are specifically prohibited in the /BW Broadway Overlay Zone:

(1) Parking garages visible on the Broadway frontage at any level.

(2) Outdoor storage, except for temporary events.

(3) Warehousing, heavy industry, primary storage, or telecommunication facilities (excluding call centers), unless as a secondary use for a use permitted in the /BW Broadway Overlay Zone.

(4) Uses which include a new vehicular access to Broadway.

(5) Awnings classified as “temporary structures,” except for special events.

(6) Motor Vehicle Related Uses.

(a) Car washes.
(b) Parts stores.
(c) Recreational vehicle and heavy truck, sales/rental/service.
(d) Motor vehicle and motorcycle sales/rental/service.
(e) Service stations, includes quick servicing and automobile repair.
(f) Tires, sales/service.
(g) Transit park and ride, major or minor, except under a shared parking
arrangement with another permitted use.
(h) Lots or parcels used exclusively for parking.
(i) New drive-through facilities.
(7) Trade (Retail and Wholesale).
(a) Agricultural machinery rental/sales/service.
(b) Boats and watercraft sales and service.
(c) Equipment, heavy, rental/sales/service.
(d) Manufactured dwelling sales/service/repair.

(Section 9.4090 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

/CAS Commercial Airport Safety Overlay Zone

9.4100 Purpose of /CAS Airport Safety Overlay Zone. The /CAS Commercial Airport Safety overlay zone affects lands adjacent to and within the Eugene Airport. This overlay zone is intended to achieve the following:

(1) Prevent the creation or establishment of an obstruction that has the potential of being a public nuisance or may be a danger to persons or property in the area served by the Eugene Airport.

(2) Prevent the creation or establishment of obstructions that are a hazard to air navigation.

(Section 9.4100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4110 Applicability. This /CAS overlay zone is applied to those lands within the city's jurisdiction that are encompassed by the sectors described in this overlay zone and as indicated in the Eugene overlay zone map. The provisions of the /CAS overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4120 Commercial Airport Safety Overlay Zone Terms. As used in this overlay zone, unless the context requires otherwise, the following words and phrases mean:

Airport Elevation. The highest point of the Eugene Airport's usable landing area measured in feet from sea level.

Airspace Plan. A plan shown as Sheet Number 6 and 7 of 13 of the Airport Layout Plan and identified as being part of the 2000 Eugene Airport Master Plan on file in the Eugene Department of Public Works and at the Eugene Permit and Information Center. (Refer to Map 9.4120 Airspace Plan.)

Centerpoint Coordinates. In this overlay zone, the centerpoint coordinates at the ends of each runway primary surface have the following plan coordinates (from the
Oregon Coordinate System of 1927, South Zone) and elevations (from the 1929 North American Vertical Datum):

<table>
<thead>
<tr>
<th>Runway</th>
<th>Centerpoint Coordinates</th>
<th>Centerpoint Elevations in Feet Above Mean Sea Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North (1927 OCS)</td>
<td>East (1927 OCS)</td>
</tr>
<tr>
<td>16R-</td>
<td>911,405</td>
<td>1,286,499</td>
</tr>
<tr>
<td>34L</td>
<td>902,212</td>
<td>1,286,300</td>
</tr>
<tr>
<td>16L-</td>
<td>910,367</td>
<td>1,290,774</td>
</tr>
<tr>
<td>34R</td>
<td>904,370</td>
<td>1,290,649</td>
</tr>
<tr>
<td>3-</td>
<td>904,559</td>
<td>1,284,617</td>
</tr>
<tr>
<td>21</td>
<td>908,000</td>
<td>1,288,540</td>
</tr>
</tbody>
</table>

**Hazard to Air Navigation.** An obstruction determined to have a substantial adverse effect on the safe and efficient use of navigable airspace.

**Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height as set forth in this overlay zone.

**Primary Surface.** A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is set forth in the airport sector descriptions in this overlay zone. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline.

**Runway.** A defined area in the Eugene Airport Master Plan that is prepared for aircraft landing and take-off along its length.

**Structure.** An object, including a mobile object, constructed or installed by a human being(s), including but not limited to buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(Section 9.4120, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Use Limitations.** In the Commercial Airport Safety overlay zone, the following limitations and standards apply to all uses permitted outright or conditionally in the base zone to which the overlay is applied:

1. **Operational Interference.** No use shall:
   a. Create electrical interference with the navigational signals or radio communication between the airport and aircraft;
   b. Make it difficult for pilots to distinguish between airport lights and others;
   c. Result in glare in the eyes of pilots using the airport;
   d. Impair visibility in the vicinity of the airport;
   e. Create bird strike hazards, or
   f. In any way otherwise endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.

2. **Marking and Lighting.** The owner of any existing structure, object, or vegetation that does not conform to the height limits of this overlay zone shall
be required to permit the installation, operation, and maintenance thereon of markers and lights as deemed necessary by the city to indicate to aircraft operators in the vicinity of the airport the presence of those aircraft instructions. The markers and lights shall be installed, operated and maintained at the city's expense.

(3) **Height.** The maximum height of structures and objects shall normally be the same as the zones to which the commercial airport safety overlay zone is added. However, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to penetrate the surface heights of the various sectors as described below and shown on the Airspace plan. These sectors include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Eugene Airport. An area located in more than one sector is considered to be only in the sector with the most restrictive height limit. For purposes of this overlay zone, to determine height limits, the datum is mean sea level elevation unless otherwise specified.

*Runways 16L-34R and 16R-34L Approach Sectors.* Runway 16R-34L is an existing, precision instrument runway. Runway 16L-34R is a future precision instrument runway. The inner edge of both of their approach sectors coincide with the width of the runway primary surfaces and are 1000 feet wide. The approach sectors expand outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surfaces. Their centerlines are a continuation of the runway centerlines beginning at the centerpoint coordinates. The surfaces of the Runway 16L-34R and Runway 16R-34L approach sectors slope 50 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surfaces and extend to a horizontal distance of 10,000 feet along the extended runway centerlines; thence slope upward 40 feet horizontally for each 1 foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerlines.

*Runway 3-21 Approach Sectors.* Runway 3-21 is a non-precision runway. The inner edge of the runway's approach sectors coincide with the width of the runway's primary surface and are 500 feet wide. The approach sectors expand outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Their centerlines are a continuation of the runway centerline beginning at the centerpoint coordinates. The surfaces of the Runway 3-21 approach sectors slope 34 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surface and extend to a horizontal distance of 10,000 feet along the extended runway centerline.

*Transitional Sectors.* The surfaces of the transitional sectors extend outward and upward at 90 degrees to the runway centerlines and runway centerlines extended at a slope of 7 feet horizontally for each foot vertically from the sides of and beginning at the same elevations as the primary and approach surfaces to where they intersect the horizontal and
conical surfaces. Transitional surfaces extend to a height of 150 feet above the airport elevation which is 365 feet above mean sea level. Transitional surfaces for those portions of the Runway 16L-34R and 16R-34L precision approach surfaces, which project through and beyond the limits of the conical surface, extend at a slope of 7 feet horizontally for each foot vertically a horizontal distance of 5,000 feet measured horizontally from the edges of the approach surfaces and at 90 degrees to the extended runway centerlines.

**Horizontal Sector.** The horizontal sector encompasses the area obtained by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. However, the horizontal sector does not include the approach and transition sectors. The surface of the horizontal sector is a horizontal plane that is 515 feet above mean sea level. That is 150 feet above the airport elevation.

**Conical Surface.** The surface of the conical sector extends at a slope of 20 feet outward for each foot upward from the periphery of a horizontal surface for a horizontal distance of 4,000 feet. It begins 150 feet above the airport's elevation and extends to a height of 350 feet above the airport's elevation.

(Section 9.4130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**/ND Nodal Development Overlay Zone**

**9.4250 Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.

(Section 9.4250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002.)

**9.4260 Procedure for Applying the /ND Nodal Development Overlay Zone.** Notwithstanding EC 9.8855, rezoning to apply the /ND overlay zone shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.

(Section 9.4260, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.4270 **Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:

1. New development on vacant land.
2. New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
3. An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.

The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.

(Section 9.4270, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(1) **Prohibited Uses.**

(a) **Motor Vehicle Related Uses.**
1. Car washes.
2. Parts stores.
3. Recreational vehicle and heavy truck, sales/rental/service.
4. Motor vehicle and motorcycle sales/rental/service.
5. Service stations, includes quick servicing.
6. Tires, sales/service.
7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.

(b) **Trade (Retail and Wholesale).**
1. Agricultural machinery rental/sales/service.
2. Boats and watercraft sales and service.
3. Equipment, heavy, rental/sales/service.

(2) **Special Use Limitations.**

(a) No use may include a drive-through facility.

(b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such
new building may contain 50,000 square feet of building area on the ground floor.
(Section 9.4280, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002.)

9.4290 **Density and Development Standards.** In addition to the requirements of the base zone, the following standards shall apply:

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

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

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

4. **Adjustments.** An adjustment to any of the standards in this section may be made for ND parcels with no alley access or with physical or legal constraints pursuant to the criteria beginning at EC 9.8015 of this land use code.

(Section 9.4290, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002.)
/PD Planned Unit Development Overlay Zone

9.4300 Purpose of /PD Planned Unit Development Overlay Zone. The /PD Planned Unit Development overlay zone is intended to achieve all of the following:
(1) Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of facilities for the circulation of automobiles, pedestrians, bicycles, and mass transit, parking, storage, and other considerations related to site design.
(2) Promote an attractive, safe, efficient, and stable environment that incorporates a compatible variety and mix of uses and dwelling types.
(3) Provide for economy of shared services and facilities.
(4) Encourage the construction of a variety of housing types at price ranges necessary to meet the needs of all income groups in the city.
(5) Enhance the opportunity to achieve higher densities.
(6) Preserve natural resource areas.
(Section 9.4300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4310 Applicability. The /PD overlay zone applies to all property where /PD is indicated on the Eugene overlay zone map, or when the PUD process is required by an adopted refinement plan. The PUD process may also be used at the request of the property owner. The provisions of the /PD overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies. Within the /PD overlay zone, applications for development permits shall not be accepted by the city for development until the development is approved according to the PUD procedures beginning at EC 9.8300 Purpose of Planned Unit Development.
(Section 9.4310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

/SR Site Review Overlay Zone

9.4400 Purpose of /SR Site Review Overlay Zone. The /SR Site Review overlay zone is intended to achieve both of the following:
(1) Maintain or improve the character, integrity, and harmonious development of an area.
(2) Provide a safe, stable, efficient, and attractive on-site environment.
(Section 9.4400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4410 Applicability. The /SR overlay zone applies to all property where /SR is indicated on the Eugene overlay zone map. In addition, the /SR overlay zone may be required by a refinement plan. Applications for development permits shall not be accepted by the
city for development in a /SR overlay zone until the site review plan is approved according to the site review procedures in this land use code. The provisions of the /SR overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

/TD Transit Oriented Development Overlay Zone

9.4500 Purpose of /TD Transit Oriented Development Overlay Zone. The /TD Transit Oriented Development Overlay Zone is intended to promote the creation and retention of mixed land uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have increased emphasis in areas with the /TD overlay zone. The development standards are designed to encourage compact urban growth, opportunities for increased choice of transportation mode, reduced reliance on the automobile, and a safe and pleasant pedestrian environment, by insuring an attractive streetscape, a functional mix of complementary uses, and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.

(Section 9.4500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4510 Applicability. The /TD Transit Oriented Development Overlay Zone applies to all property where /TD is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. (Refer to Map 9.4510 Transit Oriented Development Overlay Zone.) The /TD standards in EC 9.4530 apply to the following:
(1) New development on vacant land.
(2) New structures on redevelopment sites, such as conversion of a parking area to a building or demolition of a building and construction of a new structure.
(3) An expansion of 30% or more of the total existing building square footage on the development site.

The provisions of the /TD overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

(Section 9.4510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4520 /TD Transit Oriented Development Overlay Zone Land Use and Permit Requirements. The application of the /TD overlay zone does not change the list of uses permitted, conditionally permitted, or subject to special standards in the base zone or special area zone.

(Section 9.4520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.4530 /TD Transit Oriented Development Overlay Zone Development Standards.

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

(2) Building Orientation.
(a) Buildings fronting on a street must provide a main entrance on the facade of the building that is within the 15 foot maximum street setback facing the street. A main entrance is the principal entry through which people enter the building. A building may have more than one main entrance. (Refer to Figure 9.4530(2) Building Orientation in /TD Areas.)
(b) Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street with transit facilities, or to the corner where two streets intersect.

(3) Minimum Floor Area Ratio (FAR).
(a) The total minimum floor area of buildings on a development site within the core /TD area as shown on Map 9.4510 Transit Oriented Development Overlay Zone shall not be less than 2 square feet of floor area to 1 square foot of the development site (2.0 FAR). The total floor area of any building on a development site within the /TD area outside that core area shall not be less than 1.0 square feet of floor area to 1 square foot of the development site (1.0 FAR). (See Figure 9.4530(3) Floor Area Ratio Calculation).
(b) Floor area calculations shall not include basement areas in the gross square footage of the building. Major transit facilities, existing development and expansions of existing development are exempt from FAR requirements.
(c) Areas used for enhanced pedestrian spaces and amenities accessible to the public may be credited to satisfy the minimum floor area requirement. Credit for pedestrian spaces and amenities shall be applied at the rate of 2 square feet of floor area for each 1 square foot of enhanced pedestrian space. Enhanced pedestrian spaces and amenities include plazas, arcades, sheltered or recessed entries, galleries, courtyards, outdoor cafes, and widened public sidewalks (more than 6 feet wide outside of the public right-of-way), with benches, shelters, street furniture, public art, kiosks, or space for outdoor vending.
(d) The building and permit services manager shall allow basement areas to be calculated as part of the gross square footage of the building, for purposes of calculating floor area ratio, if the basement is designed and constructed as permanent office or retail use.

(4) Parking Between Buildings and the Street. Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street. For sites that abut a street, parking may be located at the rear of the
building or on 1 or both sides of a building when at least 60 percent of the site
frontage abutting the street (excluding required interior yards) is occupied by a
building and/or an enhanced pedestrian space with no more than 20 percent of
the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
For purposes of determining the percent of site frontage, the building or
enhanced pedestrian space shall be within 15 feet of the street. (See Figure
9.4530(6) Parking Between Buildings and the Street in /TD Area.)

(5) Structured Parking. Structured parking on sites that abut a street shall have at
least 50 percent of the ground floor street frontage developed for office, retail or
other pedestrian-oriented uses. This standard does not apply to parking facilities
that are totally underground.

(6) Improvements Between Buildings and Streets. The land between a building
or exterior improvement and a street must be landscaped and/or paved with a
hard surface for use by pedestrians. If hard-surfacing is provided, the area must
contain pedestrian amenities such as seating areas, drinking fountains, and/or
other design elements (such as public art, planters, and kiosks). The use of
porous paving materials for hard surfaces is encouraged. Residential
developments are exempt from this requirement. (See Figure 9.4530(8)
Improvements Between Buildings and Streets in /TD Areas.)

(7) Adjustments. An adjustment to any of the standards in this section may be
made for /TD parcels with no alley access or with physical or legal constraints
pursuant to the criteria beginning at EC 9.8015 of this land use code.

(Section 9.4530, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December
25, 2002.)

/UL Urbanizable Land Overlay Zone

9.4600 Purpose of /UL Urbanizable Land Overlay Zone. The /UL Urbanizable Land
Overlay Zone is intended to ensure that development activities in unincorporated
areas will not inhibit future development at planned urban levels or the provision of
services in an orderly, efficient, and timely manner. The /UL overlay zone
coordinates development activity with procedures for systematic, logical, and
equitable incorporation into the city limits and requires general conformance to the
city’s urban development standards.

(Section 9.4600, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.4610 Applicability. The /UL overlay zone applies to all unincorporated areas between the
Eugene city limits and the Metropolitan Area General Plan urban growth boundary.
The provisions of the /UL overlay zone supplement those of the applicable base zone
or special area zone. Where the overlay zone and base zone or special area zone

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provisions conflict, the more restrictive requirement applies. The /UL overlay zone is automatically removed from land upon its annexation to the city.
(Section 9.4610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4620 /UL Land Divisions and Property Line Adjustments. Land shall not be divided and no lot lines may be adjusted in the /UL overlay zone if such division or modification would result in an increase in the number of developable lots or if the development potential of the existing lots increases. An exception to the requirements of this section may be granted by the planning director under either of the following circumstances:
(1) The resulting lots all exceed 40 acres in area.
(2) The subject property is owned or occupied by a government agency or public utility.
(Section 9.4620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4630 /UL Urbanizable Land Overlay Zone Land Use and Permit Requirements.
(1) The application of the /UL overlay zone does not change the list of uses permitted, conditionally permitted, or subject to special standards in the base zone or special area zone.
(2) The planning director may approve additional uses upon positive findings on all the following requirements:
   (a) Key urban services are not located within 300 feet of the site.
   (b) Execution of an annexation agreement as provided in EC 9.4640.
   (c) Lane County approval of and certification that any proposed on-site sewage disposal system meets applicable state standards and that the system will not restrain the property’s conversion to planned urban density and use in the future.
(3) Prior to development of a site the planning director may require submission of a conceptual plan showing that ultimate development of the subject property and surrounding area will be possible at urban densities and uses in accordance with applicable plans and ordinances.
(Section 9.4630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4640 Annexation and/or Annexation Agreements.
(1) Annexation of the entire development site, or execution of a consent to annexation agreement is required prior to any of the following actions:

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(a) Any zone change or planned unit development approval if the development potential of the existing lot(s) would increase, or the proposed or allowable uses will generate, singly or in the aggregate, a direct additional need for key urban facilities and services.

(b) Approval of any new dwelling unit(s), commercial or industrial development.

(c) Approval of an expansion of an existing commercial or industrial development if the proposed use will generate, singly or in the aggregate, a direct additional need for key urban facilities and services provided by the city.

(2) The following uses are exempt from the requirement of annexation or execution of an annexation agreement unless otherwise required by this section:

(a) Agricultural uses.

(b) Management, growing, and harvesting of forest products, including Christmas trees, but excluding primary timber processing operations or vehicle equipment maintenance facilities.

(c) Sale of agricultural products and livestock grown or raised on the premises.

(d) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.

(e) One single family home or 1 mobile home per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.

(f) Home occupations.

(g) A single temporary dwelling installed with a temporary manufactured dwelling hardship permit.

(h) Public infrastructure necessary for the area and allowed pursuant to a city-approved legal agreement.

(i) Pump stations, well heads, non-elevated reservoirs, and other water or sewer facilities.

(3) A consent to annexation agreement required by subsection (1) of this section shall provide for and be limited in its use to the following contingencies:

(a) The annexation shall be contingent upon the city being contiguous to the area proposed to be annexed. For purposes of applying this paragraph, a property is not considered contiguous to the city unless it is contiguous to the main incorporated area of the city.

(b) The annexation shall be contingent upon the city's ability to provide key urban facilities and services listed in the Metropolitan Plan to the area proposed to be annexed.

(4) The planning director shall provide a written determination of the need for a property owner to execute an annexation agreement. Any land use applicant or property owner aggrieved by the determination of the planning director may appeal the decision to the hearings official according to the procedures beginning at EC 9.7600 General Overview of Appeal Procedures.
The planning director may require immediate annexation instead of an annexation agreement.

(Section 9.4640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4650 Industrial Corridor Annexation Agreement.

(1) Property owner execution of the Annexation and Urban Services Agreement, Exhibit C to the April 25, 1991 Annexation and Urban Services Policy Agreement between the Industrial Corridor Community Organization and the City of Eugene, consenting to annexation to the city of the entire development site will be required for the following:
   (a) Any land divisions when lots or parcels created will be less than the minimum parcel sizes specified for the lots or parcels prior to the land division.
   (b) Any zone change or planned unit development approval.
   (c) Any development permit for a new land use or a reconstruction, conversion, alteration, relocation or expansion of an existing use, if the proposed use will generate, singly or in the aggregate, any additional need for an urban facility or service of a type then supplied to any user by the city.

(2) Permits or applications for the following uses are exempt from the requirement to execute an annexation agreement under this section:
   (a) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.
   (b) One one-family home or 1 manufactured dwelling per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.
   (c) Home occupations.

(3) The Annexation and Urban Services Agreement will be binding upon the property owner's heirs, assigns and successors in interest. A memorandum thereof will be filed by the city in the office of the Lane County Recorder.

(Section 9.4650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

/WP Waterside Protection Overlay Zone

9.4700 Purpose of /WP Waterside Protection Overlay Zone. The purpose of the /WP Waterside Protection overlay zone is to protect water quality in designated waterways, riparian areas, and adjacent wetlands by maintaining an undeveloped setback area between these features and adjacent developed areas. Maintenance of this setback area is also intended to protect wildlife habitat and prevent property damage from storms and floods. The /WP overlay zone is intended to maintain or enhance open space areas adjacent to water features. These open space areas are important because...
they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff; provide habitat for wildlife and, where appropriate, can provide legally obtained access for channel maintenance. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities are proposed, site plan approval based on conformance with specified natural resource special standards (EC 9.2530 Natural Resource Zone Development Standards) is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the Metro Plan and refinement plans that call for protection of riparian vegetation, wetlands, waterways, wildlife habitat, and surface and ground water quality.

(Section 9.4700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4710  **Applicability.** The /WP overlay zone applies to all property to which the /WP overlay zone has been applied through the city’s rezoning process.

(1) The provisions of the /WP overlay zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.

(2) In some cases, the /WP overlay zone may overlap with the NR zone or the /WB overlay zone. In these cases, only one review process is required as follows:

(a) Where the /WP overlay zone and the NR zone overlap, only the provisions of the NR zone are applied.

(b) Where the /WP overlay zone and the /WB overlay zone overlap, only one site plan review process is required. This review will address the provisions of both zoning overlays. The /WB provisions shall be applied to wetlands mapped and designated for protection in local plans and policies. The /WP provisions shall be applied to any other water features on the lot that are mapped and designated for protection in an adopted plan, policy or inventory.

(3) Development within the waterside protection area shall be exempt from the setback provisions of EC 9.4720 if all of the following exists:

(a) The specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

(b) The fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the designations on Map 3 of the Plan, or the provisions of EC 6.650 through 6.670.

(c) The applicant provides written documentation from the permitting agency that shows any mitigation requirements specified in the permits have been substantially satisfied.

(Section 9.4710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.4715 /WP Waterside Protection Overlay Zone Siting Requirements. The /WP overlay zone applies to streams, rivers, channels, ponds and other water features and adjacent areas that meet the approval criteria of EC 9.8865 and that are specified for protection in an adopted plan, as described in EC 9.4720.

(Section 9.4715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4720 Waterside Protection Areas. /WP areas consist of 3 component areas: the area within the channel banks, the setback area, or any riparian area that extends landward beyond the setback (defined below). Areas developed prior to May 24, 1995, are excluded from /WP areas. For purposes of this section, development means buildings or other substantial structures, including paved or gravel parking areas. For purposes of this section, fences and landscaping do not constitute “development” to warrant exclusion from the /WP overlay zone. Graded and graveled areas are exempt under these provisions only when they were constructed prior to May 24, 1995, and only if they were constructed as an essential component of the development of the site. The 3 components of the /WP area are described and defined as follows:

(1) The area within the channel limits of a water feature (from top of high bank to top of high bank). For a given stream, river, or channel, the top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of the high bank.

(2) Buffer setback areas are measured horizontally from the top of the high bank or from the line of ordinary high water. The planning director shall determine whether the buffer is measured from the top of the high bank or from the line of ordinary high water.

(a) Where possible, the buffer setback is measured horizontally from the top of the high bank of the water feature, as defined above. Buffer setback distances measured from the top of the high bank are as follows:

<table>
<thead>
<tr>
<th>Water Feature</th>
<th>Buffer setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perennial, within floodway</td>
<td>60 feet</td>
</tr>
<tr>
<td>Perennial, outside floodway</td>
<td>40 feet</td>
</tr>
<tr>
<td>Intermittent or seasonal</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

(b) If the top of the high bank is not identifiable, the buffer setbacks are measured horizontally from the line of ordinary high water. In a given stream, pond, or other water body, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually. Identified in the field by physical characteristics that include one or more
of the following:
1. A clear, natural line impressed on the bank.
2. Changes in the characteristics of soils.
3. The presence of water-borne litter and debris.

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data is available. Buffer setback distances measured from the line of ordinary high water are as follows:

<table>
<thead>
<tr>
<th>Water feature</th>
<th>Buffer setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perennial, within floodway</td>
<td>75 feet</td>
</tr>
<tr>
<td>Perennial, outside floodway</td>
<td>50 feet</td>
</tr>
<tr>
<td>Intermittent or seasonal</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

(3) Contiguous riparian areas which extend landward from the water feature beyond the buffer setback area, as defined in this overlay zone.

(a) Riparian habitat, riparian area. Lands adjacent to water features which contain primarily native vegetation including species that typically grow in wet areas (wet area species). For purposes of this land use code “wet area species” are those species listed as “facultative,” “facultative wetland,” or “obligate wetland” species in the most recent U.S. Fish and Wildlife Service “list of plant species that occur in wetlands” for the Eugene area. Where large forested areas adjoin a water feature, only that portion which contains wet area species is considered riparian.

(b) The city shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps showing the location and species of vegetation growing in the disputed area) that the city’s maps are in error.

(Section 9.4720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4730 **/WP Waterside Protection Overlay Zone Land Use and Permit Requirements.**

Within the /WP overlay zone there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WP area, and a more restrictive list of uses allowed within the /WP area.

(1) **Outside the /WP Area.** The uses permitted in this overlay zone are the same as those permitted in the base zone or special area zone.

(2) **Within the /WP Area.** Except as provided in EC 9.4740 Prohibited Practices, the following uses are permitted within the /WP area:

(a) Removal of refuse and any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.
(b) Removal of non-native or invasive plant species included on a list approved by the planning director and kept on file at the city.

(c) Planting or replanting with native plants included on a list approved by the planning director and kept on file at the city.

(d) Construction of channel maintenance access roads or pathways and channel maintenance practices used to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.

(e) Removal of vegetation by non-chemical means within a strip not to exceed 15 feet wide where a publicly owned property within the WP overlay zone abuts private property that is not within a WP area, and only when deemed necessary by the public works director to protect human health and safety or to prevent a nuisance.

(3) Uses Permitted Within /WP Areas Subject to Site Review. Within /WP areas, the following uses are permitted, subject to the provisions in EC 9.4740 Prohibited Practices and site review approval based on compliance with EC 9.2530 Natural Resource Zone Development Standards. Where required, site review approval must be secured prior to the application for a development permit for development within the /WP overlay zone. Uses permitted subject to site review are:

(a) Realignment and reconfiguration of channels and pond banks. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (3), and (5) through (9).

(b) Construction of stormwater quality treatment facilities that do not include adding impervious surfaces and that use biofiltration methods, such as shallow grassy swales, constructed wetlands, or ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).

(c) Construction of public improvements (including but not limited to streets, sanitary and storm sewers, bridges, bikeways, pedestrian paths, maintenance access roads and public utilities) required by this land use code or specified in adopted plans. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (10), and (13) through (19).

(d) Maintenance of existing utility easements to maintain access and promote safety, and as required by local policies, state and federal regulations, and intergovernmental agreements. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (3), and (5) through (9). Utility companies shall submit to the city a notice of easement maintenance activities within the /WP area describing the nature and extent of the activities 15 days prior to commencing the activities.

(e) Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through

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9.4740 **Prohibited Practices.** Practices that are not specifically allowed, and that would adversely affect water quality or damage wildlife habitat, are prohibited within /WP areas. Prohibited practices include the following:

1. Storage of chemical herbicides, pesticides or fertilizers or other hazardous or toxic materials.
2. Depositing, dumping, piling or disposal of refuse, or dumping, piling, disposing or composting of yard debris, fill, or other material except for single family residential composting, which must be kept at least 10 feet from the top of the bank of any water feature, and soils or soil amendments used for replanting in accordance with provisions of this section.
4. Channelizing or straightening natural drainageways.
5. For areas not on the city’s acknowledged Goal 5 inventory, removal or destruction of rare, threatened or endangered plant species, unless a conservation plan for the affected species is submitted by the applicant and approved by the planning director, in conjunction with the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.
6. Filling, grading, excavating, and the application of chemical herbicides, pesticides and fertilizers are prohibited unless they:
   a. Are directly related to a use permitted in the waterside protection area,
   b. Address an imminent threat to public health and safety, or
   c. Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

(Section 9.4740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4750 **Conveyance of Stormwater Maintenance Easement.** Within the /WP area, the city shall have the authority to require conveyance of a maintenance access easement for any natural or human made stormwater facility as a condition of approval for a site review or conditional use permit. Maintenance access easements shall be parallel to the stream or channel and shall be of sufficient width to allow a 20 foot wide maintenance access road along one side of the stream or channel.

(Section 9.4750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4760 **Exceptions.** The planning director shall have authority to grant exceptions to the provisions of this overlay zone for uses and development within /WP areas subject to site review approval in accordance with the following provisions:
(1) **Criteria.** Exceptions shall be granted only if the applicant clearly demonstrates in writing that either of the following exist:

(a) The provisions of this overlay zone in conjunction with other city regulations, and circumstances peculiar to the property not self-imposed by the applicant, would prohibit any viable economic use of the property.

(b) The /WP area as set forth in EC 9.4720 *Waterside Protection Areas,* occupies more than 33 percent of the development site area.

(2) **Process.** To determine the extent to which an exception is allowed under EC 9.4760(1)(a), the planning director shall consider the following provisions:

(a) Where practical, relax other setbacks in order to accommodate buffer setbacks as defined in EC 9.4720 *Waterside Protection Areas.*

(b) If no economically viable use is feasible under (2)(a), relax /WP overlay zone requirements applicable to riparian areas as defined in EC 9.4720 *Waterside Protection Areas,* outside buffer setback areas. In this instance, enhancement of riparian vegetation within the buffer setback area shall be required consistent with applicable provisions from EC 9.2530 *Natural Resource Zone Development Standards.*

(c) If no economically viable use is feasible under (2)(a) or (2)(b), reduce the buffer setback area to the minimum extent necessary to accommodate the development. In this instance, enhancement shall be required within the remaining buffer setback area consistent with applicable provisions from EC 9.2530 *Natural Resource Zone Development Standards.*

(d) If no economically viable use is feasible under (2)(a), (2)(b), or (2)(c), allow alteration of the water feature(s) to the minimum extent necessary to accommodate the development. In this instance, restoration and enhancement of the affected water feature(s) shall be required consistent with applicable provisions from EC 9.2530 *Natural Resource Zone Development Standards.*

(Section 9.4760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

//WB Wetland Buffer Overlay Zone

**9.4800 Purpose of /WB Wetland Buffer Overlay Zone.**

The purpose of the /WB overlay zone is to maintain or improve water quality within protected wetland sites identified in the *West Eugene Wetlands Plan* by maintaining an undeveloped setback area between the wetland and developed areas. Secondary benefits of buffers and setbacks include creating open space between the resource and adjacent uses, helping to maintain or improve wildlife habitat values and wetland hydrology, protecting the aesthetic value of the site and minimizing property damage from floods. The /WB overlay zone is also intended to maintain or enhance open space areas adjacent to wetlands identified for protection in the *West Eugene Wetlands Plan.* These open space areas are important because they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff;
and provide habitat for wildlife. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities must occur, either conditional use permit or site review approval based upon conformance specified in EC 9.2530 Natural Resource Zone Development Standards is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the Metro Plan that call for protection of wetlands, wildlife habitat, and surface and ground water quality. The provisions of this overlay zone are also intended to address state and federal laws and policies that regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon’s wetland laws.

(Section 9.4800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4810 Applicability. The /WB overlay zone applies to all property where /WB is indicated on the Eugene overlay zone map. The /WB standards apply to all development as follows:

(1) Specifically, this encompasses lots or parcels any part of which contains or is within a /WB area as described in this section. In some instances buffers will be required for new development even though existing adjacent developments have no buffer.

(2) The provisions of the /WB overlay zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.

(3) In some cases, the /WB overlay zone may overlap with the NR natural resources zone or the /WP overlay zone. In those cases, only one review process is required as follows:

(a) Where the /WB overlay zone and the NR zone overlap, only the provisions of the NR zone are applied.

(b) Where the /WB overlay zone and the /WP overlay zone are applied to the same tax lot, only one site review process is required. This review will address the provisions of both overlay zones. The /WB provisions will be applied to wetlands identified for protection in local plans and policies. The /WP provisions will be applied to any other water feature on the lot that is mapped and designated for protection in an adopted plan, policy or inventory.

(4) Development within the /WB area shall be exempt from the setback provisions of EC 9.4820 if all of the following exist:

(a) The specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers,

(b) The fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the designations on Map 3 of the Plan, and

(c) The applicant provides documentation from the permitting agency that
shows any mitigation requirements specified in the permits have been substantially satisfied.

(Section 9.4810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements. The /WB overlay zone applies to property adjacent to wetlands identified for protection in the West Eugene Wetlands Plan that meet the approval criteria of EC 9.8865.

(Section 9.4815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4820 Wetland Buffer Areas. /WB areas shall consist of the area between the jurisdictional wetland boundary accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers and the /WB setback line specified in this section. Standard /WB setback distances are determined by the value category of the adjacent wetland, and whether the buffer setback area is enhanced. Wetland value categories are defined according to the criteria contained in the West Eugene Wetlands Plan. Areas developed prior to May 24, 1995 are excluded from /WB areas. For purposes of this section, development means buildings or other substantial structures, including paved or gravel parking areas. For purposes of this section, fences and landscaping do not constitute "development" to warrant exclusion from the /WB overlay zone. Graded and graveled areas are exempt under these provisions only when they were constructed prior to May 24, 1995, and only if they were constructed as an essential component of the development of the site. /WB areas are based on the following:

1) Wetland Value Categories. Three wetland value categories shall be used for applying setbacks, buffer requirements and other protection measures applied to wetlands designated for protection in the West Eugene Wetlands Plan. The 3 categories are: high value wetlands, moderate value wetlands and low value wetlands. A list of protected wetland sites indicating the wetland value category of each is included in the West Eugene Wetlands Plan.

2) Standard /WB Setback Distances. Standard /WB setback distances are measured horizontally from jurisdictional wetland boundaries accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers. /WB setbacks are of two types: Type I, in which no enhancements are required within the setback area, and Type II, in which vegetative and stormwater quality enhancements are required. Property owners shall have the choice of whether the Type I or Type II buffer setback is applied to their property, unless a Type I buffer setback would preclude any economically viable use of a parcel. In those cases, a Type II buffer setback would be applied. Standard /WB setback distances are as follows:

(a) High value wetlands shall have a Type I setback of 100 feet with no site enhancements; or a Type II setback of 50 feet meeting vegetative, stormwater, and other enhancement standards as specified in EC 9.2530 Natural Resource Zone Development Standards (1) through (4).
(b) Moderate value wetlands shall have a Type I setback of 50 feet with no site enhancements; or a Type II setback of 25 feet meeting vegetative, stormwater, and other enhancement standards as specified in EC 9.2530 Natural Resource Zone Development Standards (1) through (4).
(c) Lower value wetlands and disturbed agricultural wetlands designated for enhancement or mitigation in the West Eugene Wetlands Plan shall not have a buffer setback outside the wetland boundary.

(3) **Buffer Reduction for Low Intensity Uses.** A 10 percent reduction from the standard buffer setback distances shall be allowed when the adjoining use is one of the following: low density residential, public parks and open space, or agriculture.

(Section 9.4820, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**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.

(1) **Outside /WB Areas.** The uses permitted in this overlay zone are the same as those permitted in the base zone or special area zone.

(2) **Within /WB Areas:**
   (a) **Uses Permitted Outright.** The following uses are permitted within /WB areas, subject to the provisions in EC 9.4840 Prohibited Practices:
      1. Removal of refuse and any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.
      2. Removal of non-native or invasive plant species included on a list approved by the planning director and kept on file at the city.
      3. Replanting with native plant species included on a list approved by the planning director and kept on file at the city.
      4. Channel maintenance to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.
      5. Maintenance of existing utility easements to maintain access and promote safety, as required by local policies, state and federal regulations, and intergovernmental agreements.
   (b) **Uses Permitted Subject to Site Review.** The uses listed in this subsection are permitted within areas, subject to the provisions in EC 9.4840 Prohibited Practices, and site review approval based on compliance with the EC 9.2530 Natural Resource Zone Development Standards listed with each use. Where required, site review approval shall be secured prior to submission of an application for a development permit for development within the /WB overlay zone. Uses permitted within /WB areas subject to site review are:

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1. Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including:
   a. Construction of stormwater quality treatment facilities that do not include adding impervious surfaces, and that use biofiltration methods, such as shallow grassy swales, constructed wetlands, or ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
   b. Impervious surfaces or topographic changes. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).

2. Construction of trails and pathways, boardwalks, viewing platforms, interpretive information kiosks and trail signs. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (13) and (15) through (18).

3. Restoration and enhancement of natural functions and values that involve displacement, excavation or relocation of more than 50 cubic yards of earth and carries out the objectives of this overlay zone, including realignment and reconfiguration of channels and pond banks, but not including deliberate creation of new wetlands or restoration of former wetlands. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).

4. Construction of stormwater treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).

5. Construction of access roads for maintenance of channels, wetlands and other natural resource areas. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (6), (8), (9) and (16).

6. Bikeways and other paved pathways. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (5), (6), (8), (9), and (15) through (17).

(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.

(d) **Review process.** For areas on the city's acknowledged Goal 5 inventory, all development proposed within the wetland buffer sub-district shall be reviewed in accordance with Type II procedures except when the applicant can clearly show that proposed development will occur completely outside of the largest applicable wetland buffer area. This site plan approval shall be based upon conformance with the Natural Resource Zone Development Standards at EC 9.2530.

(Section 9.4830, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4840 **Prohibited Practices.** Practices that are not specifically allowed under this section and that would adversely affect water quality or damage wildlife habitat, are prohibited within /WB areas. Prohibited practices include, but are not limited to, the following:

1. Storage of chemical herbicides, pesticides, fertilizers or other hazardous or toxic materials.
2. Depositing or dumping any material imported from off-site, except for soils or soil amendments used for replanting in accordance with provisions of this section.
4. Channelizing or straightening natural drainageways.
5. Removal or destruction of rare, threatened or endangered plant species, unless a conservation plan for the affected species is submitted by the applicant and approved by the planning director, in conjunction with the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.
6. Filling, grading, excavating, depositing soils imported from off-site, and application of chemical herbicides, pesticides and fertilizers are prohibited unless they meet one of more of the following:
   (a) Are directly related to a use permitted in the /WB area.
   (b) Address an imminent threat to public health and safety.
   (c) Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

(Section 9.4840, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.4850 **Exceptions.** The planning director shall have authority to grant exceptions to the standard setback distances and permitted uses within /WB areas subject to site review approval and in accordance with the following provisions:

1. **Criteria.** Exceptions shall be granted only if the applicant demonstrates in writing that at least one of the following exists:
   (a) Through a combination of buffer enhancements and site design alterations a smaller buffer setback distance can provide protection to the resource that is equal to or better than that provided by the standard buffers.
specified above, including, but not limited to meeting or exceeding EC 9.2530 Natural Resource Zone Development Standards (1) through (4).

(b) No economically viable use allowed within the base zone or special area zone could occur as a result of the application of these setback and buffer provisions, and that this circumstance is not purposefully brought about by any deliberate action of the owner or developer of the property.

An exception shall be granted by the planning director in these cases, and Type II buffers of less than 50 feet are permitted on high value wetlands and Type II buffers of less than 25 feet are permitted on moderate value wetlands. Setbacks around high value wetlands shall not be less than 25 feet in any case.

(2) **Buffer Averaging.** Wherever practical, reductions in buffer distance from the standard buffer setback distances due to approved exceptions shall be accomplished through averaging the buffer distance on a site. Averaging means that when the buffer setback is reduced in one location, it is expanded somewhere else in compensation so that the total buffer area remains the same.

(a) Wherever practical, reductions in buffer distance due to approved exceptions shall occur adjacent to lower value or less sensitive areas within a given wetland site and expansion of the buffer in compensation shall occur adjacent to higher value or more sensitive areas within a given wetland site.

(b) To the extent practicable, wherever buffers are reduced from the standard setbacks along channel sites or other linear sites, buffers shall be increased on the opposite bank of the channel across from the area where the reduction is allowed.

(3) **Reductions to Other Standards.** The planning director shall have authority to reduce other setbacks and landscape requirements contained in this land use code on properties where wetland buffer setbacks are required.

(4) **Applicable Standards.** All construction, vegetation removal and earth moving that takes place inside standard /WB setback areas as approved through this exception process shall conform to EC 9.2530 Natural Resource Zone Development Standards (2) through (19).

(Section 9.4850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) Type I buffer setbacks that are not enhanced by the owner or developer may be enhanced in cooperation with the owner(s) by government or other non-profit agencies or organizations as part of demonstration projects, habitat management or other programs that are consistent with adopted plans or policies.

(2) To the extent practicable, density transfers shall be used to offset restrictions on building within buffer setback areas in residential zones. A density transfer is an allowance within a given parcel or development site under one ownership to increase the density beyond the normal code limits, in compensation for a reduction elsewhere on the site required or caused by local regulations.

(Section 9.4860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Special Development Standards for Certain Uses

9.5000  **Purpose and Applicability.** In addition to other development standards in this land use code, sections 9.5050 through 9.5850 contain special development standards for certain uses. Except as otherwise provided in sections 9.5050 through 9.5850, where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use is (S) “permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000,” consistency with these standards is required in order to establish the subject use. In the event of a conflict between the general development standards and the special development standards, the provisions of the special development standards control.

(Section 9.5000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5050  **Amateur Radio Antenna Structure Standards.**

1. The maximum permitted height is 70 feet measured from the ground directly below the structure’s base, unless a variance is approved.

2. The minimum setback from all property lines to the structure’s base is at least 1 foot for every 3 feet of height, unless a variance is approved. (For example, an antenna structure 70 feet in height would need to be set back a minimum of 23 feet from all adjacent property lines.) This standard shall not apply to antenna structures that extend a maximum of 18 feet above the height of the main house or building, whether the antenna structure is attached to it or freestanding.

3. Parts and assembly shall be in compliance with the manufacturer’s specifications or those of an engineer licensed by the State of Oregon.

4. The antenna structure shall be adequately grounded as required by specialty codes adopted pursuant to Chapter 8 of this code.

5. Structures and related guy wires and ground anchors shall comply with setback standards of the zone in which they are located.

6. Unless a conditional use permit is approved, the antenna structure shall be accessory to the main use of the property on which it is located.

7. Whether the antenna is attached to another structure or building, or is freestanding, a development permit shall be obtained prior to installation. Documentation may be required that verifies compliance with applicable codes and standards.

8. The antenna structure shall be in compliance with other applicable standards of the zone wherein it will be located.

(Section 9.5050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.5100 Bed and Breakfast Standards.

(1) AG Agricultural and R-1 Low-Density Residential Zones:
   (a) The facility shall maintain an up-to-date guest register.
   (b) The facility shall be owner-occupied.
   (c) The length of stay for guests shall be a maximum of 30 consecutive nights.
   (d) The number of guest bedrooms shall be limited to 2, with a maximum total of 5 guests at any one time.
   (e) Signing shall be limited to one non-illuminated wall sign with a maximum area of 1½ square feet.
   (f) There shall be at least 400 feet of separation in all directions between facilities. This includes, for example, a 400 foot separation from existing bed and breakfast facilities in commercial zones.

(2) R-2 Zone:
   (a) The facility shall maintain an up-to-date guest register.
   (b) The facility shall be owner-occupied.
   (c) The length of stay for guests shall be a maximum of 30 consecutive nights.
   (d) The number of guest bedrooms shall be limited to 4.
   (e) Signing shall be limited to one non-illuminated wall sign with a maximum area of 1½ square feet.

(3) R-3 and R-4 Zones:
   (a) Total number of guest bedrooms plus the owner or innkeeper’s unit shall be limited to the number of dwelling units otherwise permitted in these zones.
   (b) Signing shall be limited to 1 freestanding or wall sign with a maximum area of 1½ square feet.

(Section 9.5100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5150 Collection Center, Collection of Used Goods Standards.

(1) Collection of used goods shall be conducted in connection with collection centers as defined in this land use code.

(2) Traffic circulation and vision clearance (both on-site and at entry locations) shall not be impeded by the collection center’s location, donated materials storage, or any other activities associated with the use.

(3) Collection center siting shall meet all requirements of the fire marshal’s office for access and separation for both the center and nearby structures.

(4) The collection center shall not be located in the public right-of-way.

(5) The collection center shall not use on-site parking spaces required for other uses.

(6) An attendant shall be present at all times donated goods can be accepted.

(7) The collection center attendant shall maintain the area around the center.

(8) No outside storage of donated materials shall be allowed.

(9) No processing, sale, or distribution of collected materials shall be allowed.
(10) There shall be at least 10 feet between the collection center and all residentially zoned property lines.

(Section 9.5150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5200 **Day Care, Small (3-12 people served) Standards.** These standards apply to small, (3-12 people served) day care operations in residential zones where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use(s) "permitted subject to zone verification and EC 9.5000 to 9.5850."

(1) In addition to the standard required parking for other uses on the property, 1 off-street parking space is required per each outside employee.

(2) Education programs offered as a primary activity or specialized training in activities such as dance, drama, music or religion shall be limited to preschool children.

(3) At least 1 of the business owners of a day care service serving 3-12 people in R-1 and R-2 zones shall reside in the building.

(4) No overnight care permitted without a conditional use permit.

(Section 9.5200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5250 **Farm Animal Standards.** All of the following standards are applicable to farm animals:

(1) **Farm Animals Allowed:**

(a) Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.

(b) Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on lots of at least 20,000 square feet and they meet the farm animal standards.

(2) **Sanitation:** Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:

(a) Not allowing farm animal waste matter to accumulate,

(b) Taking necessary steps to be sure odors resulting from farm animals are not detectable beyond property lines, and

(c) Storing all farm animal food in metal or other rodent-proof containers.

(3) **Fencing:** Shall be designed and constructed to confine all farm animals to the owner's property.

(4) **Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.

(5) **Minimum Lot Size and Area for Large Animals:**

(a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.
9.5250  

(b) Minimum area per animal over 6 months of age:
   Cows, horses: 10,000 square feet
   Sheep, goats, emus, and llamas: 5,000 square feet

(Section 9.5250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.5300  **Homeless Shelter Standards.**

(1) Expansion of the existing homeless shelter in existence on January 1, 1984 shall be limited to the area defined by the railroad tracks on the north, Chambers Connector on the west, from 600 feet of the shelter's development site boundary existing on January 1, 1984 on the east, provided, however, that those lots identified as Tax Lot 3400 on Assessor's Map 17-04-25-42 and Tax Lot 7200 on Assessor's Map 17-04-25-41 shall not be used for housing or residential purposes by the shelter, and the east-west alley between 1st and 2nd Avenues on the south.

(2) The current shelter shall be limited to providing housing for no more than 400 persons per night. The limit of 400 shall include both single adults and family members, in a ratio to be determined by the shelter at its sole discretion. This provision is expressly intended not to limit the shelter's ability to provide temporary housing above the capacity limit in emergency situations for short periods of time. The shelter's infirmary beds are not to be included in, or affected by, this capacity limit.

(3) The standards in this section do not apply to emergency housing shelters established or expanded due to flood, earthquake, or other natural disasters.

(Section 9.5300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5350  **Home Occupation Standards.** Except for garage sales lasting no more than 3 consecutive days no more than 3 times in a year, and day care facilities, which are exempt, home occupations in all residential zones shall be subject to the following standards:

(1) The home occupation shall be incidental to the dwelling's residential use.

(2) There shall be no more than 1 non-illuminated sign permitted per each home occupation with a maximum limit of 2 signs per dwelling, consisting of a maximum of 1½ square feet in surface area per sign. The sign shall be attached to the dwelling or home occupation structure.

(3) There shall be no activity or display, other than the allowed sign, that will indicate from the exterior of the building that the property is being used for any purpose other than a dwelling.

(4) There shall be no display of materials visible from the street or outside storage other than plant materials.

(5) The home occupation shall not generate excessive traffic, on-street parking, glare, heat, electromagnetic interference or other emissions that are perceptible beyond the home occupation property. There shall not be regular freight truck delivery more than twice a week.

(6) The home occupation shall not result in any structural alterations or additions to
the dwelling that will change its primary use as a dwelling.

(7) The dwelling shall not be used as headquarters for the assembly of workers for instruction or other purposes, including dispatch to other locations.

(8) There shall be a limit of 1 business vehicle per home occupation. In connection with home occupations, a business vehicle is any vehicle that is used in the conduct of the home occupation, or which has the name or logo under which the home occupation activity is conducted painted or otherwise exhibited on the vehicle.

(9) Other than dwelling residents, there shall be a maximum of 2 employees per dwelling.

(10) Parking shall be provided as required in conjunction with the dwelling.

(11) A resident of the dwelling shall be employed in the home occupation.

(12) There shall be no motor vehicle or motorcycle repair except to vehicles owned by persons residing on the property.

(Section 9.5350, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5400 Manufactured Home/Dwelling Park Standards. Manufactured home/dwelling parks shall be subject to the following standards:

(1) Minimum area: 1 acre.

(2) Occupied area surface treatment. Unless in conflict with state laws and regulations, all areas covered by manufactured dwellings and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.

(3) All manufactured home parks shall comply with OAR Division 600 Manufactured Dwelling Parks and Mobile Home Parks.

(4) All manufactured homes, accessory structures, decks, landings, steps, ramps, awnings, and carports shall comply with Oregon Manufactured Dwelling Standards.

(5) The number of spaces designed for manufactured homes in the park shall comply with the residential density in Table 9.2750.

(Section 9.5400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5450 Model Home Sales Office Standards.

(1) A model home sales office may be used as a gathering point for personnel provided the personnel works in the subdivision or manufactured home park within which the model home is located.

(2) All office activities shall be located entirely within the dwelling or garage; no outside equipment or material storage on the development site other than as necessary to complete construction of the units in that subdivision.

(3) There shall be off-street parking spaces for all personnel and business vehicles associated with the model home.

(4) The model home shall be located in the subdivision or manufactured home park...
under development.

(5) There shall be no detrimental effect on the residential character of the 
  surrounding neighborhood through excessive traffic, violation of the city's noise 
  or other performance standards, excessive late or early hours of operation, or 
  other activities that are incompatible with adjacent residential uses.

(6) All signs shall comply with the EC 9.6650 Residential Sign Standards.

(7) The model home use shall be discontinued when all the homes in the 
  subdivision or manufactured home park have been sold.

(Section 9.5450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 
6/1/02.)

9.5500 Multiple-Family Standards.

(1) **Purpose of Multiple-Family Standards.** The purpose of these development 
  standards is to:

  (a) Ensure that new multiple-family development enhances the character and 
      livability of Eugene's neighborhoods;

  (b) Ensure that the increased density that results from such development 
      makes a positive contribution to the areas in which they are built;

  (c) Encourage crime prevention through environmental design, decrease the 
      opportunity for crime, and increase user perception of safety;

  (d) Promote multiple-family developments having maximum economic life 
      and stability;

  (e) Provide an adequate supply and range of housing types and prices that will 
      meet the city's future population growth;

  (f) Promote building and site design that contributes positively to a sense of 
      neighborhood and to the overall streetscape by carefully relating building 
      frontages and yards to public streets and adjacent properties;

  (g) Ensure that design of multiple-family developments provides for a 
      sensitive transition to nearby, less-intensive development;

  (h) Provide a physical environment that contributes to and enhances the 
      quality of life;

  (i) Provide amenities that make a multiple-family development a fully 
      functional residential community.

(2) **Applicability of Multiple-Family Standards.**

  (a) Except for building alterations and building additions that increase the 
      square footage of liveable floor area by less than 50%, multiple-family 
      standards shall apply to all multiple family developments in all zones 
      except commercial. In cases where the standards apply, they shall be 
      considered applicable for the portion of the development site impacted by 
      the proposed development.

  (b) Multiple family standards shall also apply to multiple family 
      developments in commercial zones unless the entire ground floor, with the 
      exception of areas for lobbies, stairs, elevators and bicycle storage for 
      residents, is in non-residential use. Additional ground floor use standards
in Table 9.2161 Commercial Uses Requirements in Mixed-Use
Residential Developments also apply.

(3) **Building Height.** The maximum building heights allowed are those permitted
according to the applicable base zone.

(4) **Minimum and Maximum Building Setbacks.**
(a) **Required Setbacks.** The required building setbacks are those required in
the applicable base zone.

(b) **Street Frontage.** On development sites that will result in 100 feet or more
of public or private street frontage, at least 60 percent of the site frontage
abutting the street (including required yards) shall be occupied by a
building(s) or enhanced pedestrian space with no more than 20 percent of
the 60 percent in enhanced pedestrian space, placed within 10 feet of the
minimum front yard setback line. (See Figure 9.5500(4)(b) Multiple-
Family Minimum Building Setback Along Streets.) On development
sites with less than 100 feet of public or private street frontage, at least 40
% of the site width shall be occupied by a building(s) placed within 10 feet
of the minimum front yard setback line. Building projections and offsets
with an offset interval of 10 feet or less meet this standard (excluding
required yards). “Site width,” as used in this standard, shall not include
areas of street frontage that have significant natural resources as mapped
by the city, delineated wetlands, slopes greater than 15%, recorded
easements, required fire lanes or other similar non-buildable areas, as
determined by the planning director.

(c) **Criteria for Adjustment.** Adjustments to the standards in this subsection
may be made, based on the criteria of EC 9.8030(2) Setback Standards
Adjustment.

(5) **Building Orientation and Entrances.**
(a) **Building Orientation.** Multiple-family residential buildings located within
40 feet of a front lot line shall have their primary orientation toward the
street.

(b) **Ground Floor Building Entrances.** The main entrance(s) of ground floor
units of any residential building located within 40 feet of a street must face
the front lot line. Main entrances may provide access to individual units,
clusters of units, courtyard dwellings, or common lobbies. The following
exceptions shall apply:
1. On corner lots the main building entrance(s) may face either of the
streets or be oriented to the corner.
2. For buildings that have more than 1 entrance serving multiple units,
only 1 entrance must meet this requirement.
3. For buildings proposed to be “side oriented” to public streets due to
access requirements and/or dimensional constraints not created by
the applicant, main entries may face up to 90 degrees away from the
street provided both of the following apply:
a. They are visible from the street.
b. The building side facing the street shall not include windows or views into a parking area or garage and shall contain windows that occupy a minimum of 15% of the facade.

c. Upper Story Building Entrances. The main entrance of upper story units shall be provided from the interior of the building or from an exterior walkway that serves no more than 2 units. Stairways to upper floors shall be adequately lighted and protected from the elements. Access to upper-story units may be provided at the front, side or rear of a building.

d. Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(4) Building Orientation and Entrance Standards Adjustment.

(6) Building Mass and Facade.
(a) Maximum Building Dimension. Neither the maximum length nor width of any building within 40 feet of a front lot line can exceed 100 feet in the R-1 and R-2 zones and 150 feet in all other zones.
(b) Windows. Street facades shall contain windows covering a minimum of 15% of the facade on each floor level.
(c) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on criteria of EC 9.8030(8)(a).

(7) Building Articulation.
(a) Articulation Requirement. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements.
   1. Horizontal Surface. At least 2 of the design features outlined above shall be incorporated along the horizontal face (side to side) of the structure, to be repeated at intervals of no more than 40 feet.
   2. Vertical Surface. At least 2 of the design features outlined above shall be incorporated along the vertical face (top to bottom) of the structure, to be repeated at intervals of no more than 25 feet.
(b) When offsets and projections are used to fulfill articulation requirements, the offset or projection shall vary from other wall surfaces by a minimum of 2 feet. Such changes in plane shall have a minimum width of 6 feet.
(c) Individual and common entry ways shall be articulated by roofs, awnings, or porticos.
(d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on criteria of EC 9.8030(8)(b).

(8) Site Landscaping.
(a) Minimum Landscape Area. Landscaping is required according to the applicable base zone minimum landscape area standards. If there are none specified, the minimum landscape area shall be the percentage of the area not permitted as part of the lot coverage.
   1. Any required landscaping, such as for required front and interior yard setbacks and to comply with parking landscape standards, shall apply
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toward the development site area landscaping requirements.

2. Common open space areas required under EC 9.5500(9) Open Space also apply toward meeting the minimum landscaped area requirements of this section, if they are uncovered.

3. Any portion of a private, ground level open space area exceeding one hundred square feet shall be counted toward the minimum landscape area requirement.

(b) **Compliance with Landscape Standards.** Except as may be otherwise provided in this subsection (8), all required landscaping shall comply with the standards beginning at EC 9.6200 Purpose of Landscape Standards. In the event of a conflict between the standards beginning at EC 9.6200 and this subsection, the standards in this subsection shall control.

(c) **Landscape Requirements.** Site landscaping shall conform to the following:

1. **Required Landscaping in Yards Abutting Streets.** Landscaping shall be installed and maintained in yards abutting streets that complies, at a minimum, with the standards in EC 9.6210(1) Basic Landscape Standard (L-1). The required landscaping shall be placed within the required front yard setback area and may be pierced by pedestrian and vehicular access ways.

2. **Private Open Space Screening.** Where provided, ground-level private open space required under EC 9.5500(9) Open Space (b) Private Open Space shall be physically and visually separated from common open space through the use of perimeter landscaping and/or fencing. If landscaping is used, such landscaping shall apply toward the minimum landscape requirement.

3. **Street Trees.** Street trees are required along the frontage of all developments abutting newly created public or private streets in accordance with provisions of Chapter 7 of this code regarding the Street Tree Program - Policies, Standards, and Procedures.

(d) **Criteria for Adjustment.** Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(3) Landscape Standards Adjustment.

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

<table>
<thead>
<tr>
<th>Zone</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>GO</th>
<th>Other Non-Residential</th>
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</thead>
<tbody>
<tr>
<td>Percent of the Development Site</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Percent of Liveable Floor Area</td>
<td>25%</td>
<td>25%</td>
<td>15%</td>
<td>15%</td>
<td>25%</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
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<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>GO</th>
<th>Other Non-Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Units Per Net Acre</td>
<td>12</td>
<td>23</td>
<td>45</td>
<td>90</td>
<td>23</td>
<td>45</td>
<td>45</td>
<td>45</td>
<td>45</td>
</tr>
</tbody>
</table>

(a) Common open space may include any of the following:
1. Outdoor areas incorporating:
   a. Lawn or hard surfaced areas in which user amenities such as trees, shrubs, pathways, tables, benches or drinking fountains have been placed.
   b. Ornamental or food gardens.
   c. Developed and equipped adult recreation areas.
   d. Developed and equipped children’s play areas.
   e. Sports courts (tennis, handball, volleyball, etc.).
   f. Swimming pools, spas and adjacent patios and decks.
   g. Roof terraces.
   h. Picnic areas.
   i. Covered, but unenclosed, patios.
   j. Internal courtyards.
2. Common open space may also include up to 30% of the required area in natural resource areas, such as steep slopes greater than 25%, forested areas, conservation areas and delineated wetlands.
3. Up to 30% of common open space may be located in indoor recreation areas fitted with game equipment, work-out equipment, court sports facilities, swimming pools, plant greenhouse, wood shop, or other designated project or game equipment, if the facility conforms to the following standards:
   a. The minimum area of any single space shall be 250 square feet, with no dimension being less than 15 feet.

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b. Interior common open space shall be at least 10 feet in floor to ceiling height; glazed window and skylight areas shall be provided in the proportion of 1 square foot for each 4 square feet of the floor area of the common space.

c. The space shall be accessible from a common lobby, courtyard or exterior common open space.

4. The minimum area for any common open space shall be 250 square feet.

5. The minimum dimension for any common outdoor open space shall be 20 feet.

(b) **Private Open Space.** Private open space is outdoor space directly adjacent to dwelling units providing an outdoor area for private use by the occupants. Private open space, where provided, shall meet the minimum standards in the following Table 9.5500(9)(b)

<table>
<thead>
<tr>
<th>Location</th>
<th>Minimum Area</th>
<th>Minimum Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Level</td>
<td>100 square feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Balcony</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Roof Terrace</td>
<td>100 square feet</td>
<td>8 feet</td>
</tr>
</tbody>
</table>

1. **Privacy Requirements.** Private open space shall be screened or buffered from adjacent open space and dwellings by landscape, fencing or partitions. Private open space shall be physically and visually separated from common open space by fence or landscaping meeting the EC 9.6210(2) Low Screen Landscape Standard (L-2).

(c) **Open Space Credit.**

1. An open space credit, not to exceed 25 percent of the total open space requirement, may be applied toward compliance with that requirement, for developments that are located within one-quarter mile of a public park.

2. Required setback areas and areas required to comply with perimeter parking lot landscape standards may be applied toward the minimum open space requirements when the minimum dimension of such space is 20 feet or greater.

(d) **Criteria for Adjustment.** Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(8)(c).

(10) **Block Requirements.**

(a) **Block Structure.** Multiple-family developments 8 or more acres in size shall be developed as a series of complete blocks bounded by public or private streets. Natural areas, waterways, high voltage power lines, and other similar substantial physical features may form up to 2 sides of a
block. The maximum block size within a multiple-family development shall be no greater than 4 acres in size. (See Figure 9.5500(10) Multiple-Family Block Requirements.)

(b) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(8)(d).

(11) Site Access and Internal Circulation.

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

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

1. Driveways. Driveways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Driveways are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets. (See Figure 9.5500(11)(b) Multiple-Family Driveways). The following standards apply:
   a. Two-way driveways shall be a minimum width of 20 feet, one-way driveways shall be a minimum width of 12 feet. The maximum driveway width is 28 feet.
   b. All driveways shall be perpendicular to the street they connect to and shall be constructed with a 10- to 15-foot curb radius.
   c. On lots without alley access, driveway connections to public streets shall be limited as specified in Table 9.5500(11)(b)1.c. Multiple-Family Driveway Standards for Lots Without Alley Access.

2. Parking Drives. Parking drives are driveways lined with head-in parking spaces, diagonal parking spaces, garages, or any combination thereof along a significant portion of their length. Parking drives for multiple-family developments with more than 20 units shall be designed so as to permit no through-motor vehicle movements. (See Figure 9.5500(12) Multiple-Family Parking.)

(c) Alley Access. Development sites with alley access, either at the rear yard or along the side yard, shall use the alley to provide access to the development site. In these instances, no direct access to the street, other than by the alley, shall be permitted. (See Figure 9.5500(11)(b) Multiple-Family Driveways.)

(d) Setback Sidewalks. Setback sidewalks shall be required along any public or private street adjacent to or within the development site.

(e) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(8)(e).
Table 9.5500(11)(b)1.c. Multiple-Family Driveway Standards for Lots Without Alley Access

<table>
<thead>
<tr>
<th>Site Width</th>
<th>Driveway Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 119 feet</td>
<td>1 curb cut, 20 feet wide, 2-way</td>
</tr>
<tr>
<td>120' to 179 feet</td>
<td>2 curb cuts, 20 feet wide, 2-way</td>
</tr>
<tr>
<td>over 180 feet</td>
<td>1 additional curb cut, 20 feet wide, 2-way, for each additional 120 feet of site width.</td>
</tr>
</tbody>
</table>

(12) **Vehicle Parking.**

(a) **Parking Element Types.** The city shall allow on-site parking to be provided as part of any multiple-family development project in the form of garages (private or common), carports, open parking areas. All parking, except common garages, shall be designed as parking courts according to EC 9.5500(12)(b) Parking Courts.

(b) **Parking Courts.**

1. **Maximum Size of Parking Courts.** Individual parking courts shall be no more than 9,000 square feet in size and shall be physically and visually separated by a landscape area a minimum of 20 feet in width. No more than 3 individual parking courts may be connected by an aisle or driveway. (See Figure 9.5500(12) Multiple-Family Parking and Multiple-Family Parking Continued.)

2. **Parking Court Width.** A parking court of any length shall consist of no more than one 1 double-loaded parking aisle.

3. **Parking Court Separation.** Planting islands shall be placed between parking courts to visually interrupt rows of parked vehicles and to separate individual parking courts. Planting islands between parking courts shall have a minimum width of 20 feet and a minimum area of 360 square feet. Each of these islands shall provide at least 1 canopy shade tree having a clear trunk height of at least 9 feet. Architectural elements such as trellises, porches, and stairways may extend into planting islands between parking courts. Other parking area landscape standards in EC 9.6420 Parking Area Standards also apply. (See Figure 9.5500(12)(b) Multiple-Family Parking Courts)

(c) **Limitation on Parking Frontage.** To strengthen the presence of buildings on the street, parking and vehicle use areas and garages adjacent to any public or private street frontage shall extend across no more than 50 percent of any street frontage. No parking spaces, with the exception of underground parking, shall be placed within any required front yard area. Parking areas shall not be located between buildings and the street. A single-story street level parking garage may not occupy the street frontage of a multiple-family development, except for parking garage driveways.

(d) **Criteria for Adjustment.** Adjustments to the standards in this subsection
may be made, based on the criteria of EC 9.8030(8)(f).

(13) **On-Site Pedestrian Circulation.** Multiple-family developments shall provide safe on-site pedestrian circulation according to EC 9.6730 Pedestrian Circulation On-site.

(14) **Recycling and Garbage Areas.** Multiple-family developments shall provide recycling facilities that meet EC 9.5650 Recycling - Small Collection Facility Standards, and screening for outdoor storage areas and garbage collection areas according to EC 9.6740 Recycling and Garbage Screening.

(Section 9.5500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5600 Recreational Vehicle Parks Standards.** The following development standards apply to recreational vehicle parks:

1. Front yard screening shall consist of an area 10 feet wide, with landscaping according to EC 9.6210(2) Low Screen Landscape Standard (L-2).
3. Minimum staff: 1 resident manager.

(Section 9.5600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5650 Recycling-Small Collection Facility Standards.** A small collection recycling facility may provide source separated collection of recyclable materials more particularly described in Chapter 3 of this code and adopted administrative rules, subject to the following standards:

1. **Collection Containers:** Collection containers shall be in compliance with the requirements for size, color and type in administrative rules adopted under Chapter 3 of this code. If containers provide an opening to the elements of greater than 2 square feet they must be situated under a covered structure and enclosed on 3 sides in order to protect users from the elements, minimize blowing debris, and meet requirements of the State Structural Specialty Code.
2. **Sites:** Shall be kept neat and clean.
3. **Signage:** Appropriate signage shall be placed at the site that conform to regulations in this land use code. Signs shall include the name and telephone number of the party responsible for collection at the site, preparation standards for materials collected at the site, and scheduled collection times.
4. **Traffic Circulation and Vision Clearance:** The collection center’s location, donated materials storage, or any other activities associated with the use shall not impede traffic circulation and vision clearance.
5. **Public Right-of-Way:** Collection centers shall not be located in the public right-of-way.

(Section 9.5650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Telecommunication Devices-Siting Requirements and Procedures.

(1) Purpose. The provisions of this section are intended to ensure that telecommunication facilities are located, installed, maintained and removed in a manner that:
   (a) Minimizes the number of transmission towers throughout the community;
   (b) Encourages the collocation of telecommunication facilities;
   (c) Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers;
   (d) Recognizes the need of telecommunication providers to build out their systems over time; and
   (e) Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption. Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals.

(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.
   
   (a) Outright Permitted Uses. No land use permit is required for a telecommunication facility which, pursuant to subsections (3) through (5) of this section, is an outright permitted use. Such a telecommunication facility shall require only a development permit or permits.

   (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, 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 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.

(3) Collocation of Additional Antennas on Existing Transmission Tower.
   (a) Permitted Use. Collocation of an additional antenna on an existing transmission tower shall be considered an outright permitted use if property is zoned GO, PL, S, C-2, C-3, C-4, I-1, I-2, or I-3 or if the transmission tower is in any other zone and the city specifically approved, as part of a prior land use process authorizing the transmission tower, collocation of additional antennas.
   (b) Site Review. Collocation of an additional antenna on an existing transmission tower shall be subject to site review approval if property is zoned AG, R-1, C-1 or PRO and approval for collocation was not granted through a prior land use process.

(4) Collocation of Antennas on Existing Buildings, Light or Utility Poles, and Water Towers. In addition to collocation on a transmission tower, an antenna may be collocated on existing buildings, light or utility poles, and water towers.
   (a) Permitted Use. Such collocation on a building, light or utility pole, or water tower, shall be considered an outright permitted use provided that the antennas and ancillary facilities comply with the standards contained in EC 9.5750 Telecommunications Devices-Siting Requirements and Procedures, the color of the antennas blends in with the existing structure and surroundings, and one of the following is met:
      1. The property is zoned PL, C-2, C-3, C-4, R-4, I-1, I-2, or I-3 and the antennas do not exceed the height limitation of the zone; or
      2. The property is zoned AG, R-1, R-2, R-3, C-1, GO, S, H, or PRO, and the antennas extend no more than 18 feet above, and project no more than 2 feet horizontally away from the existing structure.
   (b) Site Review. Such collocation on a building, light or utility pole, or water tower shall be subject to site review approval provided that the antennas and ancillary facilities comply with the standards contained in EC 9.5750 Telecommunications Devices-Siting Requirements and Procedures, the color of the antennas blend in with the existing structure and surroundings, and:
      1. The property is zoned AG, R-1, R-2, R-3, C-1, GO, S, H, or PRO, and the antennas extend more than 18 feet above, or project more than 2 feet horizontally away from the existing structure.
   (c) Conditional Use Permit. In all cases other than those listed in subparagraphs (a) and (b), such collocation shall require a conditional use permit. No exceptions to the standards contained in EC 9.5750 Telecommunications Devices-Siting Requirements and Procedures shall be permitted except as authorized by subsection (9) of this section. In no event shall a conditional use permit authorize a tower or antennas to exceed the height limitation for a zone as established by Chapter 9 except as provided for in this section.
(5) **Construction of Transmission Tower.** Construction of a transmission tower, or a modification of an existing transmission tower to increase its height, shall be allowed as follows:

(a) **Permitted Use.**
   1. Such construction or modification shall be considered an outright permitted use in the C-4, I-1, I-2 and I-3 zone.
   2. Modification to increase the height of an existing transmission tower shall be considered an outright permitted use in all other zones if the city approved an increase in tower height, as part of a prior land use process authorizing the transmission tower. The increase in height allowed under this paragraph shall be limited to the specific height authorized in the prior land use process.

(b) **Site Review.** Such construction shall require site review approval in the PL, C-2, and C-3 zones.

(c) **Conditional Use Permit.** Such construction shall require a conditional use permit in the R-1, C-1, S and GO zones.

(d) **Prohibited Zones and Locations.** No new transmission tower shall be permitted in any zones not included in subparagraphs (a) to (c) above, including the AG, R-2; R-3, R-4, H, NR, and PRO zones; or in the Willamette Greenway, on Gillespie Butte above the elevation of 450 feet, on the ridgeline as defined in the South Hills Study or on Judkins Point.

(6) **Application Requirements.**

(a) **Collocation of Antennas.** In addition to standard required application material, an applicant for collocation of antennas shall submit the following information; additional application material is required, as specified in paragraph (c) below, for applications requiring a site review or conditional use process.
   1. A description of the proposed antennas location, design and height.
   2. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are co-locating on or in structures directly across from or adjacent to the antennas.
   3. A statement documenting that placement of the antenna is designed to allow future collocation of additional antennas if technologically possible.
   4. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in subsection (7)(f) of this section, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
   5. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
   6. Documents demonstrating that necessary easements have been
obtained.
7. Plans showing how vehicle access will be provided.
8. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes.
9. If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
10. Documents demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal. Alternatively, when a site review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The site review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Aeronautics Division review.

(b) Construction of Transmission Tower. In addition to standard required application material, an applicant for a transmission tower shall submit the following information; additional application material is required, as specified in paragraph (c) below, for applications requiring a site review or conditional use process:
1. A description of the proposed tower location, design and height.
2. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
4. A signed agreement, as supplied by the city, stating that the applicant will allow collocation with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
5. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in subsection (7) of this section, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
6. A landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
7. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
8. Documents demonstrating that necessary easements have been obtained;
9. Plans showing how vehicle access will be provided;
10. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes;
11. Documents demonstrating that the FAA has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, when a site review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The site review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Aeronautics Division review.

(c) Site Review and Conditional Use Permit Applications. In addition to the application requirements specified in paragraph (b) above, applications for site review or conditional use permits also shall include the following information:

1. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least 5 points within a 3 mile radius. Such points shall be chosen by the provider with review and approval by the planning director to ensure that various potential views are represented.

2. Documentation that alternative sites within a radius of at least 2000 feet have been considered and have been determined to be technologically unfeasible or unavailable. For site reviews, alternative sites zoned C-4, I-1, I-2, and I-3 must be considered. For conditional use permits alternative sites zoned PL, C-2 and C-3, C-4, I-1, I-2, and I-3 must be considered.

3. Evidence demonstrating collocation is impractical on existing tall buildings, light or utility poles, water towers, existing transmission towers, and existing tower facility sites for reasons of structural support capabilities, safety, available space, or failing to meet service coverage area needs.

4. A current overall system plan for the city, showing facilities
presently constructed or approved and future expansion plans.

5. A statement providing the reasons for the location, design and height of the proposed tower or antennas.

(7) Standards for Transmission Towers and Antennas. Installation, construction or modification of all transmission towers and antennas shall comply with the following standards, unless a variance is obtained pursuant to the provisions of subsection (9) of this section:

(a) Separation Between Transmission Towers. No transmission tower may be constructed within 2000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower which is closest to the base of any pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to February 26, 1997 may be modified to accommodate additional providers consistent with provisions for collocation in this section.

(b) Height Limitation: Transmission tower heights shall be governed by this section except as provided for below. No transmission tower shall exceed the maximum heights provided below. In no case shall a variance be granted from the limitations of subparagraphs (1) through (4) below.

1. In any zones, no transmission tower shall exceed the height limitations established for buildings and structures in the specified areas surrounding Skinner Butte contained in EC 9.6715 Height Limitation Areas of this land use code to protect views to and from Skinner Butte.

2. In any zone within the area east of Willagillespie Road, south of Cal Young Road, west of Oakway Road, and north of Southwood Lane and Country Club Road, no transmission tower shall exceed 75 feet in height to protect views to and from Gillespie Butte.

3. If located within a PL, C-2, C-3, C-4, R-4, I-1, I-2 or I-3 zone, the height limitation, for that zone shall apply.

4. If located within an C-1, S or GO zone, the maximum height of a transmission tower, including antennas, is 100 feet.

5. If located within an R-1 zone, the maximum height of a transmission tower, including antennas, is 75 feet, unless a variance is granted pursuant to the provisions of subsection (9) of this section. In no event shall a variance be granted to construct such a tower in excess of 100 feet.

(c) Collocation. New transmission towers shall be designed to accommodate collocation of additional providers:

1. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of 2 additional providers either outright or through future modification to the tower.
2. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of 1 additional provider either outright or through future modification to the tower.

(d) **Setback.** The following setbacks from adjacent property lines and adjacent streets shall be required unless a variance is granted pursuant to the provisions of subsection (9) of this section:

1. If located within a PL, S, C-2, C-3, C-4, I-1, I-2, or I-3 zone, no setback from adjacent property lines shall be required beyond that required by this land use code or the provisions applicable to the S zone.

2. If located within an R-1, C-1, or GO zone, the transmission tower shall be set back from adjacent property lines a minimum number of feet that is equal to the height of the transmission tower.

3. In the R-1, PL, C-1 and GO zones, transmission towers shall be set back from adjacent public street(s) a minimum number of feet that is equal to the height of the tower. In all other zones, the setback from adjacent public streets shall be a minimum of 25 feet.

(e) **Buffering.** In all zones, existing vegetation shall be preserved to the maximum extent possible. In the C-4, I-1, I-2 and I-3 zones, no buffering is required beyond that required by this land use code. In all other zones, landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.

(f) **Noise Reduction.** In R-1, R-2, R-3, R-4, C-1, and GO and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBA.

(g) **Status of Location.** No permit may be issued for the location of a new telecommunications facility within an R-1 or C-1 zone unless the lot on which it is to be placed is vacant or developed with a non-residential use at the time the permit application is submitted. This restriction does not apply within other zones.

(h) **Lighting.** No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. No high intensity white lights may be located on transmission towers in an R-1, C-1, or PRO zone.

(i) **Color.** The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate.
and compatible with the surrounding environment, as approved by the city.

(j) **Viewshed.** The transmission tower shall be located down slope from the top of a ridgeline so that when viewed from any point along the northern right-of-way line of 18th Avenue, the tower does not interrupt the profile of the ridgeline or Spencer's Butte. In addition, a transmission tower shall not interrupt the profile of Spencer Butte when viewed from any location in Amazon Park. Visual impacts to prominent views of Skinner Butte, Judkins Point, and Gillespie Butte shall be minimized to the greatest extent possible. Approval for location of a transmission tower in a prominent view of these Buttes shall be given only if location of the transmission tower on an alternative site is not possible, as documented by application materials submitted by the applicant, and the transmission tower is limited in height to the minimum height necessary to provide the approximate coverage the tower is intended to provide.

(k) **Display.** No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than 3 square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than 2.

(8) **Standards for Ancillary Facilities.** All ancillary facilities shall comply with the standards of subsections (7)(e) and (7)(f) of this section. In addition, all ancillary facilities within an R-1, PL, C-1, GO, and PRO zone must be located underground to the maximum extent technology allows, unless a variance is obtained pursuant to the provisions of subsection (9) of this section. This restriction does not apply within other zones.

(9) **Variance.**

(a) Any variance to the requirements of this section shall be granted only pursuant to the following provisions. The criteria for granting a variance shall be limited to this section, and shall not include the standard variance criteria beginning at EC 9.8750 **Purpose of Variances.**

(b) The city may grant a variance from the provisions of subsection (7)(a) of this section providing the applicant demonstrates that:

1. It is technologically impossible to locate the proposed tower on available sites more than 2,000 feet from a pre-existing transmission tower and still provide the approximate coverage the tower is intended to provide;

2. The pre-existing transmission tower that is within 2,000 feet of the proposed tower cannot be modified to accommodate another provider; and

3. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.

(c) The city may grant a variance to the setback and undergrounding requirements of subsections (7)(d) or (8) upon finding that stealth design,
proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.

(d) The city may grant a variance to the 75 foot height limitation in the R-1 zone to a maximum of 100 feet providing the applicant demonstrates that a transmission tower taller than 75 feet will directly eliminate the need for 1 or more additional transmission towers in an R-1 zone.

(e) If the proposed transmission tower or ancillary facility requires site review or a conditional use permit, the request for variance shall be considered as part of the site review or conditional use permit process. If the proposed transmission tower or ancillary facility is an outright permitted use, the request for a variance shall be processed pursuant to Type II application procedures beginning at EC 9.7200 General Overview of Type II Application Procedures except that the decision shall be based on the criteria in this section.

(10) Removal of Facilities.

(a) All transmission towers and antennas shall be removed by the person who constructed the facility, by the person who operates the facility, or by the property owner, within 6 months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The city manager may grant a 6-month extension where a written request has been filed, within the initial 6-month period, to reuse the tower or antennas.

(b) If a transmission tower is located within an R-1, PL, C-1 or GO zone, the provisions of subparagraph (a) also shall apply to the tower substructure and all above ground ancillary facilities.

(c) The city may require the posting of an open ended bond before development permit issuance to insure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

(11) Fees. Notwithstanding any other provision of this code, the city manager may require, as part of application fees for building or land use permits for telecommunication facilities, an amount sufficient to recover all of the city’s costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunications expertise.

(Section 9.5750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.5800 Temporary Activity Special Development Standards.

(1) Purpose. The provisions of this section establish standards for temporary activities and uses that can be terminated and removed immediately. Temporary uses have no inherent rights within the base zone in which they are located.

(2) Applicability. Prior to initiation of any temporary use, the operator shall ensure that the standards in this section are met.

(3) Description. Temporary activities are short term or seasonal activities and do
not require permanent site improvements. Temporary activities include temporary uses that:

(a) Are allowed by the zone but do not meet the normal development standards. Examples include, but are not limited to, Christmas tree sales or parking lot sales in a commercial zone.

(b) If permanent, would not be allowed by the base zone. An example is a church carnival in a residential zone. Temporary activities include, but are not limited to:
   a. Construction yard, staging area.
   b. Construction trailer.
   c. Leasing office.
   d. Garage sale.
   e. Carnival and fair.
   f. Parking lot sale.
   g. Seasonal sale such as Christmas tree sale.
   h. Firework sale.
   i. Plant and produce stand.

(4) General Standards. All temporary activities are subject to the applicable standards listed below:

(a) Permanent changes to the development site to specifically accommodate the temporary activity are prohibited.

(b) Temporary parking areas for use during the construction of a building are allowed on the development site only during the period of construction. They must be removed within 1 month of issuance of a certificate of occupancy for the building. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development was approved for the location by the city.

(c) All signs associated with the temporary activity must not be placed in the public right of way or vision clearance area and must be removed when the activity ends.

(d) Temporary activities on development sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.

(e) Notwithstanding any other provisions of this land use code, temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

(f) These regulations do not exempt the operator of any temporary activity from any other required permits such as, but not limited to, sanitation facility permits or electrical permits.

(g) A temporary construction trailer is allowed on a construction site if a development permit application for a permanent structure on the development site is submitted to the city within 90 days of siting the temporary construction trailer. A temporary construction trailer may
remain on the development site until the construction is completed.

(5) **Zone Category and Duration.**

(a) In addition to the standards in subsection (4) of this section, the standards for temporary activities in areas with a broad zone category of agricultural, residential or S-H Historic zone (See Table 9.1030 Zones) are as follows:

1. **Sales.**
   a. Garage Sales. Garage sales and other sales for items from the development site may occur for no more than 3 consecutive days on 3 different occasions during a calendar year.
   b. Seasonal outdoor sales. Seasonal outdoor sales of plants and produce grown on the development site are allowed up to 2 consecutive weeks on 3 different occasions during a calendar year.

2. **Fairs, Carnivals and Other Major Public Gatherings.** Fairs, carnivals, and other major public gatherings are allowed for up to 9 consecutive days at a development site zoned education, entertainment, government, recreation, or religious services. Three events are allowed per calendar year.

(b) The standards for temporary activities in areas in the broad zone category of commercial, industrial, or special (except S-H zones) are as follows:

1. **Parking Lot Sales.** Parking lot sales in zones where outdoor merchandise display is not otherwise permitted are allowed for up to 2 consecutive weeks at any 1 time.

2. **Fairs and Carnivals.** Fairs and carnivals are allowed for up to 2 consecutive weeks at any 1 time.

(c) The regulations for the zone category of government and education and park and open space (excluding the NR natural resource zone) are as follows:

1. **Fairs, Carnivals, and Other Special Events.** Fairs, carnivals, and other special events are allowed by right in the PL Public Land zone.

(Section 9.5800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5850 Wildlife Care Center Standards.**

(1) Commercial activities are not allowed. Breeding or raising wildlife for sale or trade, or the sale or trade of animal products is not permitted.

(2) All wildlife that are being cared for must be kept indoors or within an area that is bounded by a site-obscuring fence. Enclosures shall be designed and constructed in a manner that is sturdy enough to prevent escape and access to their interiors by unauthorized persons.

(3) **Proper sanitation shall be maintained at all times.** Proper sanitation includes:
   a. Not allowing wildlife waste to adversely affect the health of the wildlife itself, property residents, or neighbors.
(b) Taking necessary steps to ensure odors are not detectable beyond property lines.
(c) Storing all wildlife food in rodent and pest resistant containers.

(4) The center shall not be designed or used for exotic or domestic animals.
(5) Bears, wolves and cougars are prohibited, along with any other carnivores over 80 pounds in weight.
(6) At least 1 person licensed by the state of Oregon as a wildlife rehabilitator or conducting wildlife rehabilitation under the supervision of a licensed rehabilitator must occupy the property.
(7) If the property is changed in zone and wildlife care centers are not a permitted use, the use must be discontinued within 2 years.
(8) Wildlife restored to a condition whereby it can be released and survive under natural conditions shall be removed from the property after a reasonable amount of time. Wildlife that cannot be expected to survive under natural conditions may be retained for off-site wildlife education, or to assist in the rehabilitation of other animals, provided required state and federal licenses and permits are obtained.
(9) Also see Animal Regulations in EC Chapter 4 and Nuisance regulations in EC Chapter 6.

(Section 9.5850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
General Standards for All Development

General

9.6000 Purpose and Applicability. Unless otherwise provided in sections 9.6000 through 9.6885 of this land use code, those sections describe the general standards that apply to the entire development site at the time of any development.

(Section 9.6000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6010 Applications Proposing Needed Housing.
1. As used in EC chapter 9.6000, the term “applications proposing needed housing” 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 development permits for uses permitted outright in the subject zone if the applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.

2. The term does not include an application that could have proceeded under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520, but the applicant elected to proceed under the discretion approval process.

(Section 9.6010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Bicycle Parking Standards

9.6100 Purpose of Bicycle Parking Standards. Sections 9.6100 through 9.6110 set forth requirements for off-street bicycle parking areas based on the use and location of the property. Bicycle parking standards are intended to provide safe, convenient, and attractive areas for the circulation and parking of bicycles that encourage the use of alternative modes of transportation. Long-term bicycle parking space requirements are intended to accommodate employees, students, residents, commuters, and other persons who expect to leave their bicycle parked for more than 2 hours. Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately 2 hours.

(Section 9.6100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6105 Bicycle Parking Standards.
1. Exemptions from Bicycle Parking Standards. The following are exempt from the bicycle parking standards of this section:
   a. Site improvements that do not include bicycle parking improvements.
(b) Building alterations.
(c) Drive-through only establishments.
(d) Temporary activities as defined in EC 9.5800 Temporary Activity Special Development Standards.
(e) Bicycle parking at Autzen Stadium Complex (see EC 9.6105(5) Autzen Stadium Complex Bicycle Parking Standards).

(2) Bicycle Parking Space Standards.
(a) A minimum of 4 bicycle parking spaces shall be provided at each development site.
(b) A bicycle parking space required by this land use code shall be at least 6 feet long and 2 feet wide with an overhead clearance of at least 7 feet, and with a 5 foot access aisle. This minimum required width for a bicycle parking space may be reduced to 18" if designed using a hoop rack according to Figure 9.6105(2) Bicycle Parking Standards. Bicycles may be tipped vertically for storage, but not hung above the floor. Bicycle parking shall be provided at ground level unless an elevator is easily accessible to an approved bicycle storage area.
(c) All required long term bicycle parking spaces shall be sheltered from precipitation. Shelters for short term bicycle parking shall be provided in the amounts shown in Table 9.6105(2)(c) Required Sheltered Bicycle Parking Spaces.

<table>
<thead>
<tr>
<th>Table 9.6105(2)(c) Required Sheltered Bicycle Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Term Bicycle Parking Requirement</td>
</tr>
<tr>
<td>5 or fewer</td>
</tr>
<tr>
<td>6 to 10</td>
</tr>
<tr>
<td>11 to 29</td>
</tr>
<tr>
<td>30 or more</td>
</tr>
</tbody>
</table>

(d) Direct access from the bicycle parking area to the public right-of-way shall be provided with access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance.

(3) Bicycle Parking Location and Security.
(a) Long term bicycle parking required in association with a commercial, industrial, or institutional use shall be provided in a well-lighted, secure location within a convenient distance of a main entrance. A secure location is defined as one in which the bicycle parking is:
   1. A bicycle locker,
   2. A lockable bicycle enclosure,
   3. Provided within a lockable room, or
   4. Clearly visible from, and within 30 feet of the employee’s work station.
Bicycle parking provided in outdoor locations shall not be farther than the
closest automobile parking space (except disabled parking). Long term
bicycle parking required in association with a multiple-family residential
use shall be provided in a well-lighted, secure ground level location within
a convenient distance of an entrance to the residential unit. A secure
location is defined as one in which the bicycle parking is provided outside
the residential unit within a garage, a lockable room, a lockable bicycle
enclosure, or a bicycle locker.

(b) Short term bicycle parking shall consist of a securely fixed structure that
supports the bicycle frame in a stable position without damage to wheels,
frame, or components and that allows the frame and both wheels to be
locked to the rack by the bicyclist's own locking device. The required
spaces for each use category are listed in EC 9.6105(4) Minimum
Required Bicycle Parking Spaces. Short term bicycle parking shall be
provided within a convenient distance of, and clearly visible from the main
entrance to the building as determined by the city, but it shall not be
farther than the closest automobile parking space (except disabled
parking).

(4) **Minimum Required Bicycle Parking Spaces.** The minimum required number
of bicycle parking spaces shall be calculated according to Table 9.6105(4)
Minimum Required Bicycle Parking Spaces.

<table>
<thead>
<tr>
<th>Table 9.6105(4) Minimum Required Bicycle Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Accessory Uses</td>
</tr>
<tr>
<td>All Uses in this category</td>
</tr>
<tr>
<td>Agricultural, Resource Production and Extraction</td>
</tr>
<tr>
<td>All Uses in this category</td>
</tr>
<tr>
<td>Eating and Drinking Establishments</td>
</tr>
<tr>
<td>All Uses in this category</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Education, Cultural, Religious, Social and Fraternal</td>
</tr>
<tr>
<td>Artist Gallery/Studio</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Ballet, Dance, and Gymnastic School/Academy/Studio</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Church, Synagogue, and Temple, including associated residential structures for religious personnel</td>
</tr>
</tbody>
</table>

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6/1/2002
<table>
<thead>
<tr>
<th>Uses</th>
<th>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</th>
<th>Type and % of Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Club and Lodge of State or National Organization</td>
<td>1 per 20 fixed seats or 40 feet of bench length or every 200 square feet where no permanent seats or benches are maintained in main auditorium.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Library</td>
<td>1 per each 500 square feet of floor area.</td>
<td></td>
</tr>
<tr>
<td>Museum</td>
<td>1 per each 500 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>School, Business or Specialized Educational Training (excludes driving instruction)</td>
<td>1 per 5 full-time students.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>School, Driving (including use of motor vehicles)</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>School, Public or Private (Elementary through High School)</td>
<td>1 per 8 students.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>University or College</td>
<td>1 per 5 full-time students.</td>
<td>25% long term 75% short term</td>
</tr>
</tbody>
</table>

**Entertainment and Recreation**

<table>
<thead>
<tr>
<th>Uses</th>
<th>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</th>
<th>Type and % of Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Center (Arcade, pool tables, etc.)</td>
<td>1 per each 400 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Arena, (Both indoors and outdoors)</td>
<td>1 per 20 seats.</td>
<td>25% long term 75% short term</td>
</tr>
</tbody>
</table>

**Athletic Facilities and Sports Clubs**

<table>
<thead>
<tr>
<th>Uses</th>
<th>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</th>
<th>Type and % of Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Playing Court</td>
<td>1 per 5 courts.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Viewing Area</td>
<td>1 per each 280 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Locker Room, Sauna, Whirlpool, Weight Room, or Gymnasium</td>
<td>1 per each 750 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Lounge or Snack Bar Area</td>
<td>1 per each 600 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Pro Shops or Sales Area</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>1 per each 2000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Athletic Field, Outdoor</td>
<td>4 per each athletic field</td>
<td>100% short term</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses</th>
<th>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</th>
<th>Type and % of Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling Alley</td>
<td>1 per each lane.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Equestrian Academy and Stable</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Equestrian Trail</td>
<td>-0-</td>
<td>NA</td>
</tr>
</tbody>
</table>

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6/1/2002
<table>
<thead>
<tr>
<th>Uses</th>
<th>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</th>
<th>Type and % of Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf Course, Miniature Indoor</td>
<td>1 per each 400 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Golf Course, Miniature Outdoor</td>
<td>1 per each 400 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Golf Course, with or without country club</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Golf Driving Range</td>
<td>1 per each 400 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Park and Playground</td>
<td>4 per park or playground</td>
<td>100% short term</td>
</tr>
<tr>
<td>Race Track, including drag strip and go-</td>
<td>1 per 20 seats.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>cart track</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theater, Live Entertainment</td>
<td>1 per 20 seats.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Theater, Motion Picture</td>
<td>1 per 20 seats.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Financial Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machine (ATM)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Bank, Savings and Loan Office, Credit</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Union</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Services, not specifically</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>listed in this or any other uses and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>permits table</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information Technology Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Uses in this category</td>
<td>1 per each 2750 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Facility</td>
<td>1 per 10 guest bedrooms.</td>
<td>100% long term</td>
</tr>
<tr>
<td>Homeless Shelter in Existence as of</td>
<td>1 per 20 beds.</td>
<td>75% long term 25% short term</td>
</tr>
<tr>
<td>January 1, 1984</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homeless Shelter not in existence as of</td>
<td>1 per 20 beds.</td>
<td>75% long term 25% short term</td>
</tr>
<tr>
<td>January 1, 1984</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel, and similar business</td>
<td>1 per 10 guest bedrooms.</td>
<td>75% long term 25% short term</td>
</tr>
<tr>
<td>providing overnight accommodations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle Park, may include</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>tent sites (See EC 9.5600)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All uses in this category excluding</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>75% long term 25% short term</td>
</tr>
<tr>
<td>storage uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Medical, Health, and Correctional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blood Bank</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Uses</td>
<td>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</td>
<td>Type and % of Bicycle Parking</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Correctional Facility, excluding Residential Treatment Center</td>
<td>1 per 20 beds.</td>
<td>75% long term</td>
</tr>
<tr>
<td>Hospital, Clinic, or other Medical Health Treatment Facility (including mental health) in excess of 10,000 square feet of floor area</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>75% long term</td>
</tr>
<tr>
<td>Hospital, Clinic or other Medical Health Treatment Facility (including mental health) 10,000 square feet or less of floor area</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>75% long term</td>
</tr>
<tr>
<td>Laboratory—Medical, Dental, X-Ray</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term; 75% short term</td>
</tr>
<tr>
<td>Meal Service, Non-Profit</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term; 75% short term</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1 per 15 beds.</td>
<td>75% long term; 25% short term</td>
</tr>
<tr>
<td>Plasma Center, must be at least 800 feet between Plasma Centers</td>
<td>1 per 15 beds.</td>
<td>75% long term; 25% short term</td>
</tr>
<tr>
<td>Residential Treatment Center</td>
<td>1 per 15 beds.</td>
<td>75% long term; 25% short term</td>
</tr>
<tr>
<td><strong>Motor Vehicle Related Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Wash</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Motor Vehicle Sales/Rental/Service, excluding motorcycles, recreational vehicles and heavy trucks</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Motorcycle Sales/Rental/Service</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Parking Area not directly related to a primary use on the same development site</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Parts Store</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Recreational Vehicles and Heavy Truck, Sales/Rental/Service</td>
<td>1 per each 4000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Repair, includes paint and body shop</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Service Station, includes quick servicing</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Structured Parking, up to two levels not directly related to a primary use on the same development site</td>
<td>10% of auto spaces.</td>
<td>100% long term</td>
</tr>
<tr>
<td>Structured Parking, three or more levels not directly related to a primary use on the same development site</td>
<td>10% of auto spaces.</td>
<td>100% long term</td>
</tr>
<tr>
<td>Tires, Sales/Service</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor, only when shared parking arrangement with other permitted use</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Uses</td>
<td>Required Bicycle Parking</td>
<td>Type and % of Bicycle Parking</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor</td>
<td>10% of auto spaces.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Transit Station, Major or Minor</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Office Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Uses in this category</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td><strong>Personal Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Personal Services Uses, except Barber, Beauty, Nail, Tanning Shop and Laundromat</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Barber, Beauty, Nail, Tanning Shop</td>
<td>1 per each 2000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Laundromat, Self-Service</td>
<td>1 per each 2000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-Family Dwelling</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Rowhouse (One-Family on own lot attached to adjacent residence on separate lot with garage or carport access to the rear of the lot)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Duplex (Two-Family attached on same lot)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Triplex (Three-Family attached on same lot)</td>
<td>1 per dwelling.</td>
<td>100 % long term</td>
</tr>
<tr>
<td>Four-Plexes (Four-Family attached on same lot)</td>
<td>1 per dwelling.</td>
<td>100 % long term</td>
</tr>
<tr>
<td>Multiple Family (3 or more dwellings on same lot)</td>
<td>1 per dwelling.</td>
<td>100% long term</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Controlled Income and Rent Housing where density is above that usually permitted in the zoning yet not to exceed 150%</td>
<td>1 per dwelling.</td>
<td>100% long term</td>
</tr>
<tr>
<td><strong>Assisted Care &amp; Day Care</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Uses</td>
<td>Required Bicycle Parking</td>
<td>Type and % of Bicycle Parking</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Assisted Care (6 or more people living in facility)</td>
<td>1 per 10 employees</td>
<td>100% long term</td>
</tr>
<tr>
<td>Day Care (3 - 12 people served)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Day Care (13 or more people served)</td>
<td>1 per 10 employees</td>
<td>100% long term</td>
</tr>
<tr>
<td>Rooms for Rent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boarding and Rooming House</td>
<td>1 per guest room.</td>
<td>100% long term</td>
</tr>
<tr>
<td>Campus Living Organizations, including Fraternities and Sororities</td>
<td>1 for each 2 occupants for which sleeping facilities are provided.</td>
<td>100% long term</td>
</tr>
<tr>
<td>Single Room Occupancy</td>
<td>1 per dwelling (4 single rooms are equal to 1 dwelling).</td>
<td>100% long term</td>
</tr>
<tr>
<td>University and College Dormitories</td>
<td>1 for each 2 occupants for which sleeping facilities are provided.</td>
<td>100% long term</td>
</tr>
<tr>
<td>Agricultural Machinery Rental/Sales/Service</td>
<td>1 per each 4000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Appliance Sales/Service</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Boat and Watercraft Sales/Service</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Building Materials and Supplies</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Equipment, Light, Rental/Sales/Service</td>
<td>1 per each 4000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Equipment, Heavy, Rental/Sales/Service - includes truck and tractor sales</td>
<td>1 per each 4000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Furniture and Home Furnishing Store</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Garden Supply/Nursery</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Garden Supply/Nursery, including feed and seed store</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>General Merchandise (includes supermarket and department store)</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Hardware/Home Improvement Store</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Healthcare Equipment and Supplies</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Uses</td>
<td>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</td>
<td>Type and % of Bicycle Parking</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Manufactured Dwelling Sales/Service/Repair</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Plumbing Supplies and Services</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Regional Distribution Center</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Retail Trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Storage Facility, Household/Consumer Goods</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Storage Facility, Household/Consumer Goods, enclosed</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Shopping center with at least 2 or more businesses and at least 50,000 square feet of gross floor area</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Specialty Store (An example includes a gift store)</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Storage Facility</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Wholesale Trade</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Utilities and Communication</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Uses in Utility and Communication Category, except for Broadcasting Studios</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Broadcasting Studio, Commercial and Public Education</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td><strong>Other Commercial/Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Maintenance Service</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Catering Service</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term 75% short term</td>
</tr>
<tr>
<td>Cemetery, includes crematoria, columbaria, and mausoleums</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Collection Center, Collection of Used Goods (See EC 9.5150)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Garbage Dump, sanitary landfill</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Heliport and Helistop</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Home Occupation (See EC 9.5350)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Kennel</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Model Home Sales Office</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Mortuary</td>
<td>1 per each 280 square feet in main auditorium.</td>
<td>100 % short term</td>
</tr>
<tr>
<td>Photographers’ Studio</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>100 % short term</td>
</tr>
<tr>
<td>Picture Framing and Glazing</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>100 % short term</td>
</tr>
</tbody>
</table>

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Table 9.6105(4) Minimum Required Bicycle Parking Spaces

<table>
<thead>
<tr>
<th>Uses</th>
<th>Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)</th>
<th>Type and % of Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing, Blueprinting, Duplicating</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>75% short term</td>
</tr>
<tr>
<td>Publishing Service</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>25% long term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>75% short term</td>
</tr>
<tr>
<td>Temporary Activity (See EC 9.5800)</td>
<td>-0-</td>
<td>NA</td>
</tr>
<tr>
<td>Train Station</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>75% long term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25% short term</td>
</tr>
<tr>
<td>Upholstery Shop</td>
<td>1 per each 3000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Veterinarian Service</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
<tr>
<td>Wildlife Care Center</td>
<td>1 per each 6000 square feet of floor area.</td>
<td>100% short term</td>
</tr>
</tbody>
</table>

(5) Autzen Stadium Complex Bicycle Parking Standards.

(a) So long as a city-approved intergovernmental agreement incorporating a transportation demand management plan for Autzen Stadium complex is in effect:

1. A minimum of 150 permanent bicycle parking spaces are required to be provided to accommodate employees of the Autzen Stadium complex, athletes using the complex, and visitors to the complex. Twenty-five percent (25%) of those spaces shall be sheltered from precipitation. The permanent bicycle parking spaces shall be provided in a well-lighted, secure location within a convenient distance of a primary employee entrance to either Autzen Stadium, the Casanova Center, or the Moshofsky Center. A secure location is defined as one in which the bicycle parking is clearly visible from employee work areas, or in which the bicycle parking is provided within a lockable room, a lockable bicycle enclosure, or a bicycle locker. Bicycle parking provided in outdoor locations shall not be farther than the closest employee auto parking space (except disabled parking).

2. Secured temporary bicycle parking that will accommodate a minimum of 550 temporary bicycle parking spaces is required for each major event occurring within Autzen Stadium to accommodate major stadium event patrons. Temporary bicycle parking shall be provided in temporary attended areas as described in the approved Autzen Stadium transportation demand management plan.

(b) If the above referenced intergovernmental agreement is not in effect, the Autzen Stadium Complex shall be required to provide 1 bicycle space per each 16 seats, with 20% of the spaces provided being long term parking spaces and 80% being short term parking spaces.

(Section 9.6105, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)
9.6110

**Adjustments to Bicycle Parking Standards.** Adjustments may be made to the standards of EC 9.6100 through 9.6105 if consistent with the criteria in EC 9.8030(9) Bicycle Parking Standards Adjustment of this land use code.

(Section 9.6110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Landscape Standards**

9.6200 **Purpose of Landscape Standards.** Landscape standards are designed to:

1. Improve the appearance and visual character of the community.
2. Promote compatibility between all land uses by reducing the visual, noise, and lighting impacts of development on adjacent properties.
3. Unify development, and enhance and define public and private spaces on a site.
4. Reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties.
5. Reduce the area of impervious surfaces.
6. Reduce the level of carbon dioxide in areas of heavy vehicle use and return pure oxygen to the atmosphere.
7. Encourage safe and efficient on-site circulation.
8. Encourage the retention and use of existing vegetation.
9. Provide shade as a means of mitigating heat and exposure in parking lots and other paved areas.
10. Encourage efficient water use and conservation.

(Section 9.6200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6205 **Landscape Standards.** The landscape standards reflected in Table 9.6205 and EC 9.6207 - 9.6255 establish minimum landscape requirements that apply to any development, except:

1. Building alterations.
2. Site improvements not listed in Table 9.6205.
3. Change of use.
<table>
<thead>
<tr>
<th>Table 9.6205 Landscaping Required by this Land Use Code</th>
<th>L-1 Basic</th>
<th>L-2 Low Screen</th>
<th>L-3 High Screen</th>
<th>L-4 High Wall</th>
<th>L-5 Partial Screen Fence</th>
<th>L-6 Full Screen Fence</th>
<th>L-7 Massed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiber Optic Station EC 9.2010, 9.2160, 9.2450, 9.2740, 9.3310, 9.3910, 9.6410, unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.</td>
<td></td>
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</tr>
<tr>
<td>Pump Station, well head, non-elevated reservoir, and other water or sewer facilities (unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact) EC 9.2010, 9.2160, 9.2450, 9.2682(1)(b), 9.2740, 9.3310, 9.3910, 9.4640(2)(f), 9.6410.</td>
<td></td>
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</tr>
<tr>
<td>Commercial Development EC 9.2171(8)(b)</td>
<td>x</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard Setbacks in Commercial Development EC 9.2171(9)(c)</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Interior Yard Setbacks on Commercially Zoned Property Abutting Residential Zones EC 9.2171(8)(d)</td>
<td></td>
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<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Outdoor Merchandise Display in Commercial Zones EC 9.2171(11)(b)(2)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>x</td>
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<tr>
<td>Garbage Screening in Commercial Zones EC 9.2171(12)(b)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Delivery and Loading Areas on Commercially Zoned Lots Abutting Residential Zones EC 9.2171(14)(b), 9.2173(9)</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Drive-Through Service Areas on Commercially Zoned Lots EC 9.2171(15)(c) Standards Vary.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>x</td>
</tr>
</tbody>
</table>

9-222 12/25/2002
<table>
<thead>
<tr>
<th>Description</th>
<th>L-1 Basic</th>
<th>L-2 Low Screen</th>
<th>L-3 High Screen</th>
<th>L-4 High Wall</th>
<th>L-5 Partial Screen Fence</th>
<th>L-6 Full Screen Fence</th>
<th>L-7 Massed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Yards in Large Commercial Facilities Adjacent to or Facing Residential Zones EC 9.2173(7)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard Setbacks in I-1 along Arterial Streets EC 9.2461(3)(b)1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Front Yard Setbacks in I-1 along Collector or Local Streets EC 9.2461(3)(b)1</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard Setbacks in I-2 and I-3 EC 9.2461(3)(b)2</td>
<td>x</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Interior Yard Setbacks in I-1 Zoned Lots Adjacent To Residentially Zoned Lots EC 9.2461(3)(c)1</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>x</td>
</tr>
<tr>
<td>Interior Yard Setbacks in I-2 and I-3 Adjacent to Residentially Zoned Lots EC 9.2461(3)(c)2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Garbage Screening in Industrial Zones (choose one of the three) EC 9.2461(9)(a)</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard Setbacks for Drive-Through Facility Service Area Landscaping in Industrial Zones EC 9.2461(11)(c)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Interior Yard Setbacks for Drive-Through Facility Service Area Landscaping in Industrial Zones EC 9.2461(11)(c)</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Delivery and Loading Facilities on Industrially Zoned Lots Abutting Residential Zones EC 9.2461(12)(b)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Storage and Display Standards in Industrial Zones (Standards vary, see Table 9.2461.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
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<tr>
<td>Multiple-Family Development EC 9.5500(8)(c)</td>
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<tr>
<td>Recreational Vehicle Park Front Yard Screening EC 9.5600(1)</td>
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</tr>
<tr>
<td>Off-Street Loading Spaces in I-1 EC 9.6415(2)(b)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Parking Area Landscaping along a Street EC 9.6420(3)(c)1.c</td>
<td>x</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 9.6205 Landscaping Required by this Land Use Code

<table>
<thead>
<tr>
<th></th>
<th>L-1 Basic</th>
<th>L-2 Low Screen</th>
<th>L-3 High Screen</th>
<th>L-4 High Wall</th>
<th>L-5 Partial Screen Fence</th>
<th>L-6 Full Screen Fence</th>
<th>L-7 Massed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Area Entrance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Driveway Landscaping</td>
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</tr>
<tr>
<td>EC 9.6420(3)(c)</td>
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</tr>
<tr>
<td>Interior Yards in Parking Areas</td>
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<td></td>
</tr>
<tr>
<td>Adjacent to Residentially Zoned Property</td>
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<tr>
<td>EC 9.6420(3)(d)</td>
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</tr>
<tr>
<td>Parking and Loading Areas</td>
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<tr>
<td>Adjacent to Residentially Zoned Property</td>
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<td>EC 9.6420(3)(d)</td>
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<tr>
<td>Parking Areas and Loading</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Areas Adjacent to Property Not</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Zoned Residentially</td>
<td></td>
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<tr>
<td>EC 9.6420(3)(d)</td>
<td></td>
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<td></td>
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<tr>
<td>Structured Parking</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>EC 9.6420(3)(f)</td>
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</tr>
<tr>
<td>Recycling and Garbage Areas</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Within or Adjacent to Vehicular Use Areas EC 9.6740</td>
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</tr>
</tbody>
</table>

(Section 9.6205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02 and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

### 9.6207 Required Plant Materials

Plants used within required landscape areas shall be selected from the City of Eugene Plant Materials list approved by administrative order of the city manager.

(Section 9.6207, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### 9.6210 Description of Landscape Standards

(1) Basic Landscape Standard (L-1).

(a) **Required Plant Materials.** Basic Landscape Standard (L-1) requires the installation and maintenance of all of the following:

1. 1 canopy tree per 30 linear feet as measured along the property line.
2. 6 shrubs per 30 linear feet as measured along the property line.
3. Living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.
The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.

(b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(b).

(2) **Low Screen Landscape Standard (L-2).**
   (a) **Required Plant Materials.** Low Screen Landscape Standard (L-2) requires the installation and maintenance of all of the following:
   1. Low shrubs to form a continuous screen at least 30 inches high within 3 years and maintained at a height not to exceed 42 inches.
   2. 1 canopy tree per 30 linear feet as measured along the street lot line.
   3. Living plant materials covering a minimum of 70 percent of the required landscape area within 3 years of planting.

   A masonry wall or a berm between 30 and 42 inches high shall be permitted as a substitute for the required low shrubs, but the trees and other plant materials are still required. When applied along street lot lines, the masonry wall is to be placed farthest from the street with the required landscaping in between the wall and street. When applied along an abutting property the masonry wall may be placed along the interior lot line. *(See Figure 9.6210(2) Low Screen Landscape L-2.)*

   (b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(c).

(3) **High Screen Landscape Standard (L-3).**
   (a) **Required Plant Materials.** High Screen Landscape Standard (L-3) requires the installation and maintenance of all of the following:
   1. High shrubs that are in at least 5 gallon containers at the time of planting to form a continuous screen, at least 6 feet high, within 5 years of planting.
   2. 1 canopy tree per 30 linear feet as measured along interior lot lines.
   3. Living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.

   A masonry wall at least 6 feet high shall be permitted as a substitute for the shrubs but the trees and other plant materials are still required. When this landscape standard is applied along street lot lines, the screen or wall is to be placed farthest from the street with the required landscaping in between the wall and street. When applied along an abutting property the masonry wall may be placed along the interior lot line. *(See Figure 9.6210(3) High Screen Landscape L-3.)*

   (b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(d).

(4) **High Wall Landscape Standard (L-4).**
   (a) **Required Materials.** High Wall Landscape Standard (L-4) requires the installation and maintenance of all of the following:
   1. Masonry wall at least 6 feet high with a maximum height of 8 feet.

   When applied along street lot lines, the wall shall be placed farthest from the street with the required landscaping in between the wall and street.
(b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(e).

(5) **Partial Screen Fence Landscape Standard (L-5).**

(a) **Required Materials.** Partial Screen Fence Landscape Standard (L-5) requires the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet that are at least 50 percent site-obscuring, such as a cyclone fence with slats. Vines are permitted on fences to fulfill the requirement for a screening fence provided they will be 50 percent site-obscuring within 5 years of planting. Fences may be made of wood, metal, masonry, or other permanent materials. (See Figure 9.6210(5) Partial Screen Fence Landscape (L-5)).

(b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 8030(3)(f).

(6) **Full Screen Fence Landscape Standard (L-6).**

(a) **Required Materials.** Full Screen Fence Landscape Standard (L-6) requires the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet that are 100 percent site-obscuring. Fences may be made of wood, metal, masonry or other permanent materials. (See Figure 9.6210(6) Full Screen Fence Landscape (L-6)).

(b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(g).

(7) **Massed Landscape Standard (L-7).**

(a) **Required Materials.** Massed Landscape Standard (L-7) requires the installation and maintenance of all of the following:

1. Planting linear or non-linear vegetation listed in subparagraphs 2 through 5 of this subsection along the full length of the designated landscape area.
2. 2 canopy trees per 100 linear feet along arterial and collector streets;
3. 5 under-story trees per 100 linear feet along arterial and collector streets.
4. 60 shrubs per 100 linear feet along arterial and collector streets; and
5. Living plant materials covering a minimum of 70 percent of required landscape area within 5 years of planting.

(b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(h).

(Section 9.6210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Credit for Preservation of Heritage Trees. Variable credit shall be allowed for preservation of heritage trees, as defined in the adopted Eugene Urban Forest Management Plan. The planning and development director shall determine the value of the Heritage Tree, according to formulas established in Valuation of Landscape Trees, Shrubs and Other Plants (International Society of Arboriculture) and shall relieve the contractor/developer from planting a number of trees having a value of up to 50 percent of the value of the Heritage Tree preserved.

(Section 9.6215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Installation and Maintenance. Except for applications proposing needed housing, installed plant materials shall meet current nursery industry standards, including necessary soil depth and quality. All required landscape areas soils shall extend to the native soil. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Maintenance of landscaped areas is the ongoing responsibility of the property owner. All landscaping shall be installed and maintained to protect it from vehicular damage through the use of curbing, to provide adequate vision clearance, and to maintain plant materials in a healthy and attractive manner. Required shrubs and trees shall not be pruned or sheared below their code-required spread or height.

(Section 9.6220 amended by Ordinance No. 20249, enacted May 8, 2002, effective June 1, 2002.)

Irrigation. An automatically controlled irrigation system shall be provided for all plant materials used to meet these landscape standards. Drip irrigation and low-gallon systems are encouraged for non-turf areas. The irrigation system need not provide water to unplanted areas, or to areas where existing native plants have been preserved. The irrigation systems shall be maintained and operated in a manner that promotes the health and appearance of the plant material while minimizing water use and avoiding excessive run-off.

(Section 9.6225, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Landscape Plans. Landscape plans shall be submitted in a manner approved by the city manager. Landscape plans shall show that all proposed landscaped areas and landscape materials comply with the applicable landscape standards in this land use code.

(Section 9.6230 amended by Ordinance No. 20235, enacted October 8, 2001, effective October 10, 2001.)

Plant Materials Standards.

1. Shrubs and Ground Cover. All required plant materials shall be of sufficient size and number to meet the required 70 percent coverage standard within 3 to 5 years according to the type of landscape standard being addressed. Mulch is not a substitute for ground cover plants. All required shrubs shall be in at least 3
gallon containers prior to planting, unless otherwise specified.

(2) **Trees.** Except where 1 or the other is specified elsewhere in this code, trees may be either deciduous or evergreen varieties. Required canopy trees at the time of planting must be fully branched and have a minimum diameter of 2 inches as measured by American Association of Nurserymen Standards. Required evergreen trees at the time of planting must be fully branched and a minimum of 6 feet in height.

(Refer also to City of Eugene Plant Materials List.)

(Section 9.6235, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Preservation of Existing Vegetation.**

(1) New developments with existing vegetation on the site are encouraged to preserve and integrate the vegetation into the design of the development. The following credit shall be given for preservation of existing vegetation:

(a) For each tree preserved on the development site, the development will be relieved from planting requirements for 2 trees as specified in all of the following:

1. EC 9.6420(3)(c) Parking Area Landscaping Along Street and Driveway Entrances.

(b) For each square foot of root area preserved in an unaltered state around the tree, the development will be relieved from providing 2 square feet of planting area as specified in EC 9.6420(3)(e) Interior Parking Area Landscaping.

(c) Areas containing mature native vegetation shall not be required to provide irrigation.

(d) For development sites where 35% or more of the developable area is required to be retained in open space due to standards in this code related to natural resource protection, including tree protection measures, the development will be relieved from providing the landscaping associated with EC 9.6420(3)(e) Interior Parking Area Landscaping.

(2) Contractors/developers who choose to preserve significant vegetation on the site, including heritage trees, shall:

(a) Submit a detailed tree preservation and planting plan, with the development permit application, that shows the trees and other vegetation to be preserved and planted. The planning and development director shall determine whether the vegetation to be preserved conforms to the definition for significant vegetation or heritage tree.

(b) Follow the planning and development director's recommendations to insure that no cutting, filling, compaction or other disturbance of soil takes place in an area that exceeds 30% of the critical root zone area of the tree. Alteration of the soil within the critical root zone area shall require submittal of a tree preservation plan for mitigative actions to preserve the
tree. The tree preservation plan shall address drainage compaction, fertilization, pruning and design measures that will be taken to insure the continued health of the tree before and after the critical root zone area is disturbed.

(c) Execute an agreement with the city to replace any significant tree or heritage tree that dies within 5 years of the date the agreement is signed. For trees determined to be significant, replacement trees shall be provided at the rate of 2 new trees for each tree lost. The replacement ratio for heritage trees is variable; the number of heritage replacement trees shall be equal to the number credited, as provided in EC 9.6215 or any adjustments made pursuant to EC 9.8030(3) Landscape Standards Adjustment. The location of replacement trees shall be determined prior to execution of the agreement. If a reasonable location for the replacement trees cannot be found on the site, the value equal to the number of trees credited shall be given to the city for the planting of trees on public property.

(Section 9.6240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6250 Street Trees. Street trees are regulated in Chapter 7 of this code and are not to be counted toward any landscaping requirements of this land use code.

(Section 9.6250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6255 Vision Clearance Area Landscaping. All landscaping within vision clearance areas shall comply with EC 9.6780 Vision Clearance Area. Where high shrubs or other site-obscuring screening is required by provisions of this land use code, low screening shall be substituted within vision clearance areas. (See Figure 9.0500 Vision Clearance Area.)

(Section 9.6255, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Motor Vehicle Parking and Loading Standards

9.6400 Purpose of Motor Vehicle Parking and Loading Standards. Sections 9.6400 through 9.6435 set forth standards for off-street motor vehicle parking and loading areas based on the use and location of the property. Motor vehicle parking and loading standards provide safe, convenient, and attractive areas for the parking of motor vehicles. Parking lots and garages shall be designed, laid out and constructed in accordance with those standards in order to also provide safe and convenient access and circulation.

(Section 9.6400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Motor Vehicle Parking Standards.

(1) Location of Required Off-Street Parking Spaces. Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve. All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. Parking areas may be located in required setbacks only as permitted in EC 9.6745 Setbacks - Intrusions Permitted.

(2) Maximum Number of Off-Street Parking Spaces.
   (a) Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking with 2 or more levels, the maximum number of parking spaces for non-residential uses may not exceed 125 percent of the minimum spaces required by EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces, unless an adjustment is granted according to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment.
   (b) Regardless of the limitations contained in EC 9.6410(2)(a) above, at least 2 parking spaces may be constructed on a development site.

(3) Minimum Number of Required Off-Street Parking Spaces. Except as provided in this section, or in an adjustment pursuant to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment, the minimum number of required off-street parking spaces shall be calculated as provided in Table 9.6410 Required Off-Street Motor Vehicle Parking.
   (a) A parking reduction of up to 50% of the minimum requirement in the /ND overlay zone and up to 25 percent of the minimum requirement in all other zones is allowed as a right of development.
   (b) For any use located in the C-1 zone:
      1. No parking spaces are necessary if 8 or fewer parking spaces are otherwise required.
      2. If 9 or more parking spaces are otherwise required, the required parking can be reduced by 4 spaces if the business contributes towards providing urban amenities such as benches, low level lights, a bus shelter, or other open space improvements in the area.
   (c) Motor vehicle parking at Autzen Stadium Complex shall comply with:
      1. So long as a city-approved intergovernmental agreement incorporating a transportation demand management plan for Autzen Stadium complex is in effect a minimum of 4,749 vehicle parking spaces are required to be provided on the Autzen Stadium Complex site or within 1000' of that site. All required parking shall be owned by the state of Oregon, except through a city-approved agreement that binds the parking area to the Autzen Stadium Complex.
      2. If the above referenced intergovernmental agreement is not in effect, the Autzen Stadium Complex shall be required to provide 1 vehicle parking space for each 4.4 seats.
<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Number of Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural, Resource Production and Extraction</strong></td>
<td></td>
</tr>
<tr>
<td>Agricultural Use and Community and Allotment Garden</td>
<td>-0-</td>
</tr>
<tr>
<td>Display and Sale of Agricultural Products, primarily based on products raised or grown on the premises</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Horticultural Uses. Examples include field crops, orchards, berries, and nursery or flower stock.</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
<td></td>
</tr>
<tr>
<td>Bar and Tavern</td>
<td>1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.</td>
</tr>
<tr>
<td>Delicatessen</td>
<td>1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.</td>
</tr>
<tr>
<td>Specialty Food and Beverage. Examples include a bagel, candy, coffee, donut, and ice cream store. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.</td>
<td>1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.</td>
</tr>
<tr>
<td><strong>Education, Cultural, Religious, Social and Fraternal</strong></td>
<td></td>
</tr>
<tr>
<td>Artist Gallery/Studio</td>
<td>1 per each 275 square feet of floor area.</td>
</tr>
<tr>
<td>Ballet, Dance and Gymnastics School/Academy/Studio</td>
<td>1 per each 80 square feet of dance area.</td>
</tr>
<tr>
<td>Church, Synagogue, and Temple, including associated residential structures for religious personnel</td>
<td>1 per 4 fixed seats, 1 per 8 feet of bench length, or 1 per every 28 square feet in areas where no permanent seats are maintained in the main auditorium (sanctuary or place of worship). If religious services operate concurrently with other activities, user may include additional parking at 1 per 40 square feet for the space used concurrently.</td>
</tr>
<tr>
<td>Club and Lodge of State or National Organization</td>
<td>1 per 4 fixed seats, 1 per 8 feet of bench length, or 1 per every 28 square feet where no permanent seats or benches are maintained in the main auditorium.</td>
</tr>
<tr>
<td>Community and Neighborhood Center</td>
<td>1 per 4.5 seats or 1 per 28 square feet of assembly area where there are no fixed seats.</td>
</tr>
<tr>
<td>Library</td>
<td>1 per each 275 square feet of floor area.</td>
</tr>
<tr>
<td>Museum</td>
<td>1 per each 275 square feet of floor area.</td>
</tr>
<tr>
<td>School, Business or Specialized Educational Training (excludes driving instruction)</td>
<td>1 per every 3.5 classroom seats.</td>
</tr>
<tr>
<td>School, Driving (including use of motor vehicles)</td>
<td>1 per each 2000 square feet of floor area.</td>
</tr>
<tr>
<td><strong>Entertainment and Recreation</strong></td>
<td><strong>Facilities</strong></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Amusement Center (Arcade, pool tables, etc.)</td>
<td>1 per each 80 square feet of floor area.</td>
</tr>
<tr>
<td>Arena (Both indoors &amp; outdoors)</td>
<td>1 per each 4.5 seats.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Athletic Facilities and Sports Clubs</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Playing Court</td>
<td>1.8 per each playing court.</td>
</tr>
<tr>
<td>Viewing Area</td>
<td>1 per each 4.4 seats, 9.6 feet of bench length, or 31 square feet of gross floor area.</td>
</tr>
<tr>
<td>Locker Room, Sauna, Whirlpool, Weight Room, or Gymnasium</td>
<td>1 per each 83 square feet of gross floor area.</td>
</tr>
<tr>
<td>Lounge or Snack Bar Area</td>
<td>1 per each 66 square feet of gross floor area.</td>
</tr>
<tr>
<td>Pro Shops or Sales Area</td>
<td>1 per each 330 square feet of gross floor area.</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>1 per each 220 square feet of pool surface area.</td>
</tr>
<tr>
<td>Athletic Field, Outdoor</td>
<td>-</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>5.4 per each bowling lane.</td>
</tr>
<tr>
<td>Equestrian Academy and Stable</td>
<td>1 per 3.5 classroom seats or 1 per every 3 stables.</td>
</tr>
<tr>
<td>Equestrian Trail</td>
<td>-</td>
</tr>
<tr>
<td>Golf Course, Miniature Indoor</td>
<td>1 per each 80 square feet of floor area.</td>
</tr>
<tr>
<td>Golf Course, Miniature Outdoor</td>
<td>1 per each 80 square feet of floor area.</td>
</tr>
<tr>
<td>Golf Course, with or without country club</td>
<td>1 per 3 golf holes plus 1 per each 2 employees.</td>
</tr>
<tr>
<td>Golf Driving Range</td>
<td>1 per each 80 square feet of floor area.</td>
</tr>
<tr>
<td>Park and Playground</td>
<td>-</td>
</tr>
<tr>
<td>Race Track, including drag strip and go-cart track</td>
<td>1 per 4.5 seats</td>
</tr>
<tr>
<td>Theater, Live Entertainment</td>
<td>1 per 4.5 seats.</td>
</tr>
<tr>
<td>Theater, Motion Picture</td>
<td>1 per 4.5 seats.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Financial Services</strong></th>
<th><strong>Facilities</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated Teller Machine (ATM)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Bank, Savings and Loan Office, Credit Union</td>
<td>1 per each 330 square feet of floor area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Government</strong></th>
<th><strong>Facilities</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Services, not specifically listed in this or any other uses and permits table</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>1 per each 330 square feet of floor area.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Information Technology Services</strong></th>
<th><strong>Facilities</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All uses in this category</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>1 per each 275 square feet of floor area.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Lodging</strong></th>
<th><strong>Facilities</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Facility</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>1 per guest bedroom for facilities with 5 or more guest rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Required Density</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>Homeless Shelter in existence as of January 1, 1984</td>
<td>1 per 40 beds</td>
<td></td>
</tr>
<tr>
<td>Homeless Shelter not in existence as of January 1, 1984</td>
<td>1 per 40 beds</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel, and similar business providing overnight accommodations</td>
<td>1 per guest bedroom.</td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle Park, may include tent sites (See EC 9.5600)</td>
<td>1 per each 660 square feet of floor area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manufacturing</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All Uses in this category, excluding storage</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Storage</td>
<td>1 per each 1650 square feet of floor area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Medical, Health, and Correctional Services</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Blood Bank</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Correctional Facility, excluding Residential Treatment Center</td>
<td>1 per 5.5 beds.</td>
</tr>
<tr>
<td>Hospital, Clinic or other Medical Health Treatment Facility (including mental health) in excess of 10,000 square feet of floor area</td>
<td>1 per each 200 square feet of floor area or 1.35 per bed.</td>
</tr>
<tr>
<td>Hospital, Clinic or other Medical Health Treatment Facility (including mental health) 10,000 square feet or less of floor area</td>
<td>1 per each 200 square feet of floor area or 1.35 per bed.</td>
</tr>
<tr>
<td>Laboratory—Medical, Dental, X-Ray</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Meal Service, Non Profit</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1 per 4 beds.</td>
</tr>
<tr>
<td>Plasma Center, must be at least 800 feet between Plasma Center</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Residential Treatment Center</td>
<td>1 per 5.5 beds.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor Vehicle Related Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Wash</td>
<td>-0-</td>
</tr>
<tr>
<td>Motor Vehicle Sales/Rental/Service, excluding motorcycles, recreational vehicles and heavy trucks</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Motorcycle Sales/Rental/Service</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Parking Area not directly related to a primary use on the same development site</td>
<td>N/A</td>
</tr>
<tr>
<td>Parts Store</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Recreational Vehicle and Heavy Truck, Sales/Rental/Service</td>
<td>1 per each 440 square feet of floor area.</td>
</tr>
<tr>
<td>Repair, includes paint and body shop</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Service Station, includes quick servicing</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Structured Parking, up to two levels not directly related to a primary use on the same development site</td>
<td>N/A</td>
</tr>
<tr>
<td>Structured Parking, three or more levels not directly related to a primary use on the same development site</td>
<td>N/A</td>
</tr>
<tr>
<td>Tires, Sales/Service</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor, only when shared parking arrangement with other permitted use</td>
<td>N/A</td>
</tr>
<tr>
<td>Transit Park and Ride, Major or Minor</td>
<td>N/A</td>
</tr>
<tr>
<td>Transit Station, Major or Minor</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All Uses in this category</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Personal Services</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>--</td>
</tr>
<tr>
<td>Barber, Beauty, Nail, Tanning Shop</td>
<td>1 per 330 square feet of floor area.</td>
</tr>
<tr>
<td>Day Care Facility (Not associated with a residence)</td>
<td>.9 per employee.</td>
</tr>
<tr>
<td>Dry Cleaner</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Film, Drop-off/Pick-up</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Locksmith Shop</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Laundromat, Self-Service</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Mailing and Packaging Service</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Shoe Repair Shop</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Tailor Shop</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td></td>
</tr>
<tr>
<td>One-Family Dwelling</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>One-Family Dwelling - Flag Lot</td>
<td>2 per dwelling.</td>
</tr>
<tr>
<td>Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>Rowhouse (One-Family on own lot attached or adjacent residence on separate lot with garage or carport access to the rear of the lot)</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>Duplex (Two-Family attached on same lot)</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>Triplex (Three-Family attached on same lot)</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>Four-Plex (Four-Family attached on same lot)</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>Multiple Family (3 or more dwellings on same lot)</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>Controlled Income and Rent Housing (CIR) where density is above that usually permitted in the zoning, yet not to exceed 150%</td>
<td>1 per dwelling.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assisted Care &amp; Day Care</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)</td>
<td>1 for each 4 beds.</td>
</tr>
<tr>
<td>Assisted Care (6 or more people living in facility)</td>
<td>1 for each 4 beds.</td>
</tr>
<tr>
<td>Day Care (3 - 12 people served)</td>
<td>.9 for each employee not living in home on site at the same time.</td>
</tr>
<tr>
<td>Day Care (13 or more people served)</td>
<td>.9 for each employee not living in home on site at the same time.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rooms for Rent</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding and Rooming House</td>
<td>1 per guest room.</td>
</tr>
<tr>
<td>Campus Living Organizations, including Fraternities and Sororities</td>
<td>1 for each 3 occupants for which sleeping facilities are provided.</td>
</tr>
<tr>
<td>Single Room Occupancy</td>
<td>1 per dwelling (4 single rooms are equal to 1 dwelling).</td>
</tr>
<tr>
<td>University and College Dormitories</td>
<td>1 for each 3 occupants for which sleeping facilities are provided.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trade (Retail and Wholesale)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Machinery Rental/Sales/Service</td>
<td>1 per each 440 square feet of floor area.</td>
</tr>
<tr>
<td>Appliance Sales/Service</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Boat and Watercraft Sales/Service</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Building Materials and Supplies</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Activity</td>
<td>Requirements</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Equipment, Light, Rental/Sales/Service</td>
<td>1 per each 440 square feet of floor area.</td>
</tr>
<tr>
<td>Equipment, Heavy, Rental/Sales/Service - includes truck and tractor sales</td>
<td>1 per each 440 square feet of floor area.</td>
</tr>
<tr>
<td>Furniture and Home Furnishing Store</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Garden Supply/Nursery</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>General Merchandise (includes supermarket and department store)</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Hardware/Home Improvement Store</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Healthcare Equipment and Supplies</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Manufactured Dwelling Sales/Service/Repair</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Office Equipment and Supplies</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Outdoor Merchandise Display</td>
<td>-0-</td>
</tr>
<tr>
<td>Plumbing Supplies and Services</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Regional Distribution Center</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
<tr>
<td>Retail Trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Shopping center with at least one supermarket or variety store and 50,000 square feet of gross floor area</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Specialty Store (An example includes a gift store)</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Storage Facility, Household/Consumer Goods</td>
<td>1 per each 330 square feet of floor area of the office space.</td>
</tr>
<tr>
<td>Wholesale Trade (excluding regional distribution center)</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
</tbody>
</table>

### Utilities and Communication

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amateur Radio Antenna Structure (See EC 9.5050)</td>
<td>-0-</td>
</tr>
<tr>
<td>Broadcasting Studio, Commercial and Public Education</td>
<td>1 per each 330 square feet of floor area.</td>
</tr>
<tr>
<td>Electrical Substation</td>
<td>-0-</td>
</tr>
<tr>
<td>Fiber Optic Station</td>
<td>-0-</td>
</tr>
<tr>
<td>Pump Station</td>
<td>-0-</td>
</tr>
<tr>
<td>Telecommunication Facility (Refer to EC 9.5750)</td>
<td>-0-</td>
</tr>
<tr>
<td>Water Reservoir, elevated above ground level</td>
<td>-0-</td>
</tr>
</tbody>
</table>

### Other Commercial Services

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Maintenance Service</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Catering Service</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Cemetery, includes crematoria, columbaria, or mausoleums</td>
<td>1 per each full-time employee.</td>
</tr>
<tr>
<td>Collection Center, Collection of Used Goods (See EC 9.5150)</td>
<td>-0-</td>
</tr>
<tr>
<td>Garbage Dump, sanitary landfill</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Heliport and Helistop</td>
<td>Parking requirements determined based on a Type III review.</td>
</tr>
<tr>
<td>Home Occupation (See EC 9.5350)</td>
<td>-0-</td>
</tr>
<tr>
<td>Kennel</td>
<td>1 per 550 square feet of floor area.</td>
</tr>
<tr>
<td>Model Home Sales Office (See EC 9.5450)</td>
<td>1 per 330 square feet of floor area.</td>
</tr>
</tbody>
</table>
### Table

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortuary</td>
<td>1 per 4 fixed seats or 8 feet of bench length or every 28 square feet in main auditorium where no permanent seats or benches are maintained (sanctuary or place of worship).</td>
</tr>
<tr>
<td>Photographers' Studio</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Picture Framing and Glazing</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Printing, Blueprinting, Duplicating</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Publishing Service</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Temporary Activity (See EC 9.5800)</td>
<td>-0-</td>
</tr>
<tr>
<td>Train Station</td>
<td>Parking requirements determined based on a Type II or Type III review.</td>
</tr>
<tr>
<td>Upholstery Shop</td>
<td>1 per each 550 square feet of floor area.</td>
</tr>
<tr>
<td>Veterinarian Service</td>
<td>1 per each 250 square feet of floor area.</td>
</tr>
<tr>
<td>Wildlife Care Center</td>
<td>1 per each 660 square feet of floor area.</td>
</tr>
</tbody>
</table>

### 9.6410 

**Parking Exempt Areas.** Uses within the parking exempt areas are not subject to the requirements of EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces:

(a) Downtown and West University, as depicted on Map 9.6410(4)(a).

(b) Blair Boulevard Historic Commercial area as depicted on Map 9.6410(4)(b).

(Section 9.6410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

### 9.6415 

**Loading and Drive-Through Design Standards.**

1. **Drive-Through Design Standards.** In connection with drive-through establishments, there shall be a specially designed area for vehicle stacking located on private property between the public right-of-way and the pick-up window or service area. For a single row of vehicles, the specially designed area shall be at least 200 feet in length to allow for stacking of up to 10 cars. For a double row of vehicles, the specially designed area shall be at least 100 feet in length to allow for stacking of up to 5 cars. This area shall not interfere with safe and efficient circulation on the development site or abutting public right-of-way.

2. **Landscaping.**

   (a) Off-street loading areas and vehicle stacking areas shall be landscaped as required by EC 9.6420(3).

   (b) In the I-1 zone, all off-street loading spaces and uses shall be on interior service courts or screened from view from all adjacent property lines according to EC 9.6210(4) High Wall Landscape Standard (L-4).

3. **Loading and Service Drives.** All loading spaces for commercial and industrial buildings and uses shall be off the street, shall be in addition to required off-street parking spaces, and shall be served by service drives and maneuvering areas so that no backward movement or other vehicle maneuvering within a street, other than an alley, will be required.

(Section 9.6415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9-236 12/25/2002
9.6420 Parking Area Standards.

(1) Dimensions and Striping. All parking spaces shall be striped or marked in a manner consistent with Table 9.6420(1) Motor Vehicle Parking Dimensions. (See Figure 9.6420(1) Motor Vehicle Parking Dimensions.)

(a) Carpool and Vanpool Parking. New commercial and industrial developments with 20 or more employee parking spaces shall designate at least 5 percent of the employee parking spaces for carpool or vanpool parking. Employee carpool and vanpool parking shall be located closer to the building entrance or the employee entrance than other employee parking with the exception of parking for those with disability permits. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" by use of signs painted on the parking spaces or posted.

<table>
<thead>
<tr>
<th>Parking Angle in</th>
<th>Minimum Stall Width</th>
<th>Minimum Stall Depth</th>
<th>Minimum Clear Aisle Width</th>
<th>Stall Distance at Bayside</th>
<th>Minimum Clear Bay Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>8.0</td>
<td>8.0</td>
<td>12.0</td>
<td>12.0</td>
<td>25.0</td>
</tr>
<tr>
<td></td>
<td>8.0</td>
<td>8.0</td>
<td>12.0</td>
<td>22.0</td>
<td>20.0</td>
</tr>
<tr>
<td>30 degrees</td>
<td>8.0</td>
<td>14.0</td>
<td>12.0</td>
<td>15.0</td>
<td>26.0</td>
</tr>
<tr>
<td></td>
<td>8.0</td>
<td>16.0</td>
<td>12.0</td>
<td>16.0</td>
<td>28.0</td>
</tr>
<tr>
<td></td>
<td>8.5</td>
<td>16.4</td>
<td>12.0</td>
<td>17.0</td>
<td>28.4</td>
</tr>
<tr>
<td></td>
<td>9.0</td>
<td>16.8</td>
<td>12.0</td>
<td>18.0</td>
<td>28.8</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>17.3</td>
<td>12.0</td>
<td>19.0</td>
<td>29.3</td>
</tr>
<tr>
<td></td>
<td>10.0</td>
<td>17.7</td>
<td>12.0</td>
<td>20.0</td>
<td>29.7</td>
</tr>
<tr>
<td>45 degrees</td>
<td>8.0</td>
<td>16.0</td>
<td>12.0</td>
<td>10.6</td>
<td>28.0</td>
</tr>
<tr>
<td></td>
<td>8.0</td>
<td>18.4</td>
<td>14.0</td>
<td>11.3</td>
<td>32.4</td>
</tr>
<tr>
<td></td>
<td>8.5</td>
<td>18.7</td>
<td>13.5</td>
<td>12.0</td>
<td>32.2</td>
</tr>
<tr>
<td></td>
<td>9.0</td>
<td>19.1</td>
<td>13.0</td>
<td>12.7</td>
<td>32.1</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>19.4</td>
<td>13.0</td>
<td>13.4</td>
<td>32.4</td>
</tr>
<tr>
<td></td>
<td>10.0</td>
<td>19.8</td>
<td>13.0</td>
<td>14.1</td>
<td>32.8</td>
</tr>
<tr>
<td>60 degrees</td>
<td>8.0</td>
<td>16.0</td>
<td>15.0</td>
<td>8.6</td>
<td>30.7</td>
</tr>
<tr>
<td></td>
<td>8.0</td>
<td>19.7</td>
<td>19.0</td>
<td>9.2</td>
<td>38.7</td>
</tr>
<tr>
<td></td>
<td>8.5</td>
<td>20.0</td>
<td>18.5</td>
<td>9.8</td>
<td>38.5</td>
</tr>
<tr>
<td></td>
<td>9.0</td>
<td>20.3</td>
<td>18.0</td>
<td>10.4</td>
<td>38.3</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>20.5</td>
<td>18.0</td>
<td>11.0</td>
<td>38.5</td>
</tr>
<tr>
<td></td>
<td>10.0</td>
<td>20.8</td>
<td>18.0</td>
<td>11.5</td>
<td>38.8</td>
</tr>
<tr>
<td>90 degrees</td>
<td>8.0</td>
<td>15.0</td>
<td>22.0</td>
<td>7.5</td>
<td>37.0</td>
</tr>
<tr>
<td></td>
<td>8.0</td>
<td>18.0</td>
<td>25.0</td>
<td>8.0</td>
<td>43.0</td>
</tr>
<tr>
<td></td>
<td>8.5</td>
<td>18.0</td>
<td>25.0</td>
<td>8.5</td>
<td>43.0</td>
</tr>
<tr>
<td></td>
<td>9.0</td>
<td>18.0</td>
<td>24.0</td>
<td>9.0</td>
<td>42.0</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>18.0</td>
<td>24.0</td>
<td>9.5</td>
<td>42.0</td>
</tr>
<tr>
<td></td>
<td>10.0</td>
<td>18.0</td>
<td>24.0</td>
<td>10.0</td>
<td>42.0</td>
</tr>
</tbody>
</table>
Shaded figures are the minimum dimensions for compact parking spaces. Any minimum parking dimensions, such as stall width, may be exceeded. All spaces shall be clearly marked as compact parking spaces if any of the parking dimensions are less than that shown in the unshaded area.

(2) **Drainage.** All parking areas, except those in conjunction with a single family or two family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting property. Drainage improvements shall be provided as required by EC 9.6510 Stormwater Drainage.

(3) **Landscape Standards.**

(a) **Applicability of Parking Area Landscape Standards.** The standards in subparagraphs (b) - (e) apply to all outdoor parking areas, including carports, that provide for 3 or more spaces, any building expansion that increases the building’s square footage by 20 percent or more, or any expansion of an existing parking lot or vehicular use area except:

1. Parking required for single-family or two-family residences.
2. Exceptions set out in subparagraphs (b) - (e) of this section.

Any expansion of an existing parking lot or vehicular use area on a lot will require improvement of the non-conforming portion of the lot as well as the expanded area. Paving of any portion of a legal non-conforming gravel parking area shall require the entire parking area to comply with the parking area landscape standards. Subsection (f) applies to structured parking.

(b) **General Parking Area Landscape Standards.** Canopy trees shall be required at the minimum rate of 1 tree for every 3,000 square feet of paved vehicular use areas on the site and shall be distributed throughout the site. Except within /TD overlay zone areas, trees shall be planted in a landscaped area such that the tree trunk is at least 3 feet from any outside curb edge or paved area. Within /TD overlay zone areas, the tree shall be planted at least 2 feet from any outside curb edge or paved area. Vehicular use areas include parking spaces, driveways, interior roadways, loading areas, and fleet vehicle storage areas. Large-scale coniferous trees may be substituted for required canopy trees at a maximum rate of 10 percent.

Parking area screening requirements may be achieved through a combination of change of grade and use of plant materials. The use of berms or drainage swales is acceptable, as is lowering the grade of the parking area.

(c) **Parking Area Landscaping Along Street and Driveway Entrances.**

1. Parking areas within 50' of a street, except an alley, shall provide a landscape strip between the street and the parking areas as follows:
   a. In all areas except in the /TD overlay zone, a landscape strip at least 7 feet in width shall be provided.
   b. Within a /TD overlay zone, a landscape strip at least 5 feet in width shall be provided.
c. Landscape strips along a street may be pierced by pedestrian and vehicular accessways. Landscape strips along a street shall be landscaped according to the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2). (See Figure 9.6420(3)(c). Parking Area Landscaping Along a Street and Figure 9.6420(3)(c). Parking Area Landscaping Along a Driveway Entrance.)

2. Parking area driveway entrances, except at alleys, shall be provided with a landscape strip at least 7 feet in width, measured from the outside edges of 6 inch wide curbs, and the full length of the parking stall, between the entry drive and the parking area to heighten entryway visibility and improve parking area circulation. Entrance driveway landscape strips shall be landscaped according to the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2) except the height of the low screen within vision clearance area shall not exceed 18 inches. (See Figure 9.6420(3)(c). Parking Area Landscaping Along a Driveway Entrance.)

(d) Perimeter Parking Area Landscaping.

1. Along the perimeter of the parking area, except for developments within a /TD overlay zone, a landscape strip, at least 7 feet in width, measured from the outside edge of a 6 inch wide curb, shall be provided. The landscape strip may be pierced by pedestrian and vehicular accessways. Where abutting lots share parking and/or loading areas, the perimeter of these shared areas shall be considered the outside of the functional areas. Perimeter landscaping shall not be required along the interior lot lines of the 2 lots that are sharing parking and/or loading areas.

2. On development sites 22,000 square feet or larger with a /TD overlay zone, parking lots abutting an interior lot line, other than an alley, shall provide a landscape strip, at least 5 feet in width measured from the outside edge of a 6 inch wide curb, between the property line and the parking area. Development sites less than 22,000 square feet with the /TD overlay zone are not required to provide perimeter parking area landscaping.

3. All parking areas shall provide perimeter landscaping according to the following standards:
   a. Parking areas adjacent to property that is zoned residentially shall provide perimeter landscaping along interior yards according to EC 9.6210(3) High Screen Landscape Standard (L-3). Where loading areas abut property zoned residentially, a barrier shall be provided between the 2 uses according to EC 9.6210(4) High Wall Standard (L-4).
   b. Parking areas adjacent to property that is not zoned residential shall provide perimeter landscaping according to EC 9.6210(2)
(e) **Interior Parking Area Landscaping.**

1. In addition to the landscaping required in subsections (c) and (d), landscaping shall be provided within the interior of surface parking areas for 50 or more motor vehicles so as to:
   a. Improve the visual qualities of these areas.
   b. Delineate and define circulation movements of motorists and pedestrians.
   c. Improve air quality.
   d. Encourage energy conservation by moderating parking area microclimates.

Parking area landscaping shall be provided according to Table 9.6420(3)(e)3. Interior Parking Area Landscaping.

<table>
<thead>
<tr>
<th>Total Number of Spaces in Parking Area</th>
<th>Minimum Interior Parking Area Landscape Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 to 99 spaces</td>
<td>15 square feet per parking space</td>
</tr>
<tr>
<td>100 or more spaces</td>
<td>22 square feet per parking space</td>
</tr>
</tbody>
</table>

2. A continuous landscape strip or raised pedestrian path shall be provided between every 4 rows of parking. The landscape strip or pedestrian path shall be a minimum of 7 feet in width, measured from the outside edge of a 6 inch wide curb. (See Figure 9.6420(3)(e)2. Interior Parking Area Landscaping.)

3. Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45 feet from a planting island. Planting islands shall be at least 7 feet in width, as measured from the outside edge of a 6 inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least 1 canopy tree. (See Figure 9.6420(3)(e)3. Parking Area Interior Planting Islands.)

(f) **Structured Parking.**

1. Along the perimeter of the non-commercial portion of structured parking, a landscape strip, a minimum of 5 feet in width, shall be provided between the property line and the structure wall. This standard does not apply to property lines abutting an alley.

2. Structured parking landscape strips shall be planted with shrubs and trees according to EC 9.6210(3) High Screen Landscape Standard (L-3).

(4) **Lighting.** Parking area lights shall conform with the standards in EC 9.6725 Outdoor Lighting Standards.

(5) **Loading and Service Drives.**

(a) When 3 or more parking spaces or 1 or more loading spaces are provided
on a development site, except those in conjunction with one-family or two-family residences on a single lot and those located along alleys, they all shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide safety for traffic ingress and egress, and safety of pedestrian and vehicular traffic on the site. In no case shall two-way and one-way driveways be less than 20 feet wide and 12 feet wide respectively. Up to 2 existing parking spaces serving an existing one- or two-family residence are not included in the total number of spaces at the time of redevelopment, if the existing spaces are in a different location than new parking spaces and the one- and two-family residences will remain on the development site.

(b) No service drive is required for parking spaces located along alleys.

(6) **Surfacing and Bumpers.**

(a) All parking areas that contain 3 or more parking spaces, access aisles, service drives, or loading areas on a development site, except those in conjunction with one-family or two-family residences, shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. Other approved materials may include pervious paving materials.

(b) Areas on a development site used for the outdoor sale of vehicles are required to be paved, except for areas used for the sales or storage of tracked heavy equipment, mobile homes, or manufactured homes. A paved access aisle a minimum of 12 feet in width is required adjacent to all unpaved long-term vehicle storage spaces.

(c) All parking areas that contain 3 or more parking spaces on a development site or have outdoor vehicle sales, except those required in conjunction with a 1 family or 2 family dwelling, shall provide a substantial bumper at least 2 feet from the protected area that will prevent vehicles from encroachment on abutting property or into required landscape beds or required pedestrian paths.

(Section 9.6420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6430 Shared Off-Street Parking.** When 2 or more uses share common parking facilities, the total number of parking spaces required shall be the sum of spaces required for those uses individually unless an adjustment is authorized pursuant to the criteria of EC 9.8030(10)(d) of this land use code.

(Section 9.6430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Special Event Permanent Parking Facilities.

(1) Applicability. Special event parking provisions shall be applied only to parking lots in the PL Public Land zone with 1000 or more spaces on which special events such as fairs, equipment displays, and community festivals are regularly scheduled.

(2) Professional Coordinator and Design Team. A professional coordinator, licensed in the State of Oregon, to practice architecture, landscape architecture or engineering, or an American Institute of Certified Planners member in good standing shall ensure that required plans are prepared and executed. The professional coordinator shall also be the liaison between the applicant and the city. A design team, consisting of an architect, a landscape architect, an engineer, and a land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member shall be licensed to practice in the State of Oregon.

(3) Allowed Adjustment to Parking Lot Design and Landscaping Standards. Except as otherwise stated in these regulations, general parking area screening and landscape standards, and site planning provisions pertaining to pedestrian circulation, sidewalk design, height of light standards, minimum number of trees, parking area entrance driveways, visual breaks, loading and delivery areas, minimum interior parking area landscaping, interior area landscape strips, and planting islands locations and sizes may be adjusted subject to a finding of consistency with the criteria for adjustment of EC 9.8030(10)(d) of this land use code.

(4) Pedestrian Path Design. Routes to and through parking lots shall be clearly established by striping or shall be constructed with a different paving material to reduce conflict between pedestrians and auto traffic, and to designate motor vehicle routes.


(6) Minimum Number of Trees. Trees shall be provided on the development site in the amounts described in EC 9.6420(3)(b), but need not be evenly distributed throughout the parking area.

(Section 9.6435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Adjustments to Motor Vehicle Parking and Loading Standards. Adjustments may be made to the standards in EC 9.6410 through 9.6435 if consistent with the criteria in EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustments of this land use code.

(Section 9.6440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Public Improvement Standards

9.6500 Easements.
(1) The city may require the dedication of easements for wastewater sewers and other public utilities, and for access thereto for maintenance, of a sufficient width to meet the intended use, provided the city makes findings to demonstrate consistency with constitutional requirements.
(2) Easements may be required along lot or parcel rear lines or side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area.
(3) No building, structure, tree, or other obstruction shall be placed or located on or in a public utility easement. Prior to approval of a final PUD, final site review plans, or final plats, there shall appear thereon a restriction showing compliance with this subsection.

(Section 9.6500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6505 Improvements - Specifications. All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:
(1) Water Supply. All developments shall be served by the water system of the Eugene Water & Electric Board.
(2) Sewage. All developments shall be served by the wastewater sewage system of the city, complying with provisions in Chapter 6 of this code.
(3) Streets and Alleys. The developer shall grade and pave all streets and alleys in the development site and, except for applications proposing needed housing, the city manager may require the developer to pave streets and alleys that are impacted by the development. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies. Private streets and alleys are prohibited unless the developer can demonstrate to the satisfaction of the planning director that a public street is not necessary for compliance with this land use code and EC 9.6815 Connectivity for Streets. Private streets shall be designed and constructed according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code.
(4) Sidewalks. Sidewalks shall be located, designed and constructed according to the provisions of this land use code, the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways, construction and design

standards adopted pursuant to Chapter 7 of this code, and other adopted plans
and policies.

(5) **Bicycle Paths and Accessways.** Bicycle Paths and Accessways shall be
designed and constructed according to provisions of this land use code, the
Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and
Accessways, construction and design standards adopted pursuant to Chapter 7 of
this code, and other adopted plans and policies.

(Section 9.6505, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December
25, 2002.)

9.6510  **Stormwater Drainage.** Except for applications proposing needed housing, the city
manager may require the applicant to provide adequate drainage for new development
by constructing storm water drainage facilities and dedicating to the public easements
approved by the city as adequate for the drainage needs of the area, provided the city
makes findings to demonstrate consistency with constitutional requirements.

Stormwater drainage facilities shall be designed and constructed according to adopted
plans and policies, and in accordance with standards in Chapters 6 and 7 of this code.
The conveyance of ownership or dedication of easements may be required in any of
the following circumstances:

(1)  (a) Except for areas on the city’s acknowledged Goal 5 inventory, where the
subject property in the proposed development is or will be periodically
subject to accumulations of surface water or is traversed by any open
drainage way, headwater, stream, creek, wetland, spring, or pond,
including those not maintained by the city which drain onto or from city-
owned property or into city maintained facilities.

(b) For areas on the city’s acknowledged Goal 5 inventory, where the subject
property in the proposed development is or will be periodically subject to
accumulations of surface water or is traversed by any water course or
channel.

(2) Where necessary to extend public drainage facilities and services to adjoining
undeveloped property.

(3) To provide necessary drainage from the public right-of-way.

(Section 9.6510, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)
Sign Standards

9.6600 Purpose of Sign Standards. The purpose of sections 9.6600 through 9.6680 is to establish standards for the design, quality of materials, construction, size, number, location, electrification, illumination, installation and maintenance of all signs and sign structures not located within a building. The regulations are not intended to, and do not restrict, the content of sign messages. The primary basis for the sign standards are:

1. Private signs make use of a public resource by seeking to communicate with persons using the public right-of-way. It is necessary to regulate such signs to assure that they do not interfere with other uses of the public right-of-way.
2. It is necessary to the public safety that official traffic regulation devices be easily visible and free from nearby visual obstructions and distractions, such as flashing signs, an excessive number of signs, or signs in any way resembling official signs.
3. It is necessary to regulate the number, type and location of signs to implement the Metro Plan, such as preserving views of natural land features, waterways, and distinct local and neighborhood areas. Proliferation of signs seriously detracts from the pleasure of observing the natural scenic beauty and the human environment of the city.
4. It is necessary to protect residential neighborhoods from the adverse impact that signs may have on the residential atmosphere.
5. It is necessary to regulate the size, type and location of signs to encourage the effective use of signs as a means of communication and to provide equality and equity among sign owners and those who wish to use signs.
6. It is necessary to provide regulations that can be administered to allow sign owners and sign users the opportunity to realize the value of their investment and make as many of their own choices as possible while protecting the needs of the public.
7. The cumulative effect of numerous signs close to each other has a detrimental impact which can not be addressed in any way other than by limiting the number and size of all signs.

(Section 9.6600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6605 Reconciliation. In any case where a part of the sign standards are found to be in conflict with a provision of this land use code or a building, fire, safety or health statute, ordinance, or rule, the provision which establishes a stricter standard shall prevail. In any case where a provision of the sign standards is found to be in conflict with a provision of any other city ordinance or state structural specialty code that establishes a standard less likely to promote the purposes of the sign standards, to the extent allowed by law the provisions of the sign standards shall prevail.

(Section 9.6605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.6610 Exemptions to Sign Standards.

(1) Except as provided in subsection (2) of this section, the following signs are exempt from the requirements of EC 9.6600 through 9.6680, and are exempt from the requirement to obtain a sign permit:

Addresses. Number and street name of any size. (Addresses are regulated per EC 8.005(21) Numbering of Structures and Premises and Fire Code 901.4.4 Premise Identification.)

Conference and Convention Banners. One banner may be installed on the exterior wall of a hotel, motel, convention center or auditorium where an event is held. The banner may be installed up to 7 days before the event and may remain in place up to 3 days after the event. It shall be a flat wall mounted sign, and may be up to 120 square feet in surface area.

Contractor Signs. One sign per contractor while a development permit is active and work is proceeding on the premises.

Flags. Up to 3 flags may be flown or displayed on each development site.

Hand Held Signs. Hand carried signs of 9 square feet or less in area, worn or carried by an individual.

Historical Agency Plaques. Plaques or historical markers placed by historical agencies or organizations recognized by the city.

Historic Property Signs. Signs constructed or maintained on historic property, as defined in this land use code, which signs are otherwise subject to regulation because of their location on historic property.

Holiday Decorations. Holiday lights and decorations in place during the period between November 15 and January 15.

Mall Vending. Signs for mall permits issued per private commerce on public property (Admin Rule R-3.336).

Message Boards. One sign per business for the purpose of communicating to persons on the development site, such as a drive through menu sign or building directory. Such a sign may be up to 6 feet in height and up to 40 square feet in area.

Murals. Painted wall highlights, wall decorations and other murals.

Parking Lot Signs. Signs up to 3 square feet in area and up to 5 feet in height constructed or placed within a parking lot for the purpose of directing traffic, parking, and towing. (Towing signs are regulated per EC 5.540 Signs Required for Parking Facilities Before Citing or Towing Unauthorized Vehicles.)

Public Signs. 1) Signs constructed or placed in a public right-of-way by or with the approval of a governmental agency having legal control or ownership over the right-of-way; 2) Signs owned or constructed under the direction or authorization of the city, including, but not limited to, signs installed within parks and at natural resource areas within the NR Natural Resource Zone and PRO Parks, Recreation and Open Space Zone to account for entrances, trail signs, and markers; and 3) Signs placed by a public utility for the purpose of providing information concerning a pole, line, pipe or other facility belonging to
the public utility.

Real Estate Signs. One sign per street frontage, 12 square feet or less in area, located on the development site while the property is for sale or lease.

Signs During Elections. Signs 12 square feet or less in area, located on private property during the period from 60 days before to 5 days after any public election to be held in Oregon.

Stadium Signs. Signs located within a sports stadium which are intended for viewing primarily by persons within such stadium, where the stadium is enclosed by a site obscuring fence or wall at least 6 feet in height.

Temporary Activities Signs. Signs located on the lot where the temporary activity is occurring and which are not in vision clearance areas or the public right of way.

Traffic Directing Signs. The owner or lessor of private property may construct 1 sign at each entrance to the property and at each entrance to a building on the property for the purpose of providing direction to vehicular or pedestrian traffic. Except for signs painted on paved surfaces, each sign shall not exceed 3 square feet of surface area and shall be no more than 30 inches in height, if located in a vision clearance triangle as defined in EC 9.6780 Vision Clearance Area. If the sign is located outside a vision clearance triangle, then the sign shall be no more than 5 feet in height.

Transit Signs. Signs identifying transit stops, facilities, and bus routes only. Transit signs shall not include commercial advertising at bus stops or on transit-oriented street furnishings.

Vehicular Signs. Any sign permanently or temporarily placed on or attached to a motor vehicle, where the vehicle is used in the regular course of business for purposes other than the display of signs, except taxis whose signage is regulated by EC 3.345 Public Passenger Vehicle Services - License and/or Permit Required.

Vending Machine Signs. Any sign which forms an integral part of a machine used to dispense goods to consumers.

Wall Signs, Small. Wall signs with no interior illumination, a surface area of 6 square feet or less and which are 8 feet or less above grade, intended for persons already on the development site.

Warning Signs. Any public notice or warning required by a valid and applicable federal, state or local law, regulation, or ordinance, and emergency warning signs erected by a governmental agency, utility company or a contractor doing authorized or permitted work within a public right-of-way.

Use of the signs listed in this subsection does not affect the number or type of signage otherwise allowed under EC 9.6000 through 9.6680 of this land use code.

(2) No sign is exempt from the provisions of:
(a) EC 9.6615 Prohibited Signs,
(b) EC 9.6620 Nonconforming Signs, or
(c) EC 9.6640 General Provisions.
unless specifically exempted under one of those provisions.
(Section 9.6610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6615 Prohibited Signs. Except where qualified as a nonconforming sign, the following signs are unlawful and are declared to be nuisances:
(1) Any sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device.
(2) Any sign written or placed upon or within a motor vehicle with the primary purpose of providing a sign not otherwise allowed by the sign standards.
(3) Any sign constructed, maintained or altered in a manner not in compliance with the sign standards.
(4) Balloons and banners (pursuant to EC 9.6605 Reconciliation, flags, conference and convention banners, and signs permitted as public signs are not included within this prohibition);
(5) Decorative laser signs, search lights, and flashing signs, except electronic message centers;
(6) Inflatable signs other than balloons;
(7) Portable signs, except warning signs as permitted by EC 9.6605 Reconciliation;
(8) Strings of lights not permanently mounted to a rigid background or otherwise qualified as holiday decorations; and
(9) Signs in the public right-of-way not authorized by a governmental agency.
(Section 9.6615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.6620 Nonconforming Signs.
(1) Nonconforming signs may be maintained subject to the following conditions:
(a) No additions or enlargements may be made to a nonconforming sign except additions or enlargements required by law.
(b) If any nonconforming sign is moved, voluntarily or involuntarily, that sign shall thereafter conform to the requirements of the sign standards as a newly constructed sign.
(c) Any sign which is constructed to replace a nonconforming sign shall be constructed in compliance with all applicable provisions of the sign standards.
(2) Whenever a nonconforming sign is damaged or destroyed to the extent of 50 percent or less of its value as of the last date of use, it may be restored and the use of the sign which existed at the time of the damage or destruction may be continued, if such restoration is started within a period of 90 days of such damage or destruction and is diligently pursued thereafter.
(3) Except where only a change in display copy is made, any nonconforming sign which is structurally altered or has illumination installed shall be brought into compliance with all applicable provisions of the sign standards within 90 days and shall thereafter be kept in compliance with the sign standards.

(4) Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign intended for such purposes.

(5) The provisions of subsection (6) of this section and subsection (2) of EC 9.6635 Approval of Permit Application do not apply to signs in existence pursuant to a validly issued sign permit as of July 1, 1990, along Goodpasture Island Road from a point 300 feet north of the intersection with Valley River Way to a point 1400 feet north of the intersection. The provisions of subsection (2) of this section shall apply except that restoration of a damaged sign shall be allowed where a sign is damaged to the extent of 100 percent of its value. All other provisions of this section shall apply.

(6) All signs with a surface area of 200 square feet or greater shall be removed or brought into compliance with this land use code by April 1, 2003.

(Section 9.6620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6625 Permit Required.

(1) Except as provided in EC 9.6610 Exemptions to Sign Standards, no person shall construct any sign unless a sign permit for that sign has been issued by the city. A sign permit for the construction and continued use of a sign shall be subject to the terms and conditions stated in the permit and to the sign standards.

(2) Maintenance of a sign or sign structure shall not require a sign permit.

(3) Failure to abide by the terms of a sign permit or applicable provisions of the sign standards shall invalidate a sign permit. The building and permit services manager may take such steps as are necessary to abate such a sign as a public nuisance.

(Section 9.6625, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6630 Permit Application.

(1) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager - Authority to Set Fees and Charges. When a person begins construction of a sign requiring a sign permit before such a permit is approved, the permit fee shall be doubled. Payment of a double permit fee shall not otherwise exempt the person from liability for other penalties prescribed for a violation of the sign standards.

(2) No application shall be considered, nor a permit issued until the applicant has submitted a complete application, including a set of plans for the proposed sign and structural calculations where required. A complete application shall be an application where all required information is provided to allow the city to make
9.6630 a determination on the application. If a sign permit application is not
determined complete by the city within 180 days of submittal, it shall expire.

(3) When required, the applicant shall submit proof that work will be done by a
contractor licensed in compliance with local or state law to perform the
specialized tasks required for construction of the proposed sign.

(Section 9.6630, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.6635 Approval of Permit Application.

(1) The building and permit services manager shall approve a sign permit upon
finding that the applicant has met all requirements of the sign standards.

(2) No permit shall be approved for the construction of a sign where the applicant
or business occupant intending to use the proposed sign presently owns or uses a
nonconforming sign in conjunction with a business located at the development
site proposed as the location of the new sign.

(3) No permit shall be issued for a use which is not allowed in the zone in which the
development site is located.

(4) An approved sign permit shall expire 180 days after the applicant has been
notified of the permit approval unless the applicant has paid all fees and the
approved permit has been issued to the applicant.

(5) Unless the permit holder requests an extension of the permit and demonstrates
good cause for such an extension, a sign permit shall expire if the sign
construction or other work authorized by a sign permit is not completed within
180 days after the date of issue.

(6) No sign construction shall be considered finally complete until the permit holder
has notified the city that work is finished and the city has inspected the sign and
is satisfied that the sign construction has been completed in conformity with the
approved plans and otherwise complies with the sign standards.

(7) If a permit is denied, the applicant shall receive a notice of denial in writing,
setting forth the reasons for the denial.

(8) A decision granting or denying a sign permit may be appealed to a hearings
official. Appeals are processed according to other Type II applications
beginning at EC 9.7200 General Overview of Type II Application Procedures.
The decision of the hearings official is final.

(Section 9.6635, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)


(1) Compliance with the Uniform Building Code. All signs requiring a
development permit shall be constructed in accordance with the State of Oregon
Structural Specialty Code in effect at the time of permit application submittal.

(2) Limitation of Sign Types. All signs not expressly permitted under the sign
standards or exempt from regulation in accordance with EC 9.6610 Exemptions
to Sign Standards are prohibited.

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(3) **Calculation Standards.** For purposes of calculation of all areas and distances under the sign standards, the following apply:

(a) **Street Frontage.** Except as otherwise provided, the limitations on numbers of signs permitted on a development site is based on the development site having only 1 street frontage. Development sites fronting on 2 or more streets are allowed the number of signs permitted for each street frontage. However, the total number of signs that are oriented toward a particular street may not exceed the portion of the development site's total sign allocation that is derived from the frontage on that street.

(b) **Perimeter Walls.** The exterior wall of a building shall be measured at the floor level of each floor, including the ground floor. Alcoves, entryways and extruding portions shall be treated by measuring through such areas as though along the flat wall of a building. The length of each perimeter wall shall be the average of the floor lengths on that wall. (See Figure 9.6640(3)(b) Perimeter Wall Area for Sign Standards.)

(c) **Back-to-Back Sign Area.** When 2 sign faces supported by the same sign structure are placed back-to-back, the sign surface area shall be the area of the larger sign. As used herein, back-to-back means signs which face in opposite directions and are parallel or form an angle of no greater than 30 degrees.

(d) **Sign Area.** The area of all sign elements which together convey a single, complete message shall be combined and considered as a single sign. The area of a sign face shall be the entire area of each sign element included within a single, continuous perimeter which encloses the extreme limits of a sign, except for trim or structural elements lying outside all portions of the sign devoted to display, and in no case passes through or between any adjacent elements of the sign. Irregularly shaped signs or elements of a sign shall be measured in increments of 1 foot. (See Figure 9.6640(3)(d) Sign Area Calculation.)

(e) **Rotating Signs.** For rotating signs, each side or element containing display copy shall be counted in the total allowable sign area.

(f) **Sign Height.** The sign height is the vertical distance from the grade to the highest point of a sign or sign structure. All sign heights, including roof signs, shall be measured from the grade. (See Figure 9.6640(3)(f) Sign Height Calculation.)

(4) **Location Standards.**

(a) **Setbacks.** All signs shall comply with the setback requirements beginning at EC 9.2000 through EC 9.3915 and EC 9.6745 Setbacks - Intrusions Permitted. Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the I-1 zone may be installed at least 5 feet from the front property line.

(b) **Obstruction Prohibited.** No sign shall substantially obstruct the view of another sign when the obstructed sign is viewed from a distance of 200 feet along the closest sign-facing travel lane in the public right-of-way.

(c) **Projecting Over the Public Way.** Except as specified in EC 9.6670 Central Commercial Sign Standards, no privately owned sign may project over any
public right-of-way.

(d) **Vision Clearance.** Signs must comply with vision standards where vehicular, bicycle and pedestrian travel intersect as specified in BC 9.6780 Vision Clearance Area. (See also BC 9.6255 Vision Clearance Area Landscaping.)

(5) **Construction Standards.**

(a) **Structural Design.** Signs shall comply with adopted state building codes.

(b) **Clearance Over Pedestrian Way.** The minimum clearance of all signs projecting over a pedestrian way shall be 8 feet except that where a marquee projects more than 2/3 of the distance from the property line to the curb, the minimum clearance shall be 12 feet.

(c) **Clearance Over Vehicle Use Area.** The minimum clearance of all signs projecting over any portion of a vehicle use area shall be 16 feet. Bollards or other physical barriers capable of protecting all portions of the sign projecting over the vehicle use area may be used to satisfy this standard.

(d) **Rotating Signs.** No sign shall rotate or have a rotating or moving part or parts that revolve at a speed in excess of 2 revolutions per minute. Readerboard signs shall not rotate.

(e) **Roof Signs.** Roof signs shall be mounted so that the bottom of the roof sign is not more than 1 foot above the surface of the roof or parapet wall at the sign location.

(f) **Wall Signs.** Wall signs shall project a maximum of 12 inches when the wall sign is more than 8 feet above grade and a maximum of 4 inches when the wall sign is less than 8 feet above grade.

(6) **Illumination Standards.**

(a) **Maximum Exposed Illumination.** No single light source element which exceeds 15 watts shall be used in connection with a sign or to illuminate a sign in a way which exposes the face of the bulb, light or lamp when viewed from a public street.

(b) **Glare Reduction.** No sign shall be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof. Exterior illumination shall be top mounted and shielded to aim light downward only.

(c) **Illumination From Signs on Nonresidential Property.** Illumination resulting from all signs and lighting on any property in a non-residential zone shall not exceed 2 foot candles at a height of 5 feet when measured at any point on property in a residential zone. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.

(d) **Illumination From signs on Residentially Zoned Property.** No internally illuminated sign shall be allowed on property in a residential zone. Lighting from all light sources operated for the purposes of sign
illumination on property in a residential zone shall be shielded from other property in the residential zone and shall not be more than 2 foot candles at the closest street or property line.

(7) **Readerboard Standards.** Except as specified in EC 9.6670 Central Commercial Sign Standards, no sign within 15 feet of a street property line shall have a proportion greater than 40 percent of the sign face used as a readerboard sign.

(8) **Maintenance.** All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition, free from excessive rust, corrosion, peeling paint or other surface deterioration.

(9) **Electronic Message Centers.** Except electronic message centers operated as public signs by governmental agencies, no electronic message center, or portion of a sign used as an electronic message center, shall be larger than 3 square feet in area, display a message containing more than 5 characters, or change the displayed message at intervals of less than once every 3 seconds. No electronic message center, except for temporary construction use, shall exceed a maximum one-hour equivalent A-weighted sound pressure level of 50 dBA at the receiving property line when the receiving property is occupied by a dwelling, hospital, school, library or assisted care center.

(Section 9.6640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.6645 **Applicability of Sign Standards.**

(1) No sign permit shall be issued for any sign unless specifically identified as an allowed sign use under the terms of the applicable sign standards or otherwise allowed a permit under EC 9.6620 Nonconforming Signs or EC 9.6610 Exemptions to Sign Standards.

(2) Except as otherwise specified, signs located on property zoned S Special Zone shall be subject to the provisions of:
   (a) EC 9.6650 Residential Sign Standards, if the use thereon is primarily characterized as residential,
   (b) EC 9.6680 Industrial Sign Standards, if industrial, or
   (c) EC 9.6660 General Commercial Sign Standards.

(3) Property within an area subject to a change in zoning shall be governed by the provisions of the sign standards applicable to the new zone upon the effective date of the order amending the zoning map or part of said map. Completed applications for sign permits made before the effective date of the zone change will be considered under the provisions of the sign standards applicable to the zone existing at the time the application was submitted. All legally established signs which are not in compliance with the provisions of the sign standards applicable to the new zone applied shall be considered legal nonconforming signs.

(4) Except as otherwise specified, signs located on property subject to a new zoning
classification created after August 1, 2001 shall be included in and subject to the provisions of EC 9.6650 Residential Sign Standards.

(5) For the purpose of these sign standards, tax lots or development sites with no street frontage shall be considered to have one street frontage.

(Section 9.6645, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6650 Residential Sign Standards. The residential sign standards are hereby created and applied to all land zoned as set forth below. Signage is limited to preserve the character of the area by allowing signs only for residential purposes and for non-residential uses allowed in the applicable zone.

(1) Corresponding Zones. The provisions of this section apply to all property lying within the following zones: AG, NR, PRO, R-1, R-1.5, R-2, R-3, and R-4.

(2) Permitted Sign Types. Signs allowed under residential sign standards are limited to the following types:
   (a) Awning signs;
   (b) Freestanding signs;
   (c) Readerboards; and
   (d) Wall signs.

(3) Maximum Number of Signs. The number of signs residential sign standards allow is based on the number of street frontages and is limited to no more than the following amounts for each street frontage:
   (a) One wall sign per dwelling unit used as a single family dwelling.
   (b) One freestanding, wall or awning sign for each development site used for multiple family dwellings.
   (c) One permanent subdivision or planned unit development sign for each development site used or planned as a subdivision or planned unit development.
   (d) One temporary subdivision sign or planned unit development sign for each development site planned or used as a subdivision or planned unit development. Such temporary sign must be constructed in connection with the offer for sale of any parcel or unit and may remain in place for 1 year, subject to renewal for no more than 1 additional year at a time where parcels or units remain unsold.
   (e) One freestanding, wall, or awning sign for each development site used for non-residential purposes.

(4) Maximum Sign Area. The residential sign standards apply the following size limitations:
   (a) Freestanding Signs.
      1. Located on property used for residences other than one- or two-family dwellings shall be no more than 12 square feet for 1 face and 24 square feet for 2 or more faces.
      2. Located on non-residentially used property or classified as a
permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.

3. Classified as temporary subdivision or planned unit development sales signs shall be no more than 64 square feet in area for 1 or more faces.

(b) **Wall and Awning Signs.**

1. Located on property used for single family dwellings shall be no more than 1.5 square feet in area.
2. Located on property used for multiple family dwellings shall be no more than 12 square feet in area.
3. Located on property used for non-residential purposes shall be no more than 32 square feet in area for 1 or more faces.
4. Classified as a permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
5. Classified as a temporary subdivision or planned unit development sign shall be no more than 64 square feet for 1 or more surfaces.

(5) **Maximum Height.** All freestanding signs shall be no more than 5 feet in height, except temporary subdivision signs, which shall be no more than 8 feet in height.

(Section 9.6650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6655 **General Office Sign Standards.** The general office sign standards are hereby created and applied to all land as set forth below. Signs are regulated to accommodate the office buildings and other public uses that are commonly located within these zones and because of the proximity of residential areas.

(1) **Corresponding Zones.** The provisions of this section apply to all property located within the following zones: GO and PL.

(2) **Permitted Sign Types.** Signs allowed under general office sign standards shall be limited to the following types:

(a) Awning signs;
(b) Electronic message centers;
(c) Freestanding signs;
(d) Marquee signs;
(e) Readerboards;
(f) Under-marquee signs; and
(g) Wall signs.

(3) **Maximum Number of Signs.** The number of signs the general office sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:

(a) One freestanding sign per occupied building;
(b) One under-marquee sign per business occupant; and
c) One awning, marquee or wall sign per business occupant.
(4) Maximum Sign Area. In addition to all other standards, the general office sign standards shall apply the following size limitations:
   (a) A freestanding sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
   (b) The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general office sign standards apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located.
   (c) No awning, marquee, under-marquee, or wall sign may exceed 100 square feet per face.

(5) Maximum Height. A freestanding sign shall be no more than 8 feet in height.

(Section 9.6655, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6660 General Commercial Sign Standards. The general commercial sign standards are hereby created and applied to all land as set forth below. Sign limitations reflect the commercial nature of the area and the amount of vehicular traffic.

(1) Corresponding Zones. Except as otherwise provided in the shopping center and highway commercial sign standards, the provisions of this section apply to all property located within the following zones: C-1, C-2, or C-4.

(2) Permitted Sign Types. Signs allowed under these standards shall be limited to the following types:
   (a) Awning signs;
   (b) Electronic message centers;
   (c) Freestanding signs;
   (d) Marquee signs;
   (e) Readerboards;
   (f) Roof signs;
   (g) Under-marquee signs; and
   (h) Wall signs.

(3) Maximum Number of Signs. The number of signs general commercial sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:
   (a) If the development site is occupied by only 1 business occupant:
      1. One under-marquee sign, and
      2. One awning, marquee, or freestanding sign.
      3. The business occupant may substitute 2 wall signs on separate walls, or 2 single-faced roof signs, or 1 wall and 1 single-faced roof sign for the free-standing sign permitted in paragraph (a)2. of this subsection.
   (b) If the development site is occupied by more than 1 business occupant:
      1. One under-marquee sign per business;
      2. One awning, marquee or wall sign per business; and,
      3. One freestanding sign, or 2 single-faced roof signs, or 2 additional wall signs, or 1 additional wall sign and 1 single-faced roof sign per
development site, provided that such additional wall signs are placed on separate walls.

(4) **Maximum Sign Area.** In addition to all other standards, the general commercial sign standards shall apply the following size limitations:

(a) Freestanding signs and roof signs shall not exceed 40 square feet in area for 1 face and 80 square feet in area for 2 or more faces for each business occupant on a development site. The maximum sign area when 2 business occupants are on the development site shall not exceed 80 square feet for 1 face or 160 square feet for 2 or more faces. The maximum sign area when 3 or more business occupants are on the development site shall not exceed 100 square feet for 1 face and 200 square feet for 2 or more faces.

(b) Wall, awning, marquee and under-marquee signs:

1. The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general commercial sign standards apply shall be limited to 1.5 square feet times the length of the perimeter wall upon which the signs are located.

2. No sign shall exceed 100 square feet per face or 200 square feet for 2 or more faces.

(5) **Maximum Height.** All freestanding signs and roof signs shall be no more than 20 feet in height.

(Section 9.6660, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6665 Shopping Center Sign Standards.** The shopping center sign standards are hereby created and applied to all land as set forth below. Sign limitations in these standards accommodate the special commercial character of these areas and the residential areas which are close to most shopping centers.

(1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards on which a shopping center is located and which is within the following zones: C-1, C-2 or C-4.

(2) **Permitted Sign Types.** Signs allowed under the shopping center sign standards shall be limited to the following types:

(a) Awning signs;

(b) Electronic message centers;

(c) Freestanding signs;

(d) Marquee signs;

(e) Readerboards;

(f) Roof signs;

(g) Under-marquee signs; and

(h) Wall signs.

(3) **Maximum Number of Signs.** Except as provided in subparagraph (b) of this subsection, the number of signs shopping center sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:
(a) There shall be no limitation on the number of free-standing or roof signs, except that no freestanding or roof sign shall be placed within 200 feet of another freestanding or roof sign on that development site.

(b) Two wall, marquee or awning signs per business occupant, however, no business occupant shall have more than 3 wall or awning signs regardless of the number of street frontages. If a second or third sign is located on the same wall, it may be no larger than 40 square feet.

(c) One under-marquee sign per business occupant.

(4) **Maximum Sign Area.** In addition to all other standards, shopping center sign standards shall apply the following size limitations:

(a) Awning, marquee and wall signs: the sum of the area of all such signs on any wall where the shopping center sign standards apply shall be limited to 1.5 square feet times the length of the perimeter wall upon which the signs are located.

(b) No freestanding or roof sign shall exceed 100 square feet of surface area for any 1 face and 200 square feet for 2 or more faces.

(c) Each wall, awning, marquee and under-marquee sign shall be less than 200 square feet for 1 face or less than 400 square feet for 2 or more faces.

(5) **Maximum Height.** Freestanding and roof signs where the shopping center sign standards apply shall not be more than 20 feet in height.

(Section 9.6665, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Central Commercial Sign Standards.** The central commercial sign standards are hereby created and applied to all property within the central commercial zones as set forth below. Signs are restricted in recognition of the high density usage of these areas, where pedestrian traffic is heavy and vehicular traffic is commonly limited.

(1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards which is zoned C-3, to property within the S-F 5th Street Special Zone, and to those portions of the S-RP Riverfront Park Special Zone which are not within 200 feet of the Franklin Boulevard center line.

(2) **Permitted Sign Types.** Signs allowed under the central commercial sign standards shall be limited to the following types:

(a) Awning signs;
(b) Electronic message centers;
(c) Freestanding signs;
(d) Marquee signs;
(e) Projecting signs;
(f) Readerboards;
(g) Roof signs;
(h) Under-marquee signs; and
(i) Wall signs.

(3) **Maximum Number of Signs.** The number of signs central commercial sign
standards allow shall be limited to no more than 1 electronic message center, freestanding, projecting sign, readerboard, or roof sign per development site street frontage. The number of allowed awning, marque, under-marquee and wall signs is not limited.

(4) **Maximum Sign Area.** In addition to all other standards, the central commercial sign standards shall apply the following size limitations:

(a) Freestanding, roof, and projecting signs shall be no more than 100 square feet for 1 face and 200 square feet for 2 or more faces.

(b) Awning, marquee, under-marquee and wall signs shall be less than 200 square feet per face and less than 400 square feet for 2 or more faces.

(c) The sum of the area of all signs, except under-marquee signs, shall be limited to 1.5 square feet times the number of floors in a building times the length of the building's perimeter walls. The area of wall, marquee, awning and projecting signs shall be calculated on the basis of the wall upon which the signs are located.

(d) In any event, each development site without a building shall be allowed a maximum sign area of 50 square feet.

(5) **Maximum Height.** No freestanding or roof signs may be more than 20 feet in height.

(6) **Special Provisions.** The following signs are subject to special provisions:

(a) Theaters may use readerboard signs. On theaters, there shall be no limit on the size of the readerboard sign.

(b) Awnings, marquees and projecting signs may project over public rights-of-way, and shall require a revocable permit under Chapter 7 of this code, unless the projections are required by EC 9.4085(7).
   1. Awnings and marquees may project a maximum of 7 feet into the public right-of-way.
   2. Projecting signs may project a maximum of 4.5 feet into the public right-of-way.
   3. No sign may project into a public right-of-way to a point within 2 feet of the vertical plane of any street (curb face), alley or driveway.
   4. No sign may project into an alley clearance area. The "alley clearance area" is the area formed by a line drawn from the intersecting point of a sidewalk or other public way and a public alley at an angle of 30 degrees from the projection of the boundary of the alley into the intersecting public way. (See Figure 9.6670(6)(b) Projecting Sign Area.)
   5. No sign may project from a building at the corner of 2 streets more than 1 foot for every 5 feet of distance from the point where the building wall on which the sign is attached would intersect the curb if that wall extended to the curb. (See Figure 9.6670(6)(b) Projecting Sign Area.)

(Section 9.6670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)
Highway Commercial Sign Standards. The highway commercial sign standards are hereby created and applied to all land as set forth below. Signs in this area are regulated to accommodate the mixed uses of the areas and the presence of major streets with high traffic volumes.

(I) Corresponding Zones. The provisions of this section apply to that property within the S-RP Riverfront Park Special Zone located within 200 feet of the Franklin Boulevard center line and to property within the C-1, C-2, C-3, C-4 or any industrial zone with frontage along the following named streets:

(a) Beltline Road from 11th Avenue to Roosevelt Boulevard;
(b) Broadway from Mill Street to Franklin Boulevard;
(c) Coburg Road from 6th Avenue to 200 feet north of Frontier Drive;
(d) Franklin Boulevard east from Broadway, including the north-south segment;
(e) Garfield Street from 11th Avenue to 5th Avenue;
(f) Goodpasture Island Road from Valley River Drive to 1,700 feet north;
(g) Highway 99 North;
(h) I-5 from Henderson Avenue to 300 feet north of Laurel Hill Drive;
(i) I-5 on the north side only, from 720 feet east of Henderson Avenue to 1,330 feet east of Henderson Avenue;
(j) I-105 from the Coburg interchange to Scout Access Road;
(k) Mill Street from Broadway to Coburg Road;
(l) Railroad Boulevard;
(m) 6th Avenue east of conjunction with Highway 99 North;
(n) 7th Avenue east of conjunction with Highway 99 North; and
(o) 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.

(2) Permitted Sign Types. Signs allowed under the highway commercial sign standards shall be limited to the following types:

(a) Awning signs;
(b) Billboards;
(c) Electronic message centers;
(d) Freestanding signs;
(e) Marquee signs;
(f) Projecting signs;
(g) Readerboards;
(h) Roof signs;
(i) Under-marquee signs; and
(j) Wall signs.

(3) Maximum Number of Signs. The highway signs standards shall have no limit on the number of signs permitted except that no freestanding or roof sign may be constructed within 200 feet of any other freestanding or roof sign on the development site, regardless of the number of street frontages.

(4) Maximum Sign Area. In addition to all other standards, the highway sign standards shall apply the following size limitations:
(a) Freestanding signs and roof signs shall not exceed 100 square feet in area for 1 face and 200 square feet for 2 or more faces.
(b) Notwithstanding any other provision except (5)(c) of this section, the sum of the area of all billboards, awning signs, marquee signs, projecting signs, and wall signs located on a single development site where the highway sign standards apply shall be limited to 1 square foot times the length of the perimeter wall upon which the signs are located. If not located on a wall, the area of any billboard located on the development site shall be included in the total sign area attributed to that site.
(c) No awning, marquee, under-marquee, projecting or wall sign may exceed 100 square feet for any 1 face, and no awning, marquee or projecting sign may exceed 200 square feet for 2 or more faces.
(d) Notwithstanding the number of street frontages, no business occupant shall use more than 1000 square feet of sign surface area, including billboards, at any single development site.

(5) Maximum Height. All billboards, freestanding signs and roof signs shall be no more than 30 feet in height.

(6) Billboards. Billboards shall be subject to the following standards:
(a) Billboards located along the streets named in subsection (1)(b) through (1)(g) and (1)(k) through (1)(o) of this section shall not exceed 250 square feet in surface area.
(b) Billboards located on developed property along streets named in subsection 1(a) and (1)(h) through (1)(j) of this section shall not exceed 300 square feet in surface area.
(c) A billboard may be located on an otherwise vacant lot abutting any street designated in this section, provided that the billboard does not exceed the maximum size for billboards along such a street, and does not otherwise violate any provision of this land use code.
(d) Cutouts. The maximum allowable area of any billboard may be increased by a supplemental sign element no larger than 20 percent of the total surface area of the billboard. The additional sign element must be attached to the billboard and refer to or relate to the sign copy displayed on the face of the billboard.
(e) Billboard Locations. Billboards may be located only on property abutting a street designated for the location of billboards.
(f) Billboard Distances. Notwithstanding any other provision of the sign standards, no billboard may be located within 350 feet of another billboard where the billboards are located on the same side of the street. Further, no billboard may be located within 150 feet of another billboard when the billboards are located across the street. These distances between billboards shall be measured along the centerline of the street designated to be a location for billboards.
(g) Billboard Orientation. All billboards must be placed within 100 feet of a street designated for the location of billboards and must be oriented toward
1 of the directions of travel along the street designated for the location of billboards.

(h) **Billboard Maximums.** Notwithstanding any other provision of the sign standards, the total area of all billboard sign faces oriented in the same direction shall not exceed 1300 square feet in any one-half mile of street frontage designated for the location of billboards.

(i) **Billboard Removal.** The owner of a billboard shall provide the city written notice of the owner's intent to remove a billboard not more than 60 days nor less than 30 days before the removal of the billboard.

1. The owner of a billboard who has notified the city of the owner's intent to remove the billboard may submit an application for the construction of a replacement billboard. If the proposed replacement billboard is to be at any location within 1/2 mile of the location of the removed billboard, and if the application is submitted within 30 days of the date of the removal of the billboard, such application shall be given preference over any sign permit application previously submitted but not yet approved which would have an effect on the determination of the application for a replacement billboard.

2. If no such application is submitted by the owner of a billboard to be removed within 30 days after the billboard is removed, the city may grant a sign permit to any applicant, even if that permit precludes the replacement of the billboard.

(Section 9.6675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6680 Industrial Sign Standards.** The industrial sign standards are hereby created and applied to all property zoned for industrial use as set forth below. Signs are regulated to accommodate the minimal street frontage of most parcels and the general proximity to highways and arterial streets.

(1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards and located within the following zones: all industrial zones.

(2) **Permitted Sign Types.** Signs allowed under the industrial sign standards shall be limited to the following types:

(a) Awning signs;
(b) Billboards;
(c) Electronic message centers;
(d) Freestanding signs;
(e) Marquee signs;
(f) Projecting signs;
(g) Readerboards;
(h) Roof signs;
(i) Under-marquee signs; and
(j) Wall signs.
(3) **Maximum Number of Signs.** The industrial sign standards shall have no limit on the number of signs permitted except that no freestanding or roof sign may be constructed within 200 feet of any other freestanding or roof sign on the development site, regardless of the number of street frontages.

(4) **Maximum Sign Area.** The industrial sign standards shall apply the following size limitations:
   (a) Freestanding and roof signs shall not exceed 100 square feet in area for 1 face and 200 square feet for 2 or more faces.
   (b) Notwithstanding any other provision, the sum of the area of all billboards, awning signs, marquee signs, projecting signs, and wall signs located on a single development site where the industrial sign standards apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located. If not located on a wall, the area of any billboard located on the development site shall be included in the total sign area attributed to that site.
   (c) Awnings, marquee, projecting or wall signs shall be less than 200 square feet for any 1 face, and less than 400 square feet for 2 or more faces.
   (d) Notwithstanding the number of street frontages, no business occupant shall use more than 1000 square feet of sign surface area, including billboards, at any single development site.

(5) **Maximum Height.** All billboards, freestanding signs and roof signs shall be no more than 30 feet in height except freestanding signs up to 5 feet in height are allowed in the I-1 zone at a minimum of 5 feet from the front property line.

(6) **Billboards.** Billboards regulated by the industrial sign standards shall be subject to the following:
   (a) Billboards shall be permitted only along property which abuts the following named streets:
      1. Garfield Street north of 5th Avenue to the intersection of Roosevelt Boulevard.
      2. Seneca Street north of 11th Avenue to the intersection of Roosevelt Boulevard.
      3. Bertelsen Road north of 11th Avenue to the intersection of Roosevelt Boulevard.
      4. Obie Street north of 11th Avenue to the end of the street, but no further north than the intersection of Stewart Road.
      5. West 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.
   (b) No billboard shall exceed 250 square feet in area.
   (c) Notwithstanding the required connection between perimeter wall size and billboard size established in (4)(b) of this section, a billboard not to exceed 200 square feet may be located on an otherwise vacant lot abutting any street designated in this section.
   (d) The provisions of EC 9.6675(6)(d) to (i) shall apply to all billboards in areas regulated by the industrial sign standards.

(Section 9.6680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Site Development Standards

9.6700  **Purpose of Site Development Standards.** Certain standards are required for development on all sites within the city or within a particular area, regardless of the zoning of the site. These standards are necessary to fulfill the general purpose of this land use code in EC 9.0020 Purpose.

(Section 9.6700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6705  **Development in Flood Plains - Purpose.** It is the purpose of sections 9.6705 to 9.6709 to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by adopting provisions designed to:

1. Protect human life and health.
2. Minimize expenditure of public money and costly flood control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard.
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
7. Ensure that potential buyers are notified that property is in an area of special flood hazard.
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Section 9.6705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6706  **Development in Flood Plains.** All development proposed for location in Special Flood Hazard Areas or Floodways as identified by the Federal Emergency Management Agency in the scientific and engineering report entitled “The Flood Insurance Study for Lane County, Oregon and Incorporated Areas” and associated Flood Insurance Rate Maps dated June 2, 1999 and any amendments thereto adopted by the city, effective at the time of the land use or development permit application, shall comply with the provisions of this code.

(Section 9.6706, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6707  **Special Flood Hazard Areas - Development Permit.**

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 9.6706. The permit shall be for all structures including manufactured homes as defined
in this land use code, and for all other development including fill and other activities, as also defined in section 9.0500. Application for a development permit shall be made on forms furnished by the building official and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is specifically required:
(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
(b) Elevation in relation to mean sea level to which any structure has been flood proofed.
(c) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing standards in section 9.6709.
(d) A description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(2) The building official or his/her designee shall administer and implement the provisions of sections 9.6705 to 9.6709 by granting or denying development permit applications in accordance with their provisions. In connection therewith, the duties of the building official or designee shall include, but not be limited to:
(a) Review of all development permits to determine that the permit requirements of sections 9.6705 to 9.6709 have been satisfied;
(b) Review of all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies, including the city, from which prior approval is required;
(c) Review of all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the building official shall assure that the encroachment provisions of section 9.6709 are met;
(d) Obtaining, reviewing and reasonably utilizing any base flood elevation and floodway data available from a federal, state, or other source in order to administer the provisions of section 9.6709 (2) subsections (a) and (b), if the base flood elevation data has not been provided in accordance with subsection (1) of this section.
(e) Obtaining and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (d) of this section;
(f) Verifying and recording the actual elevation (in relation to mean sea level) and maintaining the floodproofing certifications required in subsection (1) of this section for all new or substantially improved floodproofed structures;
(g) Notifying adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Insurance Administration;

(h) Requiring that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished; and

(i) Maintain for public inspection all records pertaining to the provisions of sections 9.6705 to 9.6709.

(3) Within 5 days of the decision, the building official shall mail a notice of the decision and of the opportunity to appeal to the applicant and owners and occupants of property located within 100 feet of the subject property.

(4) The decision of the building official may be appealed to the hearings official in the manner provided in this land use code.

(Section 9.6707, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6708 **Special Flood Hazard Areas - Variances.** The building official may approve, conditionally approve, or deny an application for a variance from the provisions of sections 9.6705 to 9.6709, except that no variance shall be allowed within a floodway. The building official's decision shall be based on the following criteria:

(1) Compliance with applicable provisions of this land use code;

(2) Consideration of all technical evaluations, other relevant factors and standards set forth in section 9.6709, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(l) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and...
facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(m) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(n) A determination that good and sufficient cause exists for the variance;

(o) Failure to grant the variance would result in exceptional hardship to the applicant;

(p) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

(q) That variances are interpreted in the National Flood Insurance Program based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(r) That variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with section 9.6709.

(3) Within five days of the decision, notice of the building official's decision and of the opportunity to appeal shall be mailed to the applicant and to owners and occupants of property located within 100 feet of the subject property.

(4) The decision of the building official may be appealed to the hearings official in the manner set forth in this land use code.

(Section 9.6708, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6709 Special Flood Hazard Areas - Standards.

(1) General Standards. In all areas of special flood hazards, compliance with the following standards is required:

(a) Anchoring.
   1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
   2. All manufactured homes shall likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(b) Construction Materials and Methods. All new construction and substantial
improvements shall be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) **Utilities.**
1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) **Subdivision Proposals.**
1. All subdivision proposals shall:
   a. Be consistent with the need to minimize flood damage;
   b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
   c. Have adequate drainage provided to reduce exposure to flood damage; and
2. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(e) **Review of Development Permits.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(2) **Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as required in subsections 9.6707(1) or (2), the following provisions are required:

(a) **Residential Construction.**
1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and
exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louveres, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official as required in section 9.6707.

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subparagraph (2)(a)(2) of this section.

5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(c) Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (1)(a)(2) of this section.

(d) Floodways. Within areas of special flood hazard established in section 9.6706 are areas designated as floodways. Since a floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions
apply:

1. Prohibition on encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

2. If the conditions of subparagraph 1. above are met, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

(e) Shallow Flooding Areas - With Depth Designations. Shallow flooding zones appear on Flood Insurance Rate Maps (FIRM), with depth designations, wherever such flooding occurs on sloping water surfaces such as alluvial fan flow, wave wash after the wave has broken, etc. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures within these zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the FIRM. Where appropriate, such structures shall be elevated above the crown of the nearest road, to at least one foot above the depth number specified in the FIRM. Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.

2. New construction and substantial improvements of nonresidential structures within these zones shall either:
   a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site to at least one foot above the depth number specified on the FIRM; or
   b. Together with attendant utility and sanitary facilities, be completely floodproofed to at least one foot above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.

(Section 9.6709, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Geological and Geotechnical Analysis.

(1) Purpose of Geological and Geotechnical Analyses. The purpose of geological and geotechnical analyses is to ensure that public and private facilities in developments in areas of known or potential unstable soil conditions are located, designed, and constructed in a manner that provides for public health, safety, and welfare.

(2) Geological and Geotechnical Analysis Required. Except for those activities exempted under EC 9.6710(3) Exemptions from Geological and Geotechnical Requirements, a geological and geotechnical analysis, prepared by an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geotechnical experience, conforming with standards, procedures and content as defined in the Standards for Geological and Geotechnical Analysis adopted by the city in the manner set forth in EC 2.019 City Manager - Administrative and Rulemaking Authority and Procedures, is required for any of the following:

(a) All proposed tentative planned unit development, site review, or subdivision applications on properties with slopes equal to or greater than 5%.

(b) All proposed development that includes dedication or construction of a public street or alley or the construction of public drainage systems or public wastewater sewers.

(3) Exemptions from Geological and Geotechnical Analysis Requirements. The following activities are exempt from the requirements of this section:

(a) Maintenance, operation, reconstruction of existing streets, driveways, and utility lines, provided soil disturbance is limited to a standard utility trench width or the area beneath street and driveway structures.

(b) Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance when it is necessary to prevent or abate any of the following:
   1. An imminent threat to public health or safety.
   2. An imminent danger to public or private property.
   3. An imminent threat of serious environmental degradation.

(c) Street and alley dedications that widen existing public right-of-way are exempt from requirements of 9.6710(2)(b).

(d) A residential building permit for a lot or parcel that was subject to previous reports and assessments.

(e) New construction, building alterations and building additions that will not result in soil disturbance.

(f) Activities on land included on the city’s acknowledged Goal 5 inventory.

(g) Development activities that are part of an application proposing needed housing.

(4) Categories of Geological and Geotechnical Analysis. The analysis required in geological and geotechnical analyses is based on the following categories, and shall be prepared in the manner required in the rules referenced in subsection (2) of this section:
(a) A Level One Analysis shall consist of a compilation of record geotechnical data, on-site verification of the data and site conditions, and a report discussing site and soil characteristics in relation to the proposed development and other applicable standards.

(b) A Level Two Analysis shall consist of a compilation of record geological data, analysis of site characteristics, sub-surface investigation and testing to establish soil types and distribution, and a report that includes site and soil characteristics in relation to the proposed development, identification of potential problems, and recommendations for design and construction techniques and standards consistent with other standards applicable to the development proposal.

(c) A Level Three Analysis shall consist of a Level Two Analysis and additional site-specific geotechnical design of facilities such as, but not limited to, streets, foundations, utilities, retaining walls and structures due to geologic constraints.

(5) Applicability of Different Categories of Geological and Geotechnical Analysis. Unless exempt under 9.6710(3), the category of geotechnical analysis required is based on the following:

(a) A Level One Analysis shall be required on:
   1. All development sites with slopes less than 10% that include construction of public improvements;
   2. Subdivision, site review, and planned unit development applications for development sites with slopes greater than or equal to 5% and less than 10%.

(b) A Level Two Analysis shall be required on:
   1. All development sites with slopes greater than or equal to 10% that include construction of public improvements;
   2. Subdivision, site review, and planned unit development applications for development sites with slopes greater than or equal to 10%.

(c) A Level Three Analysis shall be required on development sites where the Level One or Two Analysis reveals evidence of existing or potential stability problems or where site conditions such as springs or seeps, depth of soil to bedrock, variations in soil types, or a combination of these conditions, in the opinion of the professional, impact the design parameters of the structure.

(Section 9.6710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6715 Height Limitation Areas.

(1) Purpose of Height Limitation Areas. Certain geographical landmarks have scenic attributes that are of value to the community as a whole. To protect views to and from these landmarks, special limitations on building height are established on and around them.

(2) Applicability. Special building height limitations apply to the specific areas
listed in this section. If the exceptions provided for in EC 9.6720 Height
Exemptions for Roof Structures and Architectural Features conflict with the
building height limitations in this section, this section shall apply. All
elevations in the height limitation areas shall be based on the mean sea level.

(3) Skinner Butte Height Limitation Area. The boundaries of the Skinner Butte
Height Limitation Area are as follows:
All property lying east of Washington Street, lying north of, and including, the
north side of 6th Avenue, lying west of Coburg Road, and lying south of the
Willamette River. (See Map 9.6715(3) Skinner Butte Height Limitation Area.)
Within the Skinner Butte Height Limitation Area, the maximum height of any
structure where the existing ground elevation is at, or below, 460 feet above
mean sea level shall be to an elevation of 500 feet above mean sea level. The
maximum height of any building where the existing ground elevation is above
460 feet mean sea level shall be 40 feet above the existing ground elevation at
all points. In neither case shall the maximum height of any building or structure
exceed the maximum allowed in the zone.

(Section 9.6715, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.6720  Height Exceptions for Roof Structures and Architectural Features. Except as
provided in EC 9.6715, certain roof structures, architectural features and other devices
may be erected above the height limits established in this land use code. Some roof
structures, architectural features, and other devices may be erected no more than 18
feet above the highest point of the roof of the main building, whether such structure is
attached to it or freestanding. Roof structures, architectural features, and other
devices that may exceed the highest point of the main building by 18 feet as
established above include:
(1)  Roof structures for the housing of elevators, stairways, tanks, ventilating fans,
and similar equipment required to operate and maintain the building;
(2)  Architectural features, including fire or parapet walls, skylights, towers,
flagpoles, chimneys, smokestacks, steeples and similar structures; and
(3)  Other devices, including television antennas and similar structures, but
excluding amateur radio antennas, telecommunication facilities, and radio
towers and transmitters. Amateur radio antennas, telecommunication facilities,
and radio towers and transmitters may exceed the maximum building height
within a zone, provided there is compliance with all other applicable
requirements of this land use code.

(Section 9.6720, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)
9.6725 Outdoor Lighting Standards.

(1) Purpose of Outdoor Lighting Standards. The outdoor lighting standards are intended to produce efficient, effective, and attractive outdoor lighting that is appropriate to the need and prevents glare. The standards are designed to:
   (a) Provide for nighttime safety, utility, security and productivity while conserving energy and other resources.
   (b) Minimize glare, light trespass and light pollution.
   (c) Curtail the degradation of the nighttime environment to enhance citizens’ enjoyment and protect the natural cycles of plants and animals that require darkness at night in order to thrive.

(2) Applicability of Outdoor Lighting Standards. Except as exempted by provisions of this land use code in EC 9.6725(5) below, the installation of outdoor lighting fixtures shall be subject to these lighting standards.

(3) Shielding. All lighting fixtures subject to a lighting permit shall be cutoff and additional shielding shall be required, as necessary, to direct the light within the boundaries of the development site. Fixtures for exterior illumination of signs, including signs attached to a building, shall be top-mounted as well as shielded to aim the light downward onto the sign only. (See also EC 9.6640 General Provisions, section (6) Illumination Standards.)

(4) Prohibited Types of Lights. Decorative lasers, continuously flashing lights and searchlights are prohibited. In Intrinsically Dark Areas and Low Ambient Light Areas, as defined in EC 9.6725(8), high pressure sodium lights, mercury vapor lights, and flood lights are prohibited, except when used to illuminate walkways and bikepaths in compliance with applicable standards. High pressure sodium lights are permitted in other situations only when the maximum initial lumens generated by each lighting fixture does not exceed 2,250 lumens.

(5) Exemptions to Lighting Standards. The following lighting fixtures are exempt from meeting these lighting standards:
   (a) Lighting fixtures that were lawfully installed prior to August 1, 2001 are exempt from meeting these lighting standards until the lighting fixture is replaced due to necessity or choice.
   (b) A lighting fixture that does not exceed 1,500 lumens when the light is directed within the boundaries of the development site.
   (c) Emergency lighting.
   (d) Lighting fixtures that must conform with federal or state regulations, such as airport runway lights, TV and radio transmission towers, telecommunication towers and railroad lights.
   (e) Holiday lights and decorations in place during the period between November 15 and January 15, except such lights shall not cause excessive glare that creates a public safety hazard.
   (f) Temporary lighting installed for temporary activities.
   (g) Lighting for governmental flags.
   (h) Temporary lighting necessary for construction sites.
   (i) Public streetlights designed, permitted and constructed in accordance with
standards and specifications adopted pursuant to Chapter 7 of this code.

(6) Lighting Permit Required.
(a) Except as provided in EC EC 9.6725(5) Exemptions to Lighting Standards, no person shall install outdoor lighting unless a lighting permit for the lights has been issued by the building and permit services manager. A lighting permit for the construction and continued use of a light shall be subject to the terms and conditions stated in the permit and to the lighting standards.
(b) Maintenance of a lighting fixture shall not require a lighting permit.
(c) Failure to abide by the terms of a lighting permit or applicable provisions of the lighting standards shall invalidate a lighting permit. The building and permit services manager may take steps as are necessary to abate such a light as a public nuisance.

(7) Lighting Permit Application and Approval Process.
(a) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager- Authority to Set Fees and Charges.
(b) The building and permit services manager shall approve a lighting permit based on verification by a lighting specialist that the plan complies with applicable lighting standards in this land use code.
(c) An approved lighting permit shall expire 180 days after the applicant has been notified of the lighting permit approval unless the applicant has paid all fees and the approved permit has been issued to the applicant.
(d) Unless the permit holder requests an extension of the permit and demonstrates good cause for such an extension, a lighting permit shall expire if the lighting construction or other work authorized by the lighting permit is not completed within 180 days after the date of issuance.
(e) No lighting permit shall be considered fully complete until the permit holder has notified the city that work is finished and a lighting specialist has inspected the lighting and is satisfied that the lighting construction complies with the lighting standards.

(8) Creation of Outdoor Lighting Classifications. To ensure appropriate lighting while minimizing its undesirable side effects, the zones established elsewhere in this land use code are consolidated into lighting zones, as follows:
(a) Intrinsically Dark Areas (O-1) shall consist of land zoned NR Natural Resource or PRO Park, Recreation and Open Space or contained within a conservation area/natural resource protection area. These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths or other areas to be used after dark. Where lighting is to be provided the following standards shall apply:
1. Except for pedestrian/bike tunnels, the walkway or pathway shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance
of .9 foot-candle.
2. The pedestrian/bike tunnel shall be illuminated to a minimum average maintained luminance of 4.0.
3. Any other lighting fixtures not illuminating walkways, bike paths, or tunnels shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.

(b) Low Ambient Light Areas (O-2) shall consist of land zoned R-1 Low Density Residential, R-1.5 Rowhouse, R-2 Medium-Density Residential, C-1 Neighborhood Commercial, PL Public Land, unless determined to have a high level of nighttime activity as set forth in EC 9.6725(8)(d), and any other zone not specifically listed under EC 9.6725(8)(a), (c), or (d). These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths, parking lots or other areas to be used after dark. Where lighting is to be provided for all areas except parking lots, the following standards shall apply:
1. Walkways or pathways shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance of .9 foot-candle.
2. Pedestrian/bike tunnels shall be illuminated to a minimum average maintained luminance of 4.0.
3. Any other lighting fixtures not illuminating walkways, bike paths, tunnels, or parking lots shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.

Parking lot lighting shall comply with standards found at EC 9.6725(9).

(c) Medium Ambient Light Areas (O-3) shall be permitted on land zoned R-3 Limited High-Density Residential and R-4 High-Density Residential.

(d) High Ambient Light Areas (O-4) shall be permitted in areas planned or developed for a mix of uses and a high level of nighttime activity. This includes areas in the broad zone category of commercial, except for C-1, and areas in the broad zone category of industrial. It also includes portions of colleges and universities, high schools, the fairgrounds, and other areas zoned PL determined by the planning director to have a high level of nighttime activity. Areas determined not to have a high level of nighttime activity that are zoned PL shall be considered Low Ambient Light Areas (O-2).

(9) Parking Lot Lighting. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and not to cause glare or direct illumination onto adjacent properties or streets. Parking lot lighting shall comply with the following standards:
(a) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and as defined in this land use code.
(b) Alternative: Within an officially designated historic district, the design for
an area may suggest the use of parking lot lighting fixtures of a particular “period” or architectural style, as either alternatives or supplements to the lighting described above.

1. If such fixtures are not “cut-off” fixtures as defined by IESNA, the maximum initial lumens generated by each fixture shall not exceed 2000.

2. Mounting heights of such alternative fixtures shall not exceed 20 feet.

(c) Parking area lighting standards in the various lighting areas are as shown in Table 9.6725(9) Parking Lot Lighting Standards.

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<th>Table 9.6725(9) Parking Lot Lighting Standards</th>
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<td>Minimum - Maximum Average Maintained</td>
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(10) **Lighting of Service Station/Convenience Store Aprons and Canopies.** Lighting levels on service station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such location. Lighting of such areas shall not be used to attract attention to the business. Signs allowed under the appropriate section of these regulations shall be used for that purpose. These uses shall comply with the following standards:

(a) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

(b) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 10 foot-candle and no more than 20 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1.

(c) Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

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(d) As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

(e) Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.

(11) Lighting of Exterior Display/Sales Areas. Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. These uses shall comply with the following standards:

(a) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested elsewhere in this section.

(b) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.

(c) Light fixtures shall include cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

(12) Lighting of Outdoor Performance Facilities. Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while minimizing skyglow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption. These uses shall comply with the following standards:

(a) Design Plan: A lighting design plan shall be submitted which shows in detail the proposed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.

(b) Dual System: The main lighting of the event (spotlighting or floodlighting, etc.) shall be turned off no more than 60 minutes after the end of the event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 3.0 foot-candles with a uniformity ratio (average to minimum) not exceeding 4:1.

(c) Primary Playing Areas: Where playing fields or other special activity
areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

(d) Parking Areas: Lighting for parking areas shall comply with EC 9.6725(9).

(e) Pedestrian/Bikepath Areas: Lighting for pedestrian and bike pathways shall comply with EC 9.6725(8)(b).

(13) **Lighting of Building Facades and Landscaping.** With the exception of structures having exceptional symbolic or historic significance in the community, exterior building facades shall not be illuminated for the primary purpose of highlighting the building. When buildings having symbolic or historic significance are to be illuminated primarily for highlighting the building, a design for the illumination shall be approved by the planning and development director and the following provisions shall be met:

(a) The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.

(b) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

(c) Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.

(d) To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.

(e) When landscaping is to be illuminated, the planning and development director shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

(Section 9.6725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### 9.6730 Pedestrian Circulation On-Site.

1. **Purpose of Pedestrian Circulation On-Site.** These standards are intended to provide safe and efficient circulation for pedestrians within all developments.

2. **Applicability of Standards.** As more specifically provided in this section, the standards in this section apply to any development that creates a new building entrance, but not to a building alteration or change in use.

   a. In any zone, except I-2 and I-3, on-site pedestrian paths shall be constructed in the following cases for institutional, office, commercial and industrial development:

   1. Between all new building entrances and all streets adjacent to the development site. On-site pedestrian paths shall be designed and
constructed to provide a direct connection to existing public right-of-way and public accessways.

2. To connect any new building entrances on a development site to all other new and existing building entrances on the same development site, except entrances used primarily for loading and unloading freight.

3. Along the exterior walls of new buildings greater than 100 feet in length when the wall of the building is located next to a street, parking lot or when a public entrance or entrances are located on the edge of the building, except in the following cases:
   a. When the edge of a building is within 20 feet of a public sidewalk and the building entrance is connected to the public sidewalk by an on-site pedestrian facility, no on-site pedestrian facility on the edge of the building adjacent to the sidewalk is required.
   b. When the edge of the building is bordered by a perimeter of landscaping which does not exceed 30 feet in width, and an on-site pedestrian facility is constructed at the edge of the landscaping, no on-site pedestrian facility immediately adjacent to the landscaped building edge is required.

4. To connect institutional, office, commercial and industrial uses on the development site to adjacent existing or planned institutional, office, commercial or industrial uses, and to existing or planned transit stops, schools, or neighborhood parks where the addition of on-site pedestrian paths would reduce walking or cycling distance between the uses by 200 feet and by at least 50 percent over other available pedestrian routes.

5. Along any development site, an on-site pedestrian facility connecting the street to the main building(s) shall be provided for every 300 feet of street frontage or for every 8 rows of vehicle parking, or for whichever standard requires the most on-site pedestrian paths.

(b) In industrial developments on I-1 zoned property, on-site pedestrian paths shall be constructed in the following cases:
   1. Between the main building entrance and all streets adjacent to the development site. On-site pedestrian paths shall be designed and constructed to provide a direct connection to existing public right-of-way and public accessways.
   2. To connect the main building entrance on the development site to adjacent existing or planned office, commercial or industrial uses, and to existing or planned transit stops where the addition of the on-site pedestrian facility would reduce walking or cycling distance between the uses by 200 feet and by at least 50 percent over other available pedestrian routes.

(c) In all zones, on-site pedestrian paths shall be constructed within new multiple-family residential developments with 3 or more units to insure that access is provided:
   1. From every unit to all other units within the residential development.

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2. From every unit to all laundry, recreational and other community facilities in the residential development.

3. From every building located within 40 feet of a public or private street to the street right-of-way line.

(3) **Design of On-Site Pedestrian Facilities.** All on-site pedestrian paths provided for the purposes of complying with this land use code shall conform with the following standards:

(a) On-site pedestrian paths shall provide direct access from public ways to building entrances.

(b) On-site pedestrian paths shall be constructed of concrete, a comparable hard surface material, or any properly designed pervious surface that complies with the Americans with Disabilities Act.

(c) On-site pedestrian paths shall be raised to standard curb height when adjacent to public and private streets or driveways.

(d) On-site pedestrian paths intersected by driving aisles shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.

(e) Pedestrian scale lighting in conformance with the standards in EC 9.6725 Outdoor Lighting Standards shall be provided along pedestrian facilities.

(Section 9.6730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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9.6735 **Public Access Required.** Except as otherwise provided in this land use code, no building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this land use code.

(Section 9.6735, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6740 **Recycling and Garbage Screening.** Except for one- and two-family dwellings, outdoor storage areas and refuse collection areas within or adjacent to vehicular use areas shall be screened on all sides so that materials stored within these areas shall not be visible from streets, accessways, or adjacent properties. Such uses shall not be permitted within required landscaping areas. Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).

(Section 9.6740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6745 **Setbacks-Intrusions Permitted.**

(1) **Applicability.** The intrusions permitted in this section are only applicable to standard front and interior yard setback requirements and do not apply to special setbacks required according to EC 9.6750 Special Setback Standards. Except as restricted to provide solar access according to EC 9.2795 Solar Setback Standards, and except where restricted by easements or other restrictions on title, the...
intrusions in this section may project into required front and interior yard setbacks to the extent and under the conditions and limitations indicated.

(2) **Depressed Areas.** In any zone, fences, hedges, guard railings or other landscaping or devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required front and interior yard setbacks, provided that such devices are not more than 42 inches in height.

(3) **Projecting Building Features.**
   (a) **One Story Structures.** The following building features may project into the required front yard setback no more than 5 feet and into the required interior yard setback no more than 2 feet; provided, that such projections are at least 8 feet from any building on an adjacent lot:
      1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
      2. Chimneys, fireplaces, and bay windows, provided they do not exceed 8 feet in width.
      3. Porches, platforms or landings with roofs which do not extend above the level of the first floor of the building.
   (b) **Multiple Story Structures (2 or more floors).** For multiple-story buildings, portions of buildings that may project into required front yard setbacks include:
      1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
      2. Chimneys, fireplaces, and bay windows, provided they do not exceed 8 feet in width.
      3. Open porches no deeper than 10 feet and no higher than 15 feet may project into required yards that abut streets.
      4. Bays no greater than 3 feet deep and 10 feet long and no higher than 25 feet may project into required yards that abut streets. The maximum frequency of such bays is one bay per 15 feet of building street frontage.
      5. Balconies with a maximum depth of 10 feet are permitted to project into required yards that abut streets.
   (c) Signs conforming to all other applicable provisions of this code. Freestanding signs 5 feet high or less are allowed in the 30 foot front yard setback in the I-1 zone when located at least 5 feet from the front property line.

(4) **Fences and Walls.** Fences and walls that conform with the standards required by the specific zones beginning at EC 9.2000 may be constructed in required front yard setbacks and interior yard setbacks.

(5) **Public Telephone Booths and Public Bus Shelters.** Public telephone booths and public bus shelters may be located in required front yard setbacks and interior yard setbacks, provided vision clearance is maintained for vehicles passing on the street and leaving the development site, in accordance with the requirements of EC 9.6780 Vision Clearance Area.

(6) **Driveways.** In any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall
be permitted, together with any appropriate traffic control devices, in any required setback.

(7) Parking Spaces in Required Setbacks. Parking spaces, parking areas, structured parking, and parking garages shall not be permitted in required front and interior yard setbacks, except as provided herein:

(a) In areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:

1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.

2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained. In addition, the maximum width of a driveway permitted in conjunction with a one family dwelling or secondary dwelling shall be 27 feet. This includes a combined width if more than one driveway is constructed on the lot using the required front yard setback.

3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.

4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.

(b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

(8) Utilities. Structures necessary for the operation and maintenance of public and private utilities may be located in required front setbacks and interior setbacks, provided these structure are screened as required by EC 9.6740 Recycling and Garbage Screening, and provided vision clearance is maintained in accordance with the requirements of EC 9.6780 Vision Clearance Area. Exceptions shall be made for such features as transformers, back flow prevention devices and closures, which already have a low visual impact.

(9) Poles. Poles for outdoor lights or government flags shall be permitted in any required setback.

(Section 9.6745, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.6750 **Special Setback Standards.**

(1) **Purpose of Special Setbacks.** Improved streets are necessary for safe and efficient circulation within the city. Due to historical development patterns, many streets within the city have public right-of-way widths that are less than that required in EC 9.6870 *Street Width*. Proper public right-of-way width is required to allow the improvement of streets to the standards required in EC 9.6505 *Improvements - Specifications*. It is intended that all streets within the city will eventually be improved to the city standard. A special setback ensures that buildings are constructed in such a manner that they will conform with the setbacks required by specific zones when the streets on which they front are widened and improved to the city standard.

(2) **Special Setback for Streets.** A lot or parcel of land in any zone adjoining a street for which the planned public right-of-way width and alignment has been determined, shall have a building setback line equal to a distance of one-half the width established in EC 9.6870 *Street Width*, plus the setback required in the zone. The centerline of right-of-way shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter described line shall prevail. In all other cases, a line midway between properties abutting opposite sides of the public right-of-way shall be the centerline for the purposes of this land use code. If no planned public right-of-way width and alignment has been determined, the minimum right-of-way width shall be the maximum right-of-way width allowed according to Table 9.6870.

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

(Section 9.6750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6770 **Transit Improvements.**

(1) The location of transit stops shall be based upon the size and trip generation of new development adjacent to an existing or planned transit corridor. The transit operator shall review site plans and may recommend transit-related facilities be constructed for the following developments:

(a) Residential developments having an average peak hour trip rate of 25 trips or greater.

(b) Commercial and industrial developments other than office developments, having an average peak hour trip rate of 100 trips or greater. Office developments generating 50 or more average peak hour trips.

(c) Institutional uses and public facilities, including churches, hospitals, middle schools, high schools, universities and colleges, public parks (other than neighborhood parks), libraries, post offices, and other institutional and public facilities generating 100 or more average peak hour trips.
(2) To the extent it demonstrates consistency with constitutional requirements, the
city shall require that the transit-related facilities recommended by the transit
operator, and approved by the city manager, be identified on the site plan and
constructed at the time of development. Transit-related facilities shall be
constructed in accordance with the City of Eugene Arterial and Collector Street
Plan.

(Section 9.6770, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.6775 Underground Utilities. All new on-site utilities shall be placed underground if there
is a utility-owned structure immediately adjacent to the development site, unless
adjusted pursuant to the provisions of EC 9.8030(5). This provision does not apply to
temporary uses on a development site or to new utility connections to structures or
buildings with legally established above ground utility service. This requirement is
satisfied if the applicant verifies in writing that utilities will be placed underground
concurrent with planned future development to occur within 12 months. Exceptions
shall be made for such features as padmounted transformers, switch cabinets, back
flow prevention devices and closures needed to safely operate and maintain utility
systems.

(Section 9.6775, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December
25, 2002.)

9.6780 Vision Clearance Area. Development sites shall have triangular vision clearance
areas on all street corners to provide for unobstructed vision consistent with American
Association of State Highway and Transportation Officials (AASHTO) standards.
(See Figure 9.0500 Vision Clearance Area). Vision clearance areas shall be kept
free of all visual obstructions from 2 1/2 feet to 9 feet above the curb line. Where
curbs are absent, the crown of adjacent streets shall be used as the reference point.
These vision clearance requirements may be adjusted if consistent with the criteria of
EC 9.8030(11) of this land use code.

(Section 9.6780, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)
Standards for Streets, Alleys, and Other Public Ways


(Section 9.6800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6805 Dedication of Public Ways. As a condition of any development, the city may require dedication of public ways for bicycle and/or pedestrian use as well as for streets and alleys, provided the city makes findings to demonstrate consistency with constitutional requirements. Except for applications proposing needed housing, the public ways to be dedicated to the public by the applicant shall be of such design and location as necessary to facilitate provision for the transportation and access needs of the community and subject property according to EC 9.0020 Purpose.

(Section 9.6805, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6810 Block Length. Block length for local streets shall not exceed 600 feet, unless the developer demonstrates that a block length must be greater than 600 feet because of the existence of one or more of the following conditions:

(1) 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.

(2) 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.

(3) 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.

Special block requirements related to multiple-family developments are found in section (10) of EC 9.5500 Multiple-Family Standards.

(Section 9.6810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6815 Connectivity for Streets.

(1) Purpose and Intent. The street connectivity standards of EC 9.6815(2) Street Connectivity Standards are established to ensure that all of the following are met:

(a) Streets are designed to efficiently and safely accommodate emergency fire and
medical service vehicles.
(b) The layout of a street system does not create excessive travel lengths.
(c) The function of a local street is readily apparent to the user through its appearance and design in order to reduce non-local traffic on local residential streets.
(d) Streets are interconnected to reduce travel distance, promote the use of alternative modes, provide for efficient provision of utility and emergency services, and provide for more even dispersal of traffic.
(e) New streets are designed to meet the needs of pedestrians and cyclists and encourage walking and bicycling as transportation modes.
(f) The street circulation pattern provides connections to and from activity centers such as schools, commercial areas, parks, employment centers, and other major attractors.
(g) Street design is responsive to topography and other natural features and avoids or minimizes impacts to water-related resources and wildlife corridors.
(h) Local circulation systems and land development patterns do not detract from the efficiency of adjacent collector streets or arterial streets which are designed to accommodate heavy traffic.
(i) Streets identified as future transit routes should be designed to safely and efficiently accommodate transit vehicles, thus encouraging the use of public transit as a transportation mode.
(j) Where appropriate, the street system and its infrastructure should be utilized as an opportunity to convey and treat storm water runoff.

(2) Street Connectivity Standards.
(a) All streets and alleys shall be public unless the developer demonstrates that a public street or alley is not necessary for compliance with this land use code or the street connectivity standards of subparagraphs (b) to (g) of this subsection.
(b) The proposed development shall include street connections in the direction of all existing or planned streets within 1/4 mile of the development site. The proposed development shall also include street connections to any streets that abut, are adjacent to, or terminate at the development site. Secondary access for fire and emergency medical vehicles is required.
(c) The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition.
(d) Except for applications proposing needed housing, all applicants shall show that the streets shall be in locations that will not prevent the adjoining property from developing consistent with applicable standards.
(e) Except for applications proposing needed housing, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.
(f) Except for applications proposing needed housing, the requirements of subparagraphs (b) and (e) of this subsection do not apply if it is demonstrated
that a connection cannot be made because of the existence of one or more of the following conditions:

1. Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to 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.

2. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment.

(g) In cases where a required street connection would result in the extension of an existing street that is not improved to city standards and the street has an inadequate driving surface, the developer shall construct a temporary barrier at the entrance to the unimproved street section with provision for bicycle, pedestrian, and emergency vehicle access. The barrier shall be removed by the city at the time the existing street is improved to city standards or to an acceptable standard adopted by the public works director. In making a determination of an inadequate driving surface, the public works director shall consider the street rating according to Eugene's Paving Management System and the anticipated traffic volume.

(h) The standards in this subsection (2) may be adjusted if consistent with the criteria of EC 9.8030(12)(a) of this land use code.

(Section 9.6815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6820 Cul-de-Sacs.

(1) All streets that terminate shall be designed as a cul-de-sac bulb, except when any of the following conditions exist:

(a) The street will be extended in the future.

(b) Topographic constraints, existing development, or natural features prevent the construction of a bulb. This subsection does not apply to needed housing applications.

(c) The street is less than 150 feet long.

(2) If a street qualifies for exception under subsection (1)(a), a temporary easement shall be provided and a turnaround constructed in an alternative location.

(3) If a street qualifies for an exception under subsection (1)(a) or (1)(b), a hammerhead turnaround shall be substituted where possible.

(4) There shall be no cul-de-sacs more than 400 feet long from the centerline of the intersecting street to the radius point of the cul-de-sac bulb.

(5) The planning director shall require public accessways from a cul-de-sac longer than 150', measured from the centerline of the intersecting street to the radius point of the cul-de-sac to provide safe, convenient, and direct circulation for pedestrians, bicyclists, and emergency vehicles.
(6) An adjustment may be granted to the maximum cul-de-sac length if consistent with the criteria for adjustment of EC 9.8030(12)(b) of this land use code.
(Section 9.6820, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6830 Intersections of Streets and Alleys.

(1) Angles.
(a) Streets and alleys shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout.
(b) If an intersection must occur at an angle of less than 90 degrees, it shall comply with the standards in the American Association of State Highway and Transportation Officials (AASHTO) publication entitled “A Policy on Geometric design of Highways and Streets,” then in effect, or its replacement publication.

(2) Offsets. The minimum intersection offset shall be 100 feet on a local street, 200 feet on a collector street, and 400 feet on an arterial street unless adjusted through the process for adjustments to standards of EC 9.8030(12)(c). Offsets shall be measured from the center lines of the two intersecting streets.
(Section 9.6830, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6835 Public Accessways.

(1) Except for applications proposing needed housing, when necessary to provide safe, convenient and direct access for pedestrians and bicyclists to and from nearby residential areas, transit stops, neighborhood activity centers, and other commercial and industrial areas, or where required by adopted plans, the city shall require within the development the dedication to the public and improvement of accessways to connect to cul-de-sacs, or to pass through blocks, 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. Public accessways shall conform to design standards for accessways contained in the “Design Standards for Eugene Streets, Sidewalks, Bikeways and Accessways”.

(2) Except for applications proposing needed housing, when necessary to provide connectivity, the city shall require improvements to existing unimproved public accessways on properties adjacent to the development, provided the city makes findings to demonstrate consistency with constitutional requirements. Said improvements to unimproved public accessways shall connect to the closest public street or developed accessway. Where possible, accessways may also be employed to accommodate the uses included in EC 9.6500 Easements.
(Section 9.6835, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
**9.6840** Reserve Strips. The city manager may require the developer to dedicate a reserve strip controlling the access to a street or alley when a reserve strip is necessary to address one or more of the following:

1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.

2. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in Table 9.6870 Right-of-Way and Paving Widths.

3. To prevent access to land abutting a street of the development, but not within the development itself.

4. To prevent access to land unsuitable for development.

5. To prevent access prior to payment of street improvement assessments or connection charges.

(Section 9.6840, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6845** Special Safety Requirements. Except for applications proposing needed housing, 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.

(Section 9.6845, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6850** Street Classification Map. The November 1999 Street Classification Map adopted by Ordinance No. 20181 and as amended by Ordinance thereafter, shall be the basis for determining the correct classification of a street as a major arterial, minor arterial, major collector, or neighborhood collector in order to meet transportation, access, and safety needs of an area and for determining the dedication, design and location of streets to be required, other than local streets as described in the Eugene Local Street Plan. In the event any conflict exists between any street classification contained in the November 1999 Street Classification Map and a classification contained in any other ordinance, resolution, order or plan, except local streets in the Eugene Local Street Plan, the descriptions in the November 1999 Street Classification Map shall control.

(Section 9.6850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.6855 **Street Names.** Wherever practical, streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the planning director and shall not unnecessarily duplicate or resemble the name of any existing or platted street in Lane County.

(Section 9.6855, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6860 **Street Right-of-Way Map.** The November 1999 Street Right-of-Way Map is an official map adopted by the city council by Ordinance No. 20181 designating the widths of street right-of-way and street paving for specific street segments. Any street segment for which no widths are designated on this map shall have the maximum widths for its classification as set forth in Table 9.6870 Right-of-Way and Paving Widths. The Street Right-of-Way Map may be amended or modified as follows:

1. **Procedures to Amend Right-of-Way Map.** Widths for proposed new streets or specific street segments as shown on the Street Right-of-Way Map may be determined, amended or modified using any one of the following procedures:
   a. By action of the city council.
   b. By order of the planning and public works directors based upon the criteria in EC 9.6860(2).

   1. When the directors make a preliminary determination that a street width should be determined, amended or modified, they shall notify all property owners and occupants located within 100 feet of the affected street segment of their preliminary determination and invite comment and evidence from those affected be submitted to them by a date specified in the notice which is at least 10 days after the notice is mailed. After providing an opportunity for comment or evidence the directors shall issue an order designating the street segment's widths.

   2. Notice of the directors' order designating the street widths shall be mailed to owners and occupants of property located within 100 feet of the affected street segment. Within 10 days of the date of the notice of the directors' order is mailed, it may be appealed as provided in this subsection to the hearings official by any adversely affected person or a person entitled to notice under this subsection.

   3. An appeal shall be on a city form and shall state specifically how the directors failed to properly evaluate the proposal or make a decision consistent with applicable criteria.

   4. Unless the directors and the appellant agree to a longer period, the hearings official shall hold a public evidentiary hearing on an appeal within 45 days of submittal. At least 20 days before the hearing, the city shall mail notice thereof to the appellant and all persons who responded to the initial notice of the directors' decision.

   5. Within 15 days of the hearing, unless the appellant and the directors agree to a longer period, the hearings official shall make a decision.
applying the EC 9.6860(2), and within 5 days thereafter mail a notice of the decision to the appellant and persons who have requested notification. The hearings official's decision is final.

6. The directors' order allowing narrower widths may be included in a land use decision when consistent with the standards in Table 9.6870 and the adopted Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways, and it shall be combined with and governed by the notice, decision, and appellate procedures for the land use decision.

(2) Criteria. When entering an order concerning the Street Right-of-Way Map under subsection (1)(b) above the following criteria shall be considered:

(a) The adopted Metropolitan Area General Plan, refinement plans, transportation plan, special area studies and relevant adopted city policies and transportation goals.

(b) The general determination of widths by type of street as set forth in Table 9.6870.

(c) Existing and projected use of the public way and of property abutting the public way.

(d) Physical conditions in or adjacent to the right-of-way that affect public safety.

(e) Relevant rules adopted by the state and its agencies.

(f) Traffic engineering principles.

(g) Other relevant factors identified by the directors or hearings official affecting the public health, safety and welfare.

(Section 9.6860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6865 Transit Facilities.

(1) Except for applications proposing needed housing, 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, 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.

(Section 9.6865, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.6870 Street Width. Unless an alternative width is approved through use of other procedures in this code, the right-of-way width and paving width of streets and alleys dedicated shall conform to those designated on the adopted Street Right-of-Way map. When a street segment right-of-way width is not designated on the Street Right-of-Way map, the required street width shall be the maximum shown for its type in Table 9.6870 Right-of-Way and Paving Widths unless a lesser width is approved by the planning director and public works director based on adopted plans and policies, adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways," or other factors which, in the judgment of the planning and public works director allow for a lesser street width.

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<th>Type of Street or Alley</th>
<th>Right-of-Way (for Public Streets and Alleys Only)</th>
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<td>68' - 94'</td>
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<tr>
<td>Minor Arterials</td>
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</table>

Measured from face to face of curbs.

(1) Slope Easements. Because of terrain, slope easements may be required to facilitate the construction of streets and alleys and these shall be granted in addition to the required street or alley width listed in Table 9.6870 Right-of-Way and Paving Widths.

(2) Construction Standards. All streets and alleys shall be designed and constructed according to adopted council policy and standards and specifications adopted pursuant to Chapter 7 of this code.

(Section 9.6870, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Private Street Design Standards. Private streets, when permitted under EC 9.6815(2), shall be designed and constructed in accordance with applicable requirements for private streets contained in the adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways."

(Section 9.6875, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Tree Preservation and Removal Standards

Purpose of Tree Preservation and Removal Standards. Sections 9.6880 to 9.6885 establish standards for tree preservation and removal in a manner designed to:

1. Implement Metro Plan and refinement plan policies related to vegetation preservation;
2. Maintain a minimum level of tree canopy cover throughout the city while addressing the city's goals for a healthy economy, affordable housing, and reduced sprawl;
3. Mitigate the impacts of development on the essential functions of the urban forest through requirements for preservation and replacement of tree canopy cover;
4. Ensure a healthy future urban forest by encouraging protection of mixed age stands of trees and promoting a diversity of tree species; and
5. Maintain a safe and attractive environment for residents and workers by requiring the integration of urban forestry principles into the design of new development.

(Section 9.6880, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Applicability of Tree Preservation and Removal Standards. Unless exempt under EC 9.6885(1), the standards in EC 9.6885(2) apply:

1. Prior to city approval of an agreement or permit, including, but not limited to development permits and grading permits, for development activity that would result in the removal of a significant tree on the development site; or
2. When another section of this land use code specifically requires compliance with the standards; or
3. To all subsequent actions impacting trees on property subject to an approved conditional use permit, planned unit development, site review, or subdivision that includes a tree removal/preservation plan or conditions related to tree removal or preservation.

(Section 9.6882, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.6883 **Tree Verification.** Prior to a site change that impacts a significant tree, a tree verification request form shall be submitted to the city for verification regarding the status of the tree. Verification shall be based on:

1. Where the change involves the removal of a tree, whether the removal meets the criteria for exemption under EC 9.6885(1) **Tree Preservation and Removal Standards - Exemptions from Standards.**
2. Whether the subject tree is within an area subject to a prior approved tree preservation plan or conditions associated with an approved conditional use permit, planned unit development, site review or subdivision to which the parcel on which the tree is located is a part of. For any such parcel, the city approved plan or approved modifications shall control tree preservation and removal.

(Section 9.6883, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.6885 **Tree Preservation and Removal Standards.**

1. **Exemptions from Standards.** The standards in this section do not apply to an application for development activity that includes or will result in:
   
   (a) **Residential Lots Under 20,000 Square Feet.** Removal of significant trees from a parcel of property not subject to the provisions of subsection (c) of this section with an area of less than 20,000 square feet when:
       1. Such parcel is occupied by a one-family dwelling, secondary dwelling, or duplex;
       2. An application to construct a one-family dwelling, secondary dwelling, or duplex on such lot is being reviewed by the city. However, no significant trees may be removed prior to the approval of the development permit; or
       3. The city has entered into an agreement authorizing the start of construction for a one-family dwelling, secondary dwelling, or duplex.

   (b) **Lots 20,000 Square Feet or Larger.** Removal of up to 5 significant trees within a period of 12 consecutive months from a parcel of property not subject to the provisions of subsection (c) of this section consisting of 20,000 or more square feet of area;

   (c) **Land Use Approvals.** Any tree removal on property subject to an approved conditional use permit, planned unit development, site review, or subdivision that include a tree removal/preservation plan or conditions related to tree removal or retention. In those areas, that plan or city approved modifications thereto control tree removal. This exemption does not apply to the removal of a street tree, which must be authorized by a permit issued pursuant to EC 6.305;

   (d) **Tree Removal Permit.** Any tree removal specifically authorized by, and carried out in conformity with a city-approved tree removal permit under EC Chapter 6.

   (e) **Habitat Restoration.** Removal of trees by the city or as authorized by the
city for the purpose of implementation of a city-approved habitat restoration plan, and the express purpose of the plan is to restore native plant communities, enhance fish or wildlife habitat, or similar restoration purposes;

(f) Hazardous Trees.
1. The removal of hazardous trees on private property, provided that prior to removal the property owner submits to the city a written evaluation of each tree proposed for removal prepared by a certified arborist declaring the tree(s) to be hazardous and recommending immediate removal. The written evaluation shall be on a form prescribed by the city manager pursuant to section 2.019 City Manager - Administrative and Rulemaking Authority and Procedures;
2. The removal of hazardous trees by the city or under contract with the city, on public property or street right-of-way, provided the city's urban forester issues a written evaluation of each tree proposed for removal declaring the tree(s) to be hazardous and recommending immediate removal;

(g) Fire Hazard Abatement. Removal of trees that the city fire marshal has declared in writing poses a potential fire hazard to existing structures; or

(h) Diseased or Dying Trees. Removal of a diseased or dying tree, provided that prior to its removal the property owner submits to the city a written evaluation of the tree prepared by a certified arborist certifying the unhealthy condition of the tree and recommending its immediate removal. The written evaluation shall be on a form prescribed by the city manager pursuant to section 2.019 City Manager - Administrative and Rulemaking Authority and Procedures.

(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, 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.
(b) 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, EC 9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing, EC
9.8445 Site Review Approval Criteria - Needed Housing, or EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing, 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.

(Section 9.6885, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Application Procedures

General

9.7000 Introduction. Review of an application to annex property, divide land, develop or use property, or amend this land use code, the Metro Plan, or a refinement plan, shall be processed as provided in sections 9.7000 through 9.7885.

(Section 9.7000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7005 Pre-application Conference. A pre-application conference shall be required for applications specifically listed below:
(1) Conditional Use Permit.
(2) Planned Unit Development, Tentative Plan.
(3) Willamette Greenway Permits.

A pre-application conference may also be requested by a private individual due to factors such as the need for multiple land use applications, the scale of the development proposal, or the complexity of the project. All required or requested pre-application conferences shall be submitted on a form approved by the city manager and be accompanied by a fee established pursuant to EC Chapter 2.

(Section 9.7005, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7010 Application Filing. Applications shall be submitted on a form approved by the city manager, be accompanied by a fee established pursuant to EC Chapter 2, and be signed by the property owner, unless the applicant is a public agency, in which case the signature of the property owner is not required. Application materials shall address each of the criteria and standards applicable to the proposed use including any requested adjustments to standards as provided in provisions beginning at EC 9.8015.

(Section 9.7010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7015 Application Completeness Review. The city shall review an application and, within 30 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. Within 10 days of the mailing of a notice of missing information, the applicant shall submit to the city a written statement indicating either an intent to submit the missing information or a refusal to submit the missing information. The city shall begin review of the application either:
(1) Upon receipt of all of the missing information requested by the city; or
(2) Upon receipt of a written statement from the applicant indicating that the
missing information will not be provided; or
(3) Upon the 11th day after mailing the notice of missing information referred to above, if the applicant has not responded.

(Section 9.7015, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7020 Waiver to Time Limit Restrictions. The applicant may submit to the planning director a statement waiving any applicable time limits.

(Section 9.7020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7025 Performance Agreements.
(1) Applicability. The city shall require execution of a performance agreement by the applicant for all of the following types of applications:
   (a) Conditional use permit and any modifications.
   (b) Historic property alteration and any modifications.
   (c) Planned unit development, final plan and any modifications.
   (d) Site review and any modifications.
   (e) Subdivisions final plat and any modifications.
(2) Preparation and Signatures. The city shall mail or otherwise submit to the applicant a performance agreement. The performance agreement binding the applicant, and the applicant's successors in interest, assuring construction and performance in accordance with the approved final plans shall be executed by the applicant and city and notarized in a manner suitable for recording prior to issuance of a development permit.
(3) Petitions for Improvements and Dedications. Improvement petitions and all documents required with respect to dedications and easements shall be submitted by the applicant to the city prior to the execution of the performance agreement.
(4) Return. Any changes to the form as submitted to the applicant shall be approved by the city prior to execution or acceptance by the city. Final plan approval of a land use decision listed in EC 9.7025(1), or a modification thereto, shall expire, necessitating re-application, if the applicant has not returned an executed copy of the performance agreement to the planning director within 90 days of its submittal to the applicant.
(5) Recordation. The city shall file a memorandum of the performance agreement in the office of the Lane County Recorder.
(6) Modifications. Approval of a modification to any land use application that is subject to the provisions of a performance agreement shall require comparable modifications to the performance agreement consistent with the provisions of this section.
(7) **Enforcement.** If an applicant or an applicant’s successor in interest violates or fails to comply with any of the provisions of the performance agreement or final approved plan, the city may invoke the enforcement procedures provided in the performance agreement, or under applicable law, or both.

(Section 9.7025, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7030 **Recordation of Certain City Decisions.** After a decision becomes final at the local level, the city shall record at Lane County Deeds and Records a notice of a decision concerning property that is the subject of the following types of applications:

1. Conditional use permit and any modifications.
2. Historic landmark, designation.
3. Historic property, alteration.
4. Planned unit development, final plan and any modifications.
5. Property line adjustment.
6. Site review and any modifications.
7. Variances.
8. Willamette Greenway permit and any modifications.
9. Zone change.
10. Vacations.

(Section 9.7030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**Application Review Authorities and Processes**

9.7035 **Application Review Authorities and Processes.** Application review shall follow one of five types of procedures based on whether the decision is administrative (Type I), quasi-judicial (Type II, Type III or Type IV), or legislative (Type V).

(Section 9.7035, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7040 **Description of Administrative Decisions Type I.** Administrative decisions of the planning director follow a Type I process that involves a review based on clear and objective standards. The Type I process does not involve public notice or a public hearing prior to the decision and does not allow for a local appeal of the decision.

(Section 9.7040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7045 **Description of Quasi-judicial Decisions Type II, Type III, Type IV.** Quasi-judicial decisions follow either a Type II, Type III or a Type IV process. A quasi-judicial decision concerns a specific site or area, and involves the exercise of discretion in making a decision.
(1) A Type II process is based on a review of criteria that requires a limited amount of discretion. The Type II process includes public notice of the application and an opportunity for citizens to provide comments prior to the decision. The process does not include a public hearing unless the decision is appealed. Notice of the decision is provided to allow the applicant or an adversely affected person to appeal the decision to a higher local review authority.

(2) A Type III process is a decision-making process in which a hearings official or the historic review board makes the initial decision. The Type III process includes public notice and a public hearing, as well as the opportunity for a local appeal to be filed by the applicant, an individual who testified orally or in writing during the initial public hearing, or affected neighborhood group.

(3) In a Type IV process, the planning commission reviews the application and forwards a recommendation to the city council, which holds a public hearing and makes a final decision. The Type IV process includes public notice, and public hearings before the planning commission and city council prior to the final decision. The city council decision is the final local decision.

(Section 9.7045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7050 **Description of Legislative Decisions Type V.** Legislative decisions are made by the city council following a Type V process in which the planning commission reviews the application and makes a recommendation to the city council. The Type V process includes public notice and public hearings before the planning commission and city council prior to the final decision. The city council’s decision is the final decision.

(Section 9.7050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

<table>
<thead>
<tr>
<th>Application</th>
<th>Type</th>
<th>Planning Director</th>
<th>Hearings Official</th>
<th>Historic Review Board</th>
<th>Planning Commission</th>
<th>City Council</th>
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<tr>
<td>Adjustment Review</td>
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<td>Cluster Subdivision</td>
<td>II</td>
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<td>- Final Plat</td>
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<td>Temporary Manufactured Dwelling Hardship Permit</td>
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<td>- Undeveloped Plat</td>
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<tr>
<td>- Unimproved Public Right-of-way, Improved public Easements</td>
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<tr>
<td>- Vacation and Re-dedication of Unimproved Public Right-of-way</td>
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<td>D</td>
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Table 9.7055 Applications and Review Authorities

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<tr>
<th>Application</th>
<th>Type</th>
<th>Planning Director</th>
<th>Hearings Official</th>
<th>Historic Review Board</th>
<th>Planning Commission</th>
<th>City Council</th>
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<tr>
<td>- Vacation of Improved Public Right-of-way, and vacation of any public way acquired with public funds</td>
<td>IV</td>
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<td>D</td>
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<td>Variance</td>
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<tr>
<td>Willamette Greenway Permit</td>
<td>III</td>
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<tr>
<td>Willamette Greenway Permit, Modification</td>
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<tr>
<td>Zone Change, concurrent with a refinement plan, land use code, or Metro Plan amendment shall follow applicable procedure for each type of amendment.</td>
<td>III</td>
<td>D</td>
<td>A</td>
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</table>

(Section 9.7055, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.7060 Appeals. If a decision has no appeal authority designated in Table 9.7055 Applications and Review Authorities, an appeal of the decision may be made only to a review authority outside the city’s jurisdiction, as provided by state statutes.

(Section 9.7060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Quasi-Judicial Hearings

9.7065 Quasi-Judicial Hearings - Procedures. The quasi-judicial procedures set forth in EC 9.7065 through 9.7095 supercede any rules of procedures (Roberts Rule of Order), resolution, bylaw, ordinance, or section of this code or conflicting rules or procedures. Where these procedures conflict with requirements of state law, state law shall prevail.

(Section 9.7065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7075 Quasi-Judicial Hearings - Challenges to Impartiality.
(1) Any proponent or opponent of, or person interested in, a matter to be heard, and any member of the hearings body may challenge the qualification of any other member of that body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the
challenger as the basis for the challenge.

(a) Except for good cause shown, the challenge shall be delivered by personal service to the planning director and the person whose qualification is challenged, not less than 48 hours preceding the time set for the hearing.

(b) The challenge shall be made a part of the record of the hearing.

(2) No member of the hearings body may discuss or vote on a matter when:

(a) Any of the following has a direct or substantial pecuniary interest in the matter: the member or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any organization or business in which the member is then serving as an officer or director or employee or has so served within the previous 2 years; or any business with which the member is negotiating for or has an arrangement or understanding concerning a prospective partnership, employment or other business affiliation.

(b) The member owns all or a portion of the property that is the subject of the matter before the hearings body or owns abutting or adjacent property.

(c) The member has a direct personal interest in the matter or for any other reason cannot participate in the hearing and decision impartially.

(3) Because of the importance of preserving public confidence in decisions made by the hearings body, a member of that body may elect to abstain from a particular hearing when the member is not disqualified under subsection (2) of this section, but desires to avoid the appearance of partiality. Abstention in such an instance shall be solely a matter of the member's own judgment. A member who feels that abstention may be necessary or desirable under this section shall seek the advice of the body and then state the member's decision and the reasons therefor.

(4) No other officer or employee of the city who has a financial or other private interest in a matter before the body may participate in discussion of the matter with, or give an official opinion on the matter to, the body without first declaring for the record the nature and extent of that interest.

(5) At the commencement of the hearing on a matter, members of the hearings body shall reveal all ex parte contacts they have had about the matter. If the contacts have not impaired the member's impartiality, the member shall so state that fact and participate or abstain in accordance with subsection (3) of this section.

(6) Notwithstanding any other rule, an abstaining or disqualified member shall constitute part of a quorum and may represent the member's interest at a hearing, provided the member joins the audience, makes full disclosure of the member's status and position when addressing the body and abstains from discussion and from voting on the matter as a member of the body.

(7) Disqualification for reasons set forth in subsection (2) of this section may be ordered by a majority of the members of the hearings body present at the hearing. The member who is the subject of the motion for disqualification may not vote on the motion.

(8) If all members of the body abstain or are disqualified and consequently cannot reach a decision while so abstaining or disqualified, all members present, after
stating their reasons for abstention or disqualification, shall by so doing be requalified and proceed to resolve the issues, unless such participation violates state or federal law or the city charter.

(9) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

(Section 9.7075, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7085 Quasi-Judicial Hearings- Burden of Proof. The burden of proof is upon the applicant. A decision to resolve the issues presented shall be based upon reliable, probative and substantial evidence in the record.

(Section 9.7085, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) Official Notice.

(a) The hearings body may take official notice of the following:
   1. All facts which are judicially noticeable.
   2. All public records of the city.
   3. The charter, ordinances, resolutions, rules, regulations, and officially promulgated policies of the city.

(b) Matters officially noticed need not be established by evidence and may be considered by the hearings body in the determination of the proposal.

(2) Record of Proceedings.

(a) An adequate record of the hearing shall be prepared in accordance with section 2.007(7) of this code, as applicable. To assist in the preparation of the record, the proceedings may be stenographically or electronically recorded, but the record need not set forth evidence verbatim.

(b) Where practicable, the presiding officer shall cause all presented physical and documentary evidence to be marked to show the identity of the person offering the evidence and to indicate whether it is presented on behalf of the proponent or an opponent.

(c) Any member of the public shall have access to the record of the proceedings at reasonable times and places. Members of the public shall be entitled to obtain copies of the record at their own expense.

(Section 9.7095, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Type I Application Procedures

9.7100 General Overview of Type I Application Procedures. The Type I process provides for an administrative review of an application by the planning director based on provisions in this land use code which do not require the exercise of discretion. The application process does not include notice.

(Section 9.7100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7105 Type I Application Requirements and Criteria Reference. The following applications are reviewed under the Type I process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7105.

<table>
<thead>
<tr>
<th>Type I Applications</th>
<th>Beginning Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Landmark, Removal of Designation</td>
<td>EC 9.8150</td>
</tr>
<tr>
<td>Property Line Adjustment</td>
<td>EC 9.8400</td>
</tr>
<tr>
<td>Temporary Manufactured Dwelling Hardship Permit</td>
<td>EC 9.8600</td>
</tr>
<tr>
<td>Temporary Manufactured Dwelling Hardship Permit - Renewal</td>
<td>EC 9.7120(2)</td>
</tr>
<tr>
<td>Vacation of an Unimproved Public Easement</td>
<td>EC 9.8700</td>
</tr>
</tbody>
</table>

(Section 9.7105, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, enacted December 25, 2002.)

9.7110 Decision. Within 30 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the planning director shall approve or deny the application based on findings and conclusions according to the requirements and criteria found in EC 9.8000 through 9.8865. The decision of the planning director is final.

(Section 9.7110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7115 Notice of Decision. Within 5 days after the planning director renders a decision, the applicant and property owner shall be notified in writing of the decision.

(Section 9.7115, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7120 Expiration of Temporary Manufactured Dwelling Permits.

1) Temporary manufactured dwelling hardship permit approvals shall be valid for 12 months after the effective date of approval or until the hardship ceases to exist, whichever occurs first.

2) The permittee may submit a renewal application provided the renewal application is submitted not less than 45 days prior to the expiration of the currently approved permit. The renewal application shall be submitted on a form approved by the city manager. The renewal shall be approved, according
to a Type I process, if the applicant provides a written communication as

described in EC 9.8615(1) showing continued hardship. The renewal shall be
valid for no more than 12 months.

(Section 9.7120, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December
25, 2002.)

Type II Application Procedures

9.7200 General Overview of Type II Application Procedures. The Type II review process
provides for review by the planning director of an application based on provisions
specified in this land use code. The application process includes notice to nearby
occupants and property owners to allow for public comments prior to the planning
director’s decision. The process does not include a public hearing unless the planning
director’s decision is appealed.

(Section 9.7200, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

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

<table>
<thead>
<tr>
<th>Type II Applications</th>
<th>Beginning Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjustment Review</td>
<td>EC 9.8015</td>
</tr>
<tr>
<td>Cluster Subdivision</td>
<td>EC 9.8040</td>
</tr>
<tr>
<td>Conditional Use Permit, Modification</td>
<td>EC 9.8110</td>
</tr>
<tr>
<td>Hazardous Materials Review</td>
<td>EC 9.8130</td>
</tr>
<tr>
<td>Historic Property, Alteration</td>
<td>EC 9.8175</td>
</tr>
<tr>
<td>Historic Property, Demolition</td>
<td>EC 9.8180</td>
</tr>
<tr>
<td>Historic Property, Moving</td>
<td>EC 9.8185</td>
</tr>
<tr>
<td>Partition:</td>
<td></td>
</tr>
<tr>
<td>- Tentative Plan</td>
<td>EC 9.8200</td>
</tr>
<tr>
<td>- Final Plat</td>
<td>EC 9.8225</td>
</tr>
<tr>
<td>Planned Unit Development, Final Plan</td>
<td>EC 9.8350</td>
</tr>
<tr>
<td>Planned Unit Development, Modification</td>
<td>EC 9.8370</td>
</tr>
<tr>
<td>Site Review</td>
<td>EC 9.8425</td>
</tr>
<tr>
<td>Site Review, Modification</td>
<td>EC 9.8455</td>
</tr>
<tr>
<td>Standards Review</td>
<td>EC 9.8460</td>
</tr>
<tr>
<td>Subdivision:</td>
<td></td>
</tr>
<tr>
<td>- Tentative Plan</td>
<td>EC 9.8500</td>
</tr>
<tr>
<td>- Final Plat</td>
<td>EC 9.8550</td>
</tr>
<tr>
<td>Traffic Impact Analysis Review</td>
<td>EC 9.8650</td>
</tr>
</tbody>
</table>
9.7210 Notice of Application.

(1) Within 10 days of the city's determination that an application is complete, but no less than 20 days before the planning director makes a decision, written notice of the application shall be mailed to all of the following:
   (a) Applicant.
   (b) Owners and occupants of the subject property.
   (c) Owners and occupants of properties located within 300 feet of the perimeter of the subject property.
   (d) Neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.
   (e) Community organizations that have submitted written requests for notification.
   (f) For final partitions, final subdivisions, and final PUDs, to interested parties of record from the tentative decision.
   (g) For modification applications, to persons who requested notice of the original application that is being modified.

(2) The notice shall include all of the following:
   (a) The street address or other easily understood geographical reference to the subject property.
   (b) The applicable criteria for the decision, listed by commonly used citation.
   (c) The place, date, and time that comments are due.
   (d) A statement that copies of all evidence relied upon by the applicant are available for review, and can be obtained at cost.
   (e) A statement that issues that may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the decision maker to respond to the issue.
   (f) The name and phone number of a city contact person.
   (g) A brief summary of the local decision making process for the decision being made.

(3) The notice shall allow a 14-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the city within that 14-day period.

(4) If the application being reviewed is for a tentative subdivision or site review, the notice shall be posted in at least 3 locations within 300 feet of the perimeter of
9.7210  
the subject property. Additionally, at least 1 freestanding sign at least 6 square feet in area shall be installed on the subject property, facing the improved street abutting the property, if any. For properties that abut more than one improved street, such a sign shall be installed facing each improved street.

(Section 9.7210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.7215  
**Decision.** Within 45 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the planning director shall approve, conditionally approve, or deny a Type II application. The decision shall include a brief statement that explains the criteria and standards considered relevant to the decision, state the facts relied upon in rendering the decision and explain the justification for the decision based upon the criteria, standards and facts set forth.

(Section 9.7215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7220  
**Notice of Decision.**

(1) Within 5 days after the planning director renders a decision, the city shall mail notice of the decision to the following:

(a) Applicant.

(b) Owner and occupants of the subject property.

(c) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.

(d) Any group or individual who submitted written comments during the comment period.

(e) Those groups or individuals who requested notice of the decision.

(f) Property owners and occupants of property located within 300 feet of the perimeter of the subject property.

(2) The notice shall include all of the following:

(a) A description of the nature of the decision of the planning director.

(b) An explanation of the nature of the application and the proposed use or uses which could be authorized.

(c) The street address or other easily understood geographical reference to the subject property.

(d) The name of a city representative to contact and the telephone number where additional information may be obtained.

(e) A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(f) A statement that any person who is adversely affected or aggrieved or who was mailed a written notice of the planning director's decision may appeal as provided in EC 9.7605.

(g) A statement that the planning director's decision will not become final

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until the period for filing a local appeal has expired.

(h) An explanation that a person who is mailed written notice of the planning director’s decision cannot appeal directly to LUBA.

(3) Unless appealed according to the procedures in EC 9.7605 Filing of Appeal of Planning Director’s Decision, the planning director’s decision is effective on the 13th day after notice of the decision is mailed.

(Section 9.7220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7225 **Approved Site Plans.** When a Type II application approval requires a final approved site plan, the applicant shall provide the city with 4 copies of plans that meet the conditions of approval of the planning director’s decision.

(Section 9.7225, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7230 **Expiration.**

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

<table>
<thead>
<tr>
<th>Application</th>
<th>12 months</th>
<th>18 months</th>
<th>36 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjustment Review</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permit, Modification</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Historic Property, Alteration</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Partition:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Tentative Plan</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>- Final Plat (same as Tentative Plan expiration)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development, Final</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Planned Unit Development, Modification</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Site Review</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Site Review, Modification</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Subdivision:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Tentative Plan</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>- Final Plat (same as Tentative Plan expiration)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Impact Analysis Review</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

(2) Modifications to a conditional use permit shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit to the city a final approved site plan and a development permit application or shall
commence the authorized activity if no development permit is required. If the applicant fails to meet this requirement, the approval of the modification automatically expires. Prior to the expiration date, the applicant may submit another modification application requesting a change to the commencement or expiration time period.

(3) Historic property alteration approval shall be effective for 18 months after the effective date of approval, and construction shall commence within that time. The planning director may extend the commencement or completion time period if the applicant files an extension request with the city prior to the expiration of the applicable time period.

(4) Tentative partition approval shall be effective for 18 months after the effective date of approval. Within that time, any conditions of approval shall be fulfilled and the final plat, as approved by the city, shall be recorded at Lane County Deeds and Records. If the approved final plat is not recorded within 12 months after the final plat is submitted, the tentative partition approval is revoked and the land division procedures must be repeated.

(5) Final planned unit development approvals and modifications to a planned unit development approval shall be effective for 36 months after the effective date of approval. Within that time, the applicant shall submit to the city a final plan and an application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period. Unless the planning director provides otherwise, expiration of final plan approval of any phase automatically voids approval of all phases on which construction has not commenced.

(6) Site review approvals and modifications to site review approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit a final plan and an application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period.

(7) Tentative subdivision approval shall be effective for 36 months after the effective date of approval. Within that time, any conditions of approval shall be fulfilled and the final plat, as approved by the city, shall be recorded by the applicant at Lane County Deeds and Records.

(8) Variance approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant must obtain a development permit, if necessary, or otherwise commence the approved use.

(9) Approvals for adjustment review or traffic impact analysis review not considered as part of another land use application shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit an application for a development permit or the approval shall expire. Adjustment review or traffic impact analysis review approvals that are considered as part of another land use application shall be effective for the same time period as the primary land use application.

(Section 9.7230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)
Type III Application Procedures

9.7300 General Overview of Type III Application Procedures. The Type III process provides for a quasi-judicial review of a land use application by the hearings official or the historic review board. The application process includes notice to nearby occupants and property owners, and a public hearing before the appropriate review authority, as specified in Table 9.7055 Applications and Review Authorities.

(Section 9.7300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7305 Type III Application Requirements and Criteria Reference. The following applications are reviewed under the Type III review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7305:

<table>
<thead>
<tr>
<th>Type III Applications</th>
<th>Beginning Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjustment Review (when part of a Type III Application)</td>
<td>EC 9.8015</td>
</tr>
<tr>
<td>Conditional Use Permits (CUP)</td>
<td>EC 9.8075</td>
</tr>
<tr>
<td>Historic Landmark Designation</td>
<td>EC 9.8150</td>
</tr>
<tr>
<td>Planned Unit Development, Tentative Plan</td>
<td>EC 9.8300</td>
</tr>
<tr>
<td>Willamette Greenway Permit</td>
<td>EC 9.8800</td>
</tr>
<tr>
<td>Zone Changes*</td>
<td>EC 9.8850</td>
</tr>
</tbody>
</table>

* Zone changes processed concurrently with a Metro Plan amendment, the adoption or amendment of a refinement plan, or a land use code amendment shall follow the applicable procedure for each type of amendment. A zone change to apply the /ND overlay zone shall be processed under Type IV procedures.

(Section 9.7305, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7310 Public Hearing Schedule. Within 60 days of the city’s determination that an application is complete, unless the applicant agrees to a longer time period, the city shall hold a public hearing on a Type III application.

(Section 9.7310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7315 Public Hearing Notice.

(1) When required by state law, at least 45 days prior to the public hearing, the city shall mail notice to the state Department of Land Conservation and Development that includes the proposed map change and the date of the hearing.

(2) At least 30 days prior to the hearing, the city shall mail a written notice of the public hearing and the nature of the request to all of the following:

(a) Applicant.
(b) Owners and occupants of the subject property.
(c) Owners and occupants of property located within 500 feet of the perimeter of the subject property.
(d) Neighborhood group and community organization officially recognized by the city council that includes the area of the subject property.
(e) Community organizations that have submitted written requests for notification.
(f) For Willamette Greenway permits, public hearing notice shall also be provided to the Oregon Department of Transportation.

(3) The notice shall include all of the following:
(a) The street address or other easily understood geographical reference to the subject property.
(b) The applicable criteria for the decision, listed by commonly used citation.
(c) The place, date, and time of the hearing.
(d) The nature of the application and the proposed use or uses which could be authorized.
(e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
(f) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
(g) A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and that copies can be obtained at cost.
(h) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision maker to respond to the issue, precludes an appeal based on that issue.
(i) The name and telephone number of a city contact person.
(j) A brief summary of the local decision making process for the decision being made.

(4) If the application under review is for a conditional use permit, planned unit development tentative plan, Willamette River Greenway permit, or zone change, the notice shall be posted in at least 3 locations within 500 feet of the perimeter of the subject property. Additionally, at least 1 freestanding sign at least 6 square feet in area shall be installed on the subject property, facing the improved street abutting the property, if any. For properties that abut more than one improved street, such a sign shall be installed facing each improved street.

(Section 9.7315, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.7320 Investigation and Report. At least 7 days prior to the public hearing the city shall submit the staff report to the hearings official or historic review board and make it
available to the public upon request. A copy shall be mailed or delivered to the applicant at the time it is delivered to the hearings official or historic review board. (Section 9.7320, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7325 **Public Hearing Conduct and Procedures.** Unless otherwise provided in this land use code, the public hearing shall be conducted in accordance with the quasi-judicial hearing procedures of State law and as set forth in EC 9.7065 through 9.7095. (Section 9.7325, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7330 **Decision.** Unless the applicant agrees to a longer time period, within 15 days following the close of the record, the hearings official or historic review board shall approve, approve with conditions, or deny a Type III application. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria, standards and facts set forth. (Section 9.7330, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7335 **Notice of Decision.**
(1) Within 5 days after the hearings official or historic review board renders a decision, the city shall mail notice of the decision to the following:  
(a) Applicant.  
(b) Owner of the subject property.  
(c) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.  
(d) Any group or individual who provided written or oral testimony prior to the close of the public comment period.  
(e) For Willamette Greenway permits, to the Oregon Department of Transportation.

(2) The notice shall include the following:  
(a) A summary of the decision.  
(b) An explanation of the appeal rights.

(3) Unless appealed pursuant to EC 9.7655 **Filing of Appeal of Hearings Official or Historic Review Board Initial Decision,** the decision is final on the 13th day after notice of the decision is mailed. (Section 9.7335, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7340 **Expiration.**
(1) Approval of a Type III application shall not expire except as provided in subsections (2) through (4). If an approval of a Type III application has expired
according to any of the conditions stated in subsections (2) through (4), the original application approval is revoked.

(2) Unless the hearings official designates otherwise, a conditional use permit approval shall expire 18 months after the effective date of approval unless actual construction or alteration has begun under a required permit, or in the case of a permit not involving construction or alteration, actual commencement of the authorized activity has begun. However, the applicant may submit a modification application at any time before the 18-month period has expired, requesting an extension of the approval period. The applicant may request more than one extension. Under no circumstances, however, can the total combined extension periods exceed 36 months from the original expiration date.

(3) A planned unit development tentative plan approval shall expire if the applicant fails to submit a planned unit development final plan application in accordance with the schedule approved at the time of tentative plan consideration. In the absence of a specified schedule, the tentative plan approval shall expire 18 months after the effective date of tentative plan approval.

(4) Unless the hearings official designates otherwise, a Willamette Greenway permit approval shall expire 18 months after the effective date of approval unless actual construction or alteration has begun under a required permit, or in the case of a permit not involving construction or alteration, actual commencement of the authorized activity has begun. However, the applicant may submit a modification application at any time before the 18-month period has expired, requesting an extension of the approval period. The applicant may request more than one extension. Under no circumstances, however, can the total combined extension periods exceed 36 months from the original expiration date.

(Section 9.7340, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

Type IV Application Procedures

9.7400 General Overview of Type IV Application Procedures. The Type IV process provides for a quasi-judicial review by the planning commission and city council of applications that involve a specific site. The Type IV process includes public notice and a public hearing. A public hearing is held before the planning commission, which forwards a recommendation to the city council. The city council holds a public hearing before making a final decision. The city council’s decision is based on compliance with applicable approval criteria in this land use code. (Type IV applications do not include amendments to the Metro Plan; refer to EC 9.7700 Description of Metro Plan Amendment.)

(Section 9.7400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.7405  **Type IV Application Requirements and Criteria Reference.** The following applications are reviewed under the Type IV review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7405.

<table>
<thead>
<tr>
<th>Type IV Applications</th>
<th>Beginning Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refinement Plan Amendment, Site Specific Change</td>
<td>EC 9.8421</td>
</tr>
<tr>
<td>Street Name Change</td>
<td>EC 9.8475</td>
</tr>
<tr>
<td>Vacation of Improved Public Right-of-way, vacation of public right-of-way acquired with public funds, and vacation of undeveloped subdivision and partition plats, including public right-of-way and improved public easements located therein</td>
<td>EC 9.8700</td>
</tr>
<tr>
<td>Zone Changes Processed Concurrent with a site specific Refinement Plan amendment</td>
<td>EC 9.8850</td>
</tr>
</tbody>
</table>

(Section 9.7405, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7410  **Planning Commission Public Hearing Schedule.** Within 60 days of the city’s determination that an application is complete, unless the applicant agrees to a longer time period, the planning commission shall conduct a public hearing to consider the application.

(Section 9.7410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7415  **Public Hearing Notice.**

1. In the case of a refinement plan amendment, at least 45 days prior to the planning commission public hearing the city shall mail written notice to the State Department of Land Conservation and Development that includes the text of the proposed amendment, any proposed change to the zoning map to be considered concurrently with a refinement plan amendment (unless notice is not required by state law), and the date of the planning commission hearing.

2. At least 30 days before the planning commission public hearing, the city shall mail written notice of the hearing and the nature of the request to all of the following:
   (a) Applicant.
   (b) Owners and occupants of property that is the subject of a proposed application.
   (c) Owners and occupants of property located within 300 feet of the perimeter of the subject property.
   (d) The neighborhood group and community organizations officially recognized by the city council that includes the area of the subject property.
   (e) Community organizations that have submitted written requests for notification.

3. The notice shall include the following:
9.7415  
Eugene Code /UL Urban Land Code 9.7425

(a) The street address or other easily understood geographical reference to the subject property.

(b) The applicable criteria for the decision.

(c) The place, date, and time that comments are due.

(d) An explanation of the nature of the application and the proposed use or uses which could be authorized.

(e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.

(f) A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

(g) A statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost.

(h) A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing with sufficient specificity to enable the decision maker to respond to the issues prior to the expiration of the comment period.

(i) The name and telephone number of a city contact person.

(j) A brief summary of the local decision making process for the decision being made.

(4) The notice of a proposed change in zoning concurrent with a site specific refinement plan amendment shall serve as sufficient public notice of the possibility that an overlay zone may be added during this same hearing process.

(5) The notice shall be posted in at least 3 locations within 300 feet of the perimeter of the subject property. Additionally, at least 1 freestanding sign at least 6 square feet in area shall be installed on the subject property, facing the improved street abutting the property, if any. For properties that abut more than one improved street, such a sign shall be installed facing each improved street.

(Section 9.7415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.7420  Investigation and Report. At least 7 days prior to the public hearing, a staff report shall be submitted to the planning commission for consideration, and made available to the public upon request. A copy shall be mailed or delivered to the applicant at the time it is delivered to the planning commission.

(Section 9.7420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7425  Planning Commission Public Hearing Conduct and Procedures. The planning commission shall conduct a public hearing according to the quasi-judicial procedures of State law and those set out in EC 9.7065 to 9.7095.

(Section 9.7425, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.7430 Planning Commission Recommendation. Within 30 days following the close of the record, unless the applicant agrees to a postponement, the planning commission shall recommend to the city council approval, approval with modifications, or denial of the application. The recommendation of the planning commission shall be based on required approval criteria. 
(Section 9.7430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7435 City Council Public Hearing Schedule. Within 60 days of the planning commission's recommendation, unless a longer time frame is agreed to by the applicant, the city council shall conduct a public hearing to consider the planning commission's recommendation. 
(Section 9.7435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7440 Public Hearing Notice.
(1) At least 10 days before the city council hearing, the city shall mail written notice of the hearing to all of the following:
   (a) Applicant.
   (b) Owner of the subject property.
   (c) Any person who has submitted written or oral testimony in a timely manner during the planning commission hearing procedures.
   (d) Any person who requested notice of the planning commission's decision.
(2) The notice shall:
   (a) Set forth the street address or other easily understood geographical reference to the subject property.
   (b) List the applicable criteria for the decision.
   (c) State the place, date, and time that comments are due.
   (d) Explain the nature of the application and the proposed use or uses which could be authorized.
   (e) State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
   (f) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
   (g) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost.
   (h) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing with sufficient specificity to enable the decision maker to respond to the issue prior to the expiration of the comment period.
   (i) Include the name and telephone number of a city contact person.
   (j) Briefly summarize the local decision making process for the decision being made.
(3) For street name change applications, the city shall publish a notice in a local newspaper with general circulation within the city at least one time during the
week immediately preceding the week of the city council hearing. The notice shall state the time and place of the hearing, describe the nature of the application, and inform the public of the opportunity to provide testimony.

(Section 9.7440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7445 **City Council Public Hearing Conduct and Procedures.** The city council shall conduct a public hearing according to the quasi-judicial procedures in State law and as set forth in EC 9.7065 through 9.7095, Quasi-Judicial Hearings. New evidence shall be accepted.

(Section 9.7445, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.7450 **Decision.** The city council shall make a decision within 30 days of the close of the record, unless a longer time frame is agreed to by the person or entity initiating the application. The city council may approve, modify and approve, or deny the Type IV application based on applicable approval criteria in this land use code.

(Section 9.7450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7455 **Notice of Decision.**

(1) Within 5 days of the decision, the city shall mail written notice of the decision to all of the following:

(a) Applicant.

(b) Any person who has submitted written or oral testimony in a timely manner during the city council hearing procedures.

(c) Any person who requested notice of the city council’s decision.

(d) In the case of a refinement plan amendment, the Oregon Department of Land Conservation and Development.

(2) The notice shall:

(a) Summarize the decision of the city council.

(b) Explain the appeal rights.

(c) In case of a notice being provided to the Oregon Department of Land Conservation and Development, the notice shall also contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text previously sent under EC 9.7440(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed.

(Section 9.7455, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Type V Application Procedures

9.7500 General Overview of Type V Application Procedures. Type V applications provide for a legislative review by the planning commission and city council of changes to this land use code, amendments to refinement plans that include policies or map changes that are broad in scope (not limited to a specific site), and adoption of or an entire update to a refinement plan. The Type V process includes public notice and a public hearing before the planning commission, which forwards a recommendation to the city council. The city council holds a public hearing before making a final decision. The city council's decision is based on compliance with the applicable criteria of this land use code. (Type V applications do not include amendments to the Metro Plan; refer to EC 9.7700 Description of Metro Plan Amendments.)

(Section 9.7500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7505 Type V Application Requirements and Criteria Reference. The following applications are reviewed under the Type V review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7505:

<table>
<thead>
<tr>
<th>Type V Applications</th>
<th>Beginning Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Code Amendments</td>
<td>EC 9.8060</td>
</tr>
<tr>
<td>Refinement Plan Amendments to policies and/or maps that are not limited to a specific site</td>
<td>EC 9.8421</td>
</tr>
<tr>
<td>Refinement Plan Adoption or Update</td>
<td>EC 9.8421</td>
</tr>
<tr>
<td>Zone Change concurrent with a Code Amendment</td>
<td>EC 9.8850</td>
</tr>
<tr>
<td>Special Area Zone Establishment or Amendment</td>
<td>EC 9.3000</td>
</tr>
<tr>
<td>Zone Change to apply the NOD Overlay Zone to Nodal Development Areas</td>
<td>EC 9.4250</td>
</tr>
</tbody>
</table>

(Section 9.7505, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7510 City-Initiation of Applications. The city council may initiate a Type V application on its own behalf, or in response to a person's written request filed with the planning director that the city council initiate a land use code or refinement plan amendment. A copy of any staff report shall be mailed to the person requesting initiation of the amendment and, if the request is for a refinement plan amendment, the neighborhood group that includes the area of the refinement plan, at the same time that it is provided to the planning commission.

(Section 9.7510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7520 Public Hearing Notice.

(1) At least 45 days prior to the planning commission public hearing, the city shall
mail written notice to the State Department of Land Conservation and
Development that includes the text of the proposed amendment, any proposed
change to the zoning map to be considered concurrently with a code amendment
(unless notice is not required by state law), and the date of the planning
commission hearing.

(2) At least 30 days before the planning commission public hearing, the city shall
mail written notice of the hearing and the nature of the request to all of the
following:
(a) Lane County and City of Springfield planning directors.
(b) All neighborhood groups officially recognized by the city council.
(c) Community organizations that have submitted written requests for
notification.

(3) At least 20 days prior to the planning commission public hearing, the city shall
publish notice of the public hearing in a local newspaper of general circulation
within the city.

(Section 9.7520, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.7525 Investigation and Report. At least 7 days prior to the public hearing, the city shall
submit the staff report to the planning commission and make it available to the public
upon request. A copy of the report shall be mailed or delivered to the applicant at the
time it is delivered to the planning commission.

(Section 9.7525, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.7535 Planning Commission Public Hearing and Recommendation. Following the
public hearing and close of the record, the planning commission shall recommend to
the city council approval, approval with modifications, or denial of the application.
The recommendation of the planning commission shall be based on the applicable
approval criteria in this land use code.

(Section 9.7535, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.7540 City Council Public Hearing Schedule. The city council shall conduct a public
hearing to consider the planning commission’s recommendation.

(Section 9.7540, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.7545 Public Hearing Notice. At least 10 days before the city council hearing, the city
shall mail written notice of the hearing to the following:
(1) Any person who provided oral or written testimony in a timely manner during
the planning commission hearing procedures.

(2) Any person who requested notice of the planning commission’s decision.
(Section 9.7545, see chart at front of Chapter 9 for legislative history from 2/26/01 through

9-321 12/25/2002
City Council Decision. The city council shall conduct a public hearing. Upon conclusion of the public hearing, if the city council chooses to act, it may approve, modify and approve, or deny the Type V application with written findings and conclusions based on applicable criteria in this land use code.

(Section 9.7550, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Notice of Decision.

1. Within 5 days of the decision, the city shall mail written notice of the decision to all of the following:
   a. Any person who provided oral or written testimony in a timely manner during the city council hearing procedures.
   b. Any person who requested notice of the city council’s decision.
   c. The Oregon Department of Land Conservation and Development.

2. The notice shall summarize the decision of the city council and state the date of the decision.

3. The notice to the Oregon Department of Land Conservation and Development must contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text, if any, previously sent under EC 9.7520(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed.

(Appeal of Planning Director’s Decision

General Overview of Appeal Procedures. These appeal procedures apply to appeals of interpretations of this land use code made according to EC 9.0040(1) and to appeals to all Type II land use applications. The appeal of the planning director’s decision provides for a review of an administrative decision by a higher review authority specified in this land use code. The planning director’s decision may be affirmed, reversed, or modified.

(Section 9.7600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Filing of Appeal of Planning Director’s Decision.

1. Within 12 days of the date of the mailing of the planning director’s decision, the decision may be appealed to the hearings official or historic review board according to the appeal review authority specified in Table 9.7055 Applications and Review Authorities by the following:
   a. Applicant.
   b. Owner of the subject property.
(c) Neighborhood group officially recognized by the city that includes the area of the subject property.

(d) Any person who submitted written comments in regards to the original application.

(e) A person entitled to notice of the original application.

(f) A person adversely affected or aggrieved by the initial decision.

(2) The appeal shall be submitted on a form approved by the city manager and accompanied by a fee established pursuant to EC Chapter 2. The record from the planning director’s proceeding shall be forwarded to the appeal review authority. New evidence pertaining to appeal issues shall be accepted.

(3) The appeal shall include a statement of issues on appeal and be limited to the issues raised in the appeal. The appeal statement shall explain specifically how the planning director’s decision is inconsistent with applicable criteria.

(Section 9.7605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.7610 Public Hearing Schedule. Unless the applicant and appellant agree to a longer time period, the appeal review authority shall hold a public hearing on an appeal within 45 days of its receipt.

(Section 9.7610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7615 Public Hearing Notice.

(1) At least 20 days prior to the hearing, the city shall mail written notice to all of the following:

(a) Applicant.
(b) Owner of the subject property.
(c) Appellant.
(d) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
(e) Any person who provided written comments prior to the close of the public comment period.
(f) Owners of property within 100 feet of the perimeter of the subject property.

(2) The notice shall include all of the following:

(a) The street address or other easily understood geographical reference to the subject property.
(b) The applicable criteria for the decision, listed by commonly used citation.
(c) The place, date, and time of the hearing.
(d) The nature of the application and the proposed use or uses which could be authorized.
(e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
(f) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

(g) A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and that copies can be obtained at cost.

(h) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision maker to respond to the issue, precludes an appeal based on that issue.

(i) The name and telephone number of a city contact person.

(j) A brief summary of the local decision making process for the decision being made.

(Section 9.7615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7620 **Investigation and Report.** At least 7 days prior to the public hearing, the staff report, if any, shall be submitted to the appeal review authority and made available to the public upon request. A copy of the report shall be mailed or delivered to the applicant at the time it is delivered to the appeal review authority.

(Section 9.7620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7625 **Public Hearing Conduct and Procedures.** The appeal review authority shall conduct a public hearing according to the quasi-judicial hearing procedures in State law and EC 9.7065 through 9.7095, Quasi-Judicial Hearings.

(Section 9.7625, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7630 **Decision.**

(1) Unless the applicant and appellant agree to a longer time period, the appeal review authority shall make a decision within 15 days of the close of the record.

(2) The appeal review authority shall affirm, reverse, or modify the decision of the planning director. Before reversing or modifying the planning director’s decision, the appeal review authority shall make findings and conclusions clearly stating how the planning director failed to properly evaluate the application or make a decision consistent with applicable criteria.

(3) The action of the appeal review authority is final.

(4) The decision of the historic review board or planning commission must be agreed upon by a majority of the board members present at a meeting. A tie vote results in affirming the decision of the planning director.

(Section 9.7630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.7635 Notice of Decision.
(1) Within 5 days after a decision by the appeal review authority is rendered, notice of the decision shall be mailed to all of the following:
   (a) Applicant.
   (b) Owner of the subject property.
   (c) Appellant.
   (d) Any person who provided oral or written testimony in a timely manner during the hearing procedures.
   (e) Any person who requested notice of the appeal decision.
(2) The notice shall:
   (a) Summarize the decision of the appeal review authority.
   (b) Explain the appeal rights.
(Section 9.7635, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Appeal of Initial Hearings Official or Historic Review Board Decision

9.7650 General Overview of Appeal Procedures. The appeal of an initial hearings official or historic review board decision provides for a review of a quasi-judicial decision by a higher review authority specified in this land use code. In general, the appeal procedures allow for a review of the original application, the hearings official or historic review board decision, the appeal application, and any facts or testimony relating to issues and materials that were submitted before or during the initial quasi-judicial public hearing process. The hearings official or historic review board decision may be affirmed, reversed, modified, or remanded by the planning commission.
(Section 9.7650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

(1) Within 12 days of the date of the mailing of the decision of the hearings official or historic review board, the decision may be appealed to the planning commission as specified in Table 9.7055 Applications and Review Authorities by the following:
   (a) Applicant.
   (b) Owner of the subject property.
   (c) Neighborhood group officially recognized by the city that includes the area of the subject property.
   (d) Any person who submitted written comments in regard to the original application.
(2) The appeal shall be submitted on a form approved by the city manager and be accompanied by a fee established pursuant to EC Chapter 2. The record from the proceeding of the hearings official or historic review board shall be
forwarded to the appeal review authority. No new evidence pertaining to appeal issues shall be accepted.

(3) The appeal shall include a statement of issues on appeal, be based on the record, and be limited to the issues raised in the record that are set out in the filed statement of issues. The appeal statement shall explain specifically how the hearings official or historic review board failed to properly evaluate the application or make a decision consistent with applicable criteria. The basis of the appeal is limited to the issues raised during the review of the original application.

(Section 9.7655, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.7660 Public Hearing Schedule. Unless the applicant and appellant agree to a longer time period, the planning commission shall hold a hearing to allow oral argument on an appeal within 45 days of receipt of the appeal.

(Section 9.7660, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7665 Public Hearing Notice.

(1) At least 10 days prior to the hearing, the city shall mail written notice of the hearing to the following:

(a) Applicant.
(b) Owner of the subject property.
(c) Appellant.
(d) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
(e) Any person who submitted written comments in regards to the original application.
(f) Any person who requested notice of the previous decision or of the appellate hearing.

(2) The notice shall include all of the following:

(a) The street address or other easily understood geographical reference to the subject property.
(b) The applicable criteria for the decision, listed by commonly used citation.
(c) The place, date, and time of the hearing.
(d) The nature of the application and the proposed use or uses which could be authorized.
(e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
(f) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
(g) A statement that copies of the application and all evidence and documents...
submitted by or on behalf of the applicant are available for review, and that copies can be obtained at cost.

(h) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision maker to respond to the issue, precludes an appeal based on that issue.

(i) The name and telephone number of a city contact person.

(j) A brief summary of the local decision making process for the decision being made.

(Section 9.7665, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7670 Investigation and Report. At least 7 days prior to the public hearing, the staff report, if any, shall be submitted to the planning commission and made available to the public upon request. A copy of the report shall be mailed or delivered to the applicant at the time it is delivered to the planning commission.

(Section 9.7670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.7675 Public Hearing Conduct and Procedures. The planning commission shall conduct a public hearing according to quasi-judicial procedures in State law and as set forth in EC 9.7065 through 9.7095, Quasi-Judicial Hearings.

(Section 9.7675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7680 Decision. Unless the applicant and appellant agree to a longer time period, the planning commission shall make a decision within 15 days of the close of the record. The planning commission shall affirm, reverse, or modify any decision, determination, or requirement of the hearings official or historic review board. In addition, upon concurrence of the applicant, including waiver of the right to a decision within 120 days, and with the payment of an additional fee, the decision can be remanded to the original decision-maker. Before reversing the decision, or before changing any of the conditions of the hearings official or historic review board, the planning commission shall make findings of fact as to why the hearings official or the historic review board failed to properly evaluate the application or make a decision consistent with applicable criteria. The action must be agreed to by a majority of the members present at the hearing. A tie vote results in affirming the decision of the hearings official or the historic review board. The planning commission’s action is final.

(Section 9.7680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7685 Notice of Decision.
(1) Within 5 days after the planning commission’s decision is rendered, written notice of the decision shall be mailed to all of the following:
   (a) Applicant.
   (b) Owner of the subject property.
   (c) Appellant.
   (d) Any person who provided oral or written testimony in a timely manner during the hearing procedures.
   (e) Any person who requested notice of the appeal decision.

(2) The notice shall:
   (a) Summarize the decision of the planning commission.
   (b) Explain the appeal rights.

(Section 9.7685, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Metro Plan Amendment Procedures

9.7700 Description of Metro Plan Amendments. The Metropolitan Area General Plan (Metro Plan) is the long-range general plan of metropolitan Lane County and the cities of Eugene and Springfield. The plan provides public policy direction concerning the growth and development of the metropolitan area. The plan is acknowledged by the State Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals. Any changes to the plan must meet local approval and be found consistent with the Statewide Planning Goals. Metro Plan Amendments are separated into two types of amendments:

(1) Type I Metro Plan amendments include any change to the Metro Plan which:
   (a) Changes the urban growth boundary or the jurisdictional boundary of the plan;
   (b) Requires a goal exception not related to a UGB expansion to be taken under statewide planning goal 2; or,
   (c) Is a non-site specific amendment of the plan text.

(2) Type II Metro Plan amendments include any change to the Metro Plan which is not otherwise a Type I plan amendment and which:
   (a) Changes the plan diagram; or,
   (b) Is a site-specific plan text amendment.

The review process of a Metro Plan amendment will be determined by how many of the 3 jurisdictions -- the City of Eugene, City of Springfield and Lane County -- are determined to be decision-makers.

(Section 9.7700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7705 Metro Plan Amendments - Purpose. The Metropolitan Area General Plan (Metro Plan) allows citizen-initiated Type II Metro Plan amendments to be initiated at any time. Amendments that require a final decision from 1 or 2 jurisdictions shall be concluded within 120 days of the initiating date. Amendments that require a final decision from all 3 governing bodies shall be concluded within 180 days of the initiation date. The city council may initiate a Type I or Type II Metro Plan amendment at any time. City council-initiated Metro Plan amendments are not subject to the 120-calendar-day review period. Metro Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metro Plan and the provisions of this land use code.

(Section 9.7705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) Who Can Initiate Metro Plan Amendments. An amendment to the Metro Plan can be initiated by the following persons or entities:
   (a) Type I Non-Site Specific Text Amendments, UGB/Plan Boundary Changes or Other Goal Exceptions. By any of the 3 governing bodies.
1. The council may solicit a recommendation from the planning commission before initiating this category of amendment.

2. A citizen may seek council initiation of a Type I Metro Plan amendment by filing a written request with the city. A staff report on the request shall be submitted to the council within 30 days of receipt of the request. At the direction of 3 councilors, the request shall be placed on the council agenda for discussion. The request shall be considered denied if the council takes no action within 60 days of the date the staff report is submitted to the council. The council need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking council initiation of a site specific Type I Metro Plan amendment must own the property subject to the amendment.

(b) Type II Plan Diagram and Site Specific Text Amendments.
1. Inside the city limits. By the Metro Plan home city and citizens.
2. Between the city limits and the plan boundary. By any of the 3 governing bodies and citizens.
3. The council may solicit a recommendation from the planning commission before initiating this category of amendment. A citizen initiating a Type II Metro Plan amendment must own the property subject to the amendment.
4. A citizen may seek council initiation of a Type II Metro Plan amendment subject to the above requirements regarding Type I Metro Plan amendments initiated by the council at the request of a citizen.

(2) When Plan Amendments Can be Initiated. Amendments to the Metro Plan shall be initiated and considered at the following times:

(a) The city council may initiate a Type I or Type II Metro Plan amendment at any time. Consideration of this type of amendment shall begin immediately thereafter.

(b) Citizen-initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.

(c) Consideration of a citizen-initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within 3 months of the date of application submittal. Such a requested Metro Plan amendment shall be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the 3-month period, the Metro Plan amendment application process shall begin immediately following the 3 month period. The planning director may except particular plan amendment applications from postponement under this subsection and require more immediate review if
the planning director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

(3) **Where Plan Amendment Application is Filed.** Citizen-initiated Metro Plan amendment applications shall be filed in the planning office of the home city if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB.

(Section 9.7715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7720 Metro Plan - Referral of Plan Amendment.** All Metro Plan amendments outside the city limits of Eugene shall be referred to the city of Springfield for consideration of regional impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments inside the city limits shall be referred to the city of Springfield and Lane County so they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining regional impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no regional impact. If a referral jurisdiction adopts a resolution, ordinance, or order finding that the proposed amendment has a regional impact, that referral jurisdiction may participate in the decision if it so chooses. All jurisdictions participating in the plan amendment decision process must approve the amendment in order to enact the amendment.

(Section 9.7720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7725 Metro Plan - Plan Amendment Application Fee.** The applicant for a citizen-initiated Metro Plan amendment shall pay an application fee in an amount set by the city manager under EC section 2.020. No application shall be processed until it is complete and accurate and the application fee is paid.

(Section 9.7725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7730 Metro Plan - Approval of a Plan Amendment.**

(1) **Type I.**

(a) **Non-Site Specific.** To become effective, a non-site specific Metro Plan text Type I Metro Plan amendment must be approved by all 3 governing bodies.

(b) **Site Specific.** To become effective, a site-specific Type I Metro Plan amendment that involves a UGB or plan boundary change that crosses the Willamette or McKenzie rivers, or that crosses over a ridge into a new
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basin, or that involves a goal exception not related to a UGB expansion, must be approved by all 3 governing bodies. See Map 9.7730 Eugene-Springfield Metro Area Ridges and Rivers.

(c) **Site Specific.** To become effective, a site-specific Type I Metro Plan amendment that involves a UGB or plan boundary change must be approved by the home city and Lane County. Exception: If the non-home city, after referral of the proposal, determines that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all 3 governing bodies must approve the amendment.

(2) **Type II.**

(a) **Inside City Limits.** To become effective, a Type II Metro Plan amendment inside the city limits must be approved by the Metro Plan amendment home city.

(b) **Between the City Limits and Plan Boundary.** To become effective, a Type II Metro Plan amendment between the city limits and the plan boundary must be approved by the Metro Plan amendment home city and Lane County. Exception: If the non-home city, after referral of the proposal, determines that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all 3 governing bodies must approve the amendment.

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

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

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

(Section 9.7730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7735 **Metro Plan - Plan Amendment Approval Process: Single Jurisdiction.**

(1) **When the Single Jurisdiction Process is Used.** The following process shall be used to consider Type II Metro Plan amendments inside the city limits of Eugene.

(2) **Investigation and Report.** Within 30 days after the Metro Plan amendment initiation date, planning staff shall investigate the facts bearing on the amendment application, prepare a report, and submit it to the planning commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the commission.

(3) **Planning Commission Consideration.** Within 30 days after receipt of the staff report, the planning commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing shall be published in a local newspaper of general circulation and
mailed to the applicant and to persons who have requested notice. At least 20
days before the hearing, notice of the hearing shall also be mailed to the owners
and occupants of properties that are the subject of the proposed amendment and
to property owners of record within 300 feet of the subject property. The
content of the notice and conduct of the hearing on the amendment shall be as
required by this land use code and state law. The planning commission shall
review the proposed amendment and receive evidence and testimony on whether
the proposed change can be justified under the approval criteria. Within 30 days
after the public hearing and close of the evidentiary record, the planning
commission shall adopt a written recommendation on the proposed amendment.
The recommendation shall contain findings and conclusions on whether the
proposal or a modified proposal meets the approval criteria.

(4) City Council Action. Within 45-days after planning commission action, the
city council shall hold a public hearing on the proposed amendment. The
council's decision shall be based solely on the evidentiary record created before
the planning commission. No new evidence shall be allowed at the council
hearing. Within 30 days after the public hearing, the council shall approve,
modify and approve, or deny the proposed amendment. The council shall take
this action by ordinance with adopted findings and conclusions on whether the
proposal or a modified proposal meets the approval criteria. The action of the
city council is final.

(Section 9.7735, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)


(1) When the 2 Jurisdictions Process is Used. The following process shall be
used to approve Type II Metro Plan amendments when Eugene is the Metro Plan
amendment home city and Lane County must participate in the decision and the
City of Springfield has chosen not to participate after consideration of a referral.

(2) Investigation and Report. Within 30 days after a response is received from the
city of Springfield, or within 50 days after the Metro Plan amendment initiation
date if no response is received, the Eugene planning staff shall investigate the
facts bearing on the application, prepare a report, and submit it to the planning
commissions of both affected jurisdictions. The report shall be mailed or
delivered to affected and interested parties at the time it is delivered to the 2
commissions.

(3) Planning Commission Consideration. Within 30 days after receipt of the staff
report, the planning commissions of both affected jurisdictions shall hold a joint
public hearing to consider the proposed Metro Plan amendment. The provisions
of EC 9.7735(3) apply to the joint planning commission hearing and decision on
a proposed Metro Plan amendment. Within 30 days after the joint public
hearing and close of the evidentiary record, both planning commissions shall
make a recommendation to their governing bodies on the proposed Metro Plan
amendment.

(4) Governing Body Action. Within 30 days after the date the last planning
commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the planning commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the decision becomes effective.

(5) **Conflict Resolution Process.** The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment:

(a) The Metro Plan amendment shall be referred to the metropolitan policy committee within 5 days after the last governing body action. The metropolitan policy committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.

(b) If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the planning director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by 1 or both of the governing bodies. The decision of the planning director is final.

(Section 9.7740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7745 Metro Plan - Plan Amendment Approval Process: 3 Jurisdictions.**

(1) **When the 3 Jurisdiction Process is Used.** The following process shall be used to approve Type I and Type II Metro Plan amendments where all 3 jurisdictions participate in the decision.

(2) **Investigation and Report.** Within 30 days after responses are received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of all 3 jurisdictions. The report shall be mailed or delivered to
affected and interested parties at the same time it is delivered to the 3 planning commissions.

(3) Planning Commission Consideration. Within 30 days after receipt of the staff report, the planning commissions of Eugene, Springfield, and Lane County shall hold a joint public hearing on the proposed plan amendment. The provisions of EC 9.7735(3) apply to the joint planning commission hearing. Within 30 days after the proposed plan amendment hearing and close of the evidentiary record, each planning commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.

(4) Governing Bodies’ Action. Within 30 days after the last planning commission acts on the Metro Plan amendment proposal, the governing bodies of Eugene, Springfield and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decision shall be based solely on the evidentiary record created before the planning commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if all 3 governing bodies adopt identical decisions. The date the last governing body acts shall be the date the action becomes effective. The conflict resolution provisions of EC 9.7740(5) apply if the governing bodies do not adopt identical ordinances.

(Section 9.7745, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) Process for Government Initiated Plan Amendments. A different process, time line, or both, than the processes and time lines specified in EC 9.7735, 9.7740, or 9.7745 may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.

(2) Time Frame Waiver. The time frames prescribed in connection with the Metro Plan amendment processes can be waived if affected property owners agree to the waiver.

(3) Bar on Resubmittal. The city shall not consider a privately initiated Metro Plan amendment application if a substantially similar or identical plan amendment has been denied by the city within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The planning director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.

(4) Relationship to Refinement Plan or Functional Plan Amendments. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan diagram or map for consistency, the Metro Plan diagram
amendment automatically amends the refinement plan or functional plan
diagram or map if no amendment to the refinement plan or functional plan text
is involved. When a Metro Plan diagram amendment requires a refinement plan
or functional plan diagram or map and text amendment for consistency, the
Metro Plan, refinement plan and functional plan amendments shall be processed
concurrently.

(5) **Relationship of Amendment Process to Metro Plan Update and Periodic
Review.** An update of any element of the Metro Plan requires initiation and
approval by all 3 jurisdictions. Amendments to the Metro Plan that result from
state-mandated periodic review require approval by all 3 jurisdictions.

(6) **Severability of Plan Amendment Adoption Actions.** When identical action is
required of 2 or 3 governing bodies on a Metro Plan amendment, and the
amendment results in a number of different plan changes, unless otherwise
specified in the adoption ordinance of any of the governing bodies, action by all
of the governing bodies to adopt some but not all of the plan changes shall result
in the adoption of the changes for which there is consensus and the forwarding
of only those changes for which there is not consensus to the metropolitan
policy committee for review under EC 9.7740 and EC 9.7745.

(Section 9.7750, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

**Annexation Application Procedures and Criteria**

9.7800 **Description of Annexation Process.** The city shall provide for property to be
annexed and changed from county to city zoning to ensure that an adequate supply of
land is available for development inside the city limits, and that the property can be
provided with a minimum level of key urban services as specified by the Metro Plan
or a refinement plan. All annexations of property require final approval from the
Lane County local government boundary commission. In certain cases, the planning
commission and city council, or city council alone, may review and take action on
annexation applications, according to the applicable sections in this land use code,
before the annexation is forwarded to the Lane County local government boundary
commission for final action.

(Section 9.7800, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.7805 **Procedures to Annex Properties.** All annexation applications shall be submitted on
a form approved by the city manager and accompanied by fees established by the city
manager, according to EC Chapter 2, and by the Lane County local government
boundary commission.

(1) Annexations proposed by the property owner(s) for which special provisions,
such as a delayed effective date or concurrent zone change that is not automatic
pursuant to EC 9.7810, are not applicable, may be forwarded by city staff

directly to the Lane County local government boundary commission for processing, as provided in Chapter 199 of the Oregon Revised Statutes relating to local government.

(2) Annexations proposed by property owners to which special provisions are applicable may be processed according to the procedures in EC 9.7815 Public Hearing Schedule through EC 9.7880 Limitations on Refiling of a Denied Application.

(3) In accordance with state law, annexations may be initiated by the city council through council resolution.

(4) Annexations involving property in the "Industrial Corridor" as shown in Map 9.7805 Industrial Corridor, may be processed according to EC 9.7885 Annexation Procedures for the "Industrial Corridor".

(Section 9.7805, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7810  **Changes in Zone.** Properties annexed to the city shall be automatically changed from county zoning to the equivalent city zone, as shown in Table 9.7810 Equivalent Zones and Overlay Zones, unless one or more of the following apply.

(1) The property is in a Lane County zone other than those in Table 9.7810 Equivalent Zones and Overlay Zones.

(2) The applicant requests a zone other than the equivalent city zone in Table 9.7810 Equivalent Zones and Overlay Zones.

(3) The equivalent city zone in Table 9.7810 Equivalent Zones and Overlay Zones is not consistent with the Metro Plan or applicable refinement plans.

Properties annexed to the city according to the procedures in EC 9.7805(1) shall be automatically rezoned as of the effective date of the annexation from Lane County UL urbanizable land zones and zoning overlays to equivalent Eugene zones and overlay zones as shown in Table 9.7810 Equivalent Zones and Overlay Zones. The official Eugene zoning map shall be amended to reflect the change of zone.

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(Section 9.7810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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9.7815 **Public Hearing Schedule.** Within 60 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the planning commission shall conduct a public hearing to consider a proposed annexation and, if applicable, a concurrent change in zoning.

(Section 9.7815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7820 **Public Hearing Notice.**

1. At least 20 days before the planning commission public hearing, the city shall mail written notice of the hearing to the:
   a. Applicant.
   b. Owners of the subject property.
   c. Owners and occupants of property located within 500 feet of the perimeter of the subject property.
   d. Neighborhood group officially recognized by the city that includes the area of the subject property.

2. Notice of a proposed change in zone concurrent with the annexation shall also be sufficient public notice of a change to, or addition of, any overlay zone.

(Section 9.7820, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7825 **Staff Investigation and Report.** City staff shall investigate the facts bearing on an application and prepare a staff report with a staff recommendation. At least 7 days prior to the public hearing, the staff report shall be submitted to the planning commission and made available to the public upon request. A copy of the report shall be mailed or delivered to the applicant at the time it is delivered to the planning commission.

(Section 9.7825, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7830 **Public Hearing Conduct and Procedures.** The planning commission shall conduct a public hearing according to the quasi-judicial hearing procedures in EC 9.7065 Quasi-Judicial Hearings- Procedures.

(Section 9.7830, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7835 **Criteria of Approval for Annexations.** The planning commission shall review the application and receive pertinent evidence and testimony as to why or how the proposed annexation is consistent with the following criteria:

1. The property is inside the urban growth boundary and annexation would be consistent with adopted plans and policies.

2. Public services and facilities can be provided as prescribed in the Metro Plan or applicable refinement plans.

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(3) Annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner.
(Section 9.7835, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7840 **Criteria of Approval for Changes in Zone Concurrent with Annexations.** To maintain consistency between zoning and applicable plans and studies, the planning commission may also recommend zone changes for the city council to consider in conjunction with annexation applications. The planning commission shall review the application and receive pertinent evidence and testimony as to why or how the proposed change in zone concurrent with an annexation is consistent with the following criteria:

1. The proposed change is consistent with the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.
2. The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan is the prevailing document.
3. The uses and density that will be allowed by the proposed zone in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

(Section 9.7840, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7845 **Planning Commission Decision.** Unless the applicant agrees to a postponement, within 15 days following the close of the record, the planning commission shall deny the application or recommend approval to the city council. A recommendation of approval may include modifications to the original annexation application. If necessary, the planning commission shall recommend approval, approval with modifications, or denial of a concurrent change in zoning to the city council. A decision to deny the application shall be supported by adopted findings and conclusions based on EC 9.7835 **Criteria of Approval for Annexations** and, if applicable, EC 9.7840 **Criteria of Approval for Changes in Zone Concurrent with Annexations.**

(Section 9.7845, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7850 **Notice of Decision.**

1. A notice of the planning commission’s decision shall be mailed within 5 days of the decision to the applicant and persons who requested notice of the decision.
2. The notice shall:
   a. Summarize the decision of the planning commission.
   b. Explain the appeal rights.

(Section 9.7850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Effective Date. Unless appealed, the planning commission's decision to deny an annexation is final on the 11th day after notice of the decision is mailed. (Section 9.7855, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Appeal of Planning Commission Decision to Deny an Annexation Application.

1. Application Filing. Within 10 days of the date the planning commission's decision to deny an annexation request is mailed, it may be appealed to the city council by the owner, applicant, or any person who submitted written or oral evidence or testimony for consideration in a timely manner during the planning commission evidentiary hearing who is adversely affected by the decision. The appeal shall be made by filing a statement of issues on appeal and other information on a form approved by the city manager. The appeal shall be based on the record, shall state specifically how the planning commission failed to properly evaluate the proposed annexation or make a decision consistent with the criteria for approval, and shall be limited to the issues raised at the evidentiary hearing and set out in the filed statement of issues. City staff shall provide the city council with the record.

2. Public Hearing Schedule and Notice. Unless the applicant and appellant agree to a longer time period, the city council shall hold a hearing to allow oral argument on an appeal within 60-days of its receipt. At least 10 days prior to the hearing, city staff shall mail notice to the applicant, appellant, and persons who requested notice of the planning commission decision or city council hearing.

3. Decision. Unless the applicant and appellant agree to a longer time period, the city council shall make a decision within 15 days of the close of the hearing. The city council may, by resolution, affirm, reverse, or modify the planning commission's decision. When a decision is reversed or modified, the city council shall make findings of fact, based on required criteria, as to why the planning commission made an incorrect legal interpretation.

   (a) Within 5 days of the decision, the city shall mail written notice of the decision to all of the following:
       1. Applicant.
       2. Appellant.
       3. Any person who requested notice of the city council decision.
   (b) The notice shall:
       1. Summarize the decision of the city council.
       2. Explain the appeal rights.

(Section 9.7860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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Consideration of Planning Commission Recommendation to Approve Application.

(1) Public Hearing Schedule. The city council shall hold a hearing concerning the planning commission recommendation in favor of an annexation and concurrent change in zone, if necessary, within 60 days of the planning commission's decision, unless the applicant agrees to a longer time period.

(2) Notice of Hearing. At least 10 days before the hearing, notice of the hearing shall be mailed to the applicant, any person who has submitted written or oral evidence or testimony in a timely manner in the planning commission evidentiary hearing, and persons who requested notice of the planning commission's decision.

(3) Decision. Unless the applicant agrees to a longer time period, within 15 days of the hearing the city council shall by resolution, affirm, reverse, or modify the planning commission's decision. When a decision is reversed or modified, the city council shall make findings of fact based on required criteria as to why the planning commission made an incorrect legal interpretation.

(4) Notice of Decision.
   (a) Within 5 days of the decision, the city shall mail written notice of the decision to all of the following:
      1. Applicant.
      2. Appellant.
      3. Any person who requested notice of the city council decision.
   (b) The notice shall:
      1. Summarize the decision of the city council.
      2. Explain the appeal rights.

(Sec. 9.7865, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

City Submittal of Council Resolutions to Boundary Commission. The city shall forward city council resolutions approving annexation requests to the Lane County local government boundary commission. The boundary commission has final authority to effect the annexation under applicable state law.

(Sec. 9.7870, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Special Service District Withdrawals. When an annexed area remains within 1 or more special service districts, and withdrawal from that district is not automatic, the city council shall decide on withdrawal from those special service districts. The withdrawals shall be made according to applicable state statutes governing the specific withdrawal.

(Sec. 9.7875, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
**9.7880 Limitations on Refiling of a Denied Application.** When an annexation application is denied, no new application for the same purpose may be filed within 1 year of the decision date. An exception may be granted by the planning director, based on a change in condition.

(Section 9.7880, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7885 Annexation Procedures for the “Industrial Corridor”**. Annexation applications for property in the “Industrial Corridor” may be processed according to the procedures in this section if the special provisions requiring action by the city council are applicable. The “Industrial Corridor” is a triangular-shaped area that is bounded on the west by the Metro Plan urban growth boundary as of April 1991, on the east by the Northwest Expressway, on the north by Awbrey Lane, and on the south by Eugene’s city limits as of April 1, 1991. This area is affected by the Annexation and Urban Services Policy Agreement dated April 25, 1991. See Map 9.7805 Industrial Corridor.

1. **City Council Public Hearing Schedule and Notice.** The planning commission is not required to conduct a public hearing or forward a recommendation to the city council. However, a city council public hearing is required. The city shall schedule and provide notice of the public hearing, according to EC 9.7815 Public Hearing Schedule and EC 9.7820 Public Hearing Notice.

2. **Staff Report and Public Hearing Procedures.** The preparation of a staff report and the conduct of the public hearing shall be done according to EC 9.7825 Staff Investigation and Report and EC 9.7830 Public Hearing Conduct and Procedures with the substitution of city council for planning commission in every instance.

3. **City Council Decision.** Unless the applicant agrees to a longer time period, within 15 days of the close of the public hearing, the city council shall by resolution recommend approval of an annexation to the boundary commission or deny the annexation. The city council shall adopt city zoning for the property recommended for annexation unless the property automatically receives the equivalent city zone, according to EC 9.7810 Changes in Zone. The city council’s recommendation to approve an annexation or decision to change the zone shall be consistent with EC 9.7835 Criteria of Approval for Annexations and EC 9.7840 Criteria of Approval for Changes in Zone Concurrent with Annexations. A decision by the city council to deny an annexation is final.

4. **Notice of Decision.**

   a. Within 5 days after the city council decision, the city shall mail written notice of the decision to all of the following:

   1. Applicant.
   2. Property owner.
   3. The neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
   4. Any person who requested notice of the city council decision.
(b) The notice shall:
1. Summarize the decision of the city council.
2. Explain the appeal rights.

(5) Other Applicable Procedures. Following the decision of the city council, the procedures for annexation applications for property in the "Industrial Corridor" include those in:

(a) EC 9.7855 Effective Date.
(b) EC 9.7860 Appeal of Planning Commission Decision to Deny an Annexation Application.
(c) EC 9.7865 Consideration of Planning Commission Recommendation to Approve Application.
(d) EC 9.7870 City Submittal of Council Resolutions to Boundary Commission.

(Section 9.7885, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Application Requirements and Criteria

General

9.8000 Introduction. Sections 9.8000 through 9.8865 of this land use code establish comprehensive requirements and approval criteria for each land use application. These provisions serve as the basis for evaluating whether a specific land use application fulfills the particular application requirements and approval criteria.

(Section 9.8000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8005 Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.

(1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through 9.3915, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through 9.7885, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.

(2) If an initial proposal also requires an application be submitted for one or more of the following:
   (a) Adjustment review;
   (b) Site review;
   (c) Conditional use permit;
   (d) Planned unit development;
   (e) Zone change; or
   (e) Willamette Greenway permit,
   the applicant may elect to have the applications reviewed concurrently according to the highest application type. All other provisions of this code would continue to apply to each application, including, but not limited to, the approval criteria.

(3) If the city's final decision for any land use application reviewed and approved in accordance with the provisions of this land use code includes a finding of compliance with specific land use development standards, those standards shall not be considered at the time of a development permit application.

(Section 9.8005, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8010 List of Adopted Plans. The documents listed in the following Table 9.8010, including any adopted amendments, are the currently effective adopted plans that may be applicable to a particular land use application. The plans and adopted policies are more particularly set forth beginning at EC 9.9500, and the boundaries for each are depicted on Map 9.8010 Adopted Plans.
Table 9.8010 List of Adopted Plans

<table>
<thead>
<tr>
<th>Plan Description</th>
<th>Adoption Date</th>
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<tbody>
<tr>
<td>Bethel-Danebo Refinement Plan (Phase II) -- 1979</td>
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<tr>
<td>Bethel-Danebo Refinement Plan -- 1982</td>
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<td>Comprehensive Stormwater Management Plan -- 1994</td>
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<td>Eugene Commercial Lands Study -- 1992</td>
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<td>Eugene Downtown Plan -- 1984</td>
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<td>Eugene Parks and Recreation Plan -- 1989</td>
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<td>Eugene-Springfield Metropolitan Area General Plan (Metro Plan)</td>
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<td>Fairmount/U of O Special Area Study -- 1982</td>
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<td>Jefferson/Far West Refinement Plan -- 1983</td>
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<td>Laurel Hill Neighborhood Plan -- 1982</td>
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<tr>
<td>Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (Adopted June 13, 1984)</td>
<td></td>
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<tr>
<td>Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (Adopted on November 13, 1984)</td>
<td></td>
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</tbody>
</table>

(Section 9.8010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Adjustment Review

9.8015 **Adjustment Review - Purpose.** The adjustment review process is intended to:

1. Encourage design proposals that respond to the intent of the code and creatively meet or exceed the specific development standards.
2. Allow adjustment to the development standards in an efficient and effective manner.

(Section 9.8015, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8020 **Adjustment Review - Applicability.** Adjustment review is available only where this land use code provides that a specific standard may be adjusted. Applications for adjustments review to standards in this land use code shall be considered under a Type II application process, unless the applicant requests that the adjustment review be considered concurrently with a related Type III application. Appeals of “minor” adjustment review decisions shall be considered by the Hearings Official using the process at EC 9.7650 - 9.7685. Appeals of “major” adjustment review decisions shall be considered by the Planning Commission using the process at EC 9.7600 - 9.7635.

(Section 9.8020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8025 **Adjustment Review - General Requirements.** Unless waived by the planning director, the adjustment review application shall be prepared by one or more of the following professionals:

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(1) Oregon licensed architect.
(2) Oregon licensed civil engineer.
(3) Oregon licensed landscape architect.
(4) A member of the American Institute of Certified Planners.
(5) Oregon licensed land surveyor.

(Section 9.8025, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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.

(1) Lot Standards Adjustment. Where this land use code provides that the lot standards may be adjusted, the standards may be adjusted upon finding that the proposed lot dimensions are consistent with the purpose of the applicable zone and suitable for the area.

(2) Setback Standards Adjustment. Where this land use code provides that the setback standards applicable to specific zones may be adjusted, the standards may be adjusted upon finding that the proposed setback is consistent with the following applicable criteria:

(a) Minimum and Maximum Front Yard Setback Adjustment. The minimum or maximum required front yard setback may be adjusted if the proposal achieves all of the following:
   1. Contributes to the continuity of building facades along the street.
   2. Creates an attractive pedestrian environment along all adjacent streets
   3. Is compatible with adjacent development.

Maximum front yard setbacks may be adjusted without any requirement for pedestrian amenities if the location of the front yard is unsafe or intrinsically unsuitable for pedestrians or to protect disruption to significant natural resources.

(b) Minimum Setbacks for Park Improvements in PRO Zone. The minimum required special setbacks for park improvements may be adjusted upon a finding that the proposal achieves all of the following:
   1. Consistent with EC 9.2600 Purpose of PRO Park, Recreation and Open Space Zone.
   2. Is compatible with adjacent development.

(c) Minimum Setbacks for Drive-Through Facility Service Areas and Stacking Lanes. Standards establishing a minimum setback for service areas and stacking lanes may be adjusted upon a finding that the proposal achieves all of the following:
   1. Is compatible with adjacent development.
   2. Creates an attractive pedestrian environment along all adjacent streets.

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3. Where necessary, provides visual separation between adjacent development.

(3) **Landscape Standards Adjustment.** Where this land use code provides that the landscape standards may be adjusted, the standards may be adjusted upon finding that the proposed landscape is consistent with the following applicable criteria:

(a) **General Landscape Standards.** Standards establishing a minimum percent of landscape area on the development site, may be adjusted upon a finding that the proposal achieves all of the following:
   1. Where necessary, provides visual separation between adjacent development.
   2. Provides clearly defined entries and pedestrian pathways.
   3. Enhances and softens structural elements.
   4. Breaks up large expanses of parking.
   5. Protects and enhances the value of adjacent or on-site natural areas.
   6. In the case of multiple-family developments, buffers dwellings from views that are unattractive and creates areas for outdoor privacy for residents.

(b) **Basic Landscape Standard (L-1).** The standards of EC 9.6210(1) may be adjusted if the proposal enhances a development site by providing attractive, open landscaped areas where distance is the primary means of separating different uses or developments.

(c) **Low Screen Landscape Standard (L-2).** The standards of EC 9.6210(2) may be adjusted if the proposal achieves at least one of the following:
   1. A landscape treatment that uses a combination of distance and low-level screening (minimum 30 inches, maximum of 42 inches) to separate uses or development and the screening is adequate to soften the impact of the use or development.
   2. In those instances where visibility between areas is more important than a total visual screen, the alternative landscape treatment is appropriate for the site.

(d) **High Screen Landscape Standard (L-3).** The standards of EC 9.6210(3) may be adjusted if the proposal uses landscape screening to provide a physical and visual separation between uses or development.

(e) **High Wall Landscape Standard (L-4).** The standards of EC 9.6210(4) may be adjusted if the proposal continues to provide extensive screening of both visual and noise impacts to protect adjacent users.

(f) **Partial Screen Fence Landscape Standard (L-5).** The standards of EC 9.6210(5) may be adjusted where the proposal achieves at least one of the following:
   1. A moderate level of screening, adequate to soften the impact of the use or development.
   2. In those instances where visibility between areas is more important than a total visual screen, the alternate landscape treatment is
appropriate for the site.

(g) **Full Screen Fence Landscape Standard (L-6).** The standards of EC 9.6210(6) may be adjusted if both of the following are achieved:

1. The proposal provides a tall, complete visual separation to protect abutting uses.
2. Living plant landscaping is not practical for the site.

(h) **Massed Landscape Standard (L-7).** Adjustments may be made to the standards of EC 9.6210(7) if the proposal provides a landscape treatment appropriate for interior yards of large development sites adjacent to arterial and collector streets or to non-residential uses adjacent to residential development as the case may be.

(4) **Building Orientation and Entrance Standards Adjustment.** Where this land use code provides that building orientation and entrance standards may be adjusted, the standards may be adjusted upon finding that the proposal complies with one of the following:

(a) Promotes compatibility with adjacent property.
(b) Creates building orientations and entrances that achieve all of the following:
   1. Support and augment the building setback, massing and architectural details.
   2. Achieve an attractive streetscape with a strong building presence on existing and future streets.
   3. In the case of multiple-family developments, provides socialization benefits to residents.

(5) **Underground Utilities Standard Adjustment.** Where this land use code provides that the underground utility standard may be adjusted, the standards may be adjusted upon finding that one or more of the following exist:

(a) Underground utility placement would be unreasonably onerous to the applicant.
(b) Underground utility placement would be disruptive to significant natural resources.

(6) **Large Commercial Facilities Standards Adjustment.** Where this land use code provides that the large commercial facilities standards may be adjusted, the standards may be adjusted upon finding that the design contributes to one or more of the following:

(a) Improving the appearance and function of large commercial facilities.
(b) Encouraging efficient use of land resources and urban services.
(c) Encouraging mixed use.
(d) Supporting transportation options.
(e) Promoting detailed, human-scale site and building design.

(7) **Large Multi-tenant Commercial Facilities Standards Adjustment.** Where this land use code provides that the large multi-tenant commercial facilities standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:
(a) Provides for pedestrian safety, comfort and convenience.
(b) Produces visual clarity of circulation paths and building entrances for the pedestrian.

(8) **Multiple-Family Standards Adjustment.** Where this land use code provides that the multiple-family standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:

(a) **Maximum Building Dimension.** The requirements set forth in EC 9.5500(6)(a) may be adjusted if the proposal creates building massing and/or facades that:
   1. Create a vibrant street facade with visual detail.
   2. Provide multiple entrances to building or yards.

(b) **Building Articulation.** The requirements set forth in EC 9.5500(7) may be adjusted if the proposed building design:
   1. Utilizes architectural masses, features or details to distinguish elements of the building.
   2. Defines entryways in appropriate scales.

(c) **Open Space.** The requirements set forth in EC 9.5500(9) may be adjusted if the proposal will achieve better overall compliance with the purpose of the open space standards than what would result from strict adherence to the standards.

(d) **Block Requirement.** The requirements set forth in EC 9.5500(10) may be adjusted if the proposal achieves at least one of the following:
   1. Provides an equivalent or greater degree of vehicular and pedestrian circulation.
   2. Traditional block patterns that reduce the apparent scale of large developments by breaking the site up into smaller land units. (See also EC 9.6810 Block Length.)

(e) **Site Access and Internal Circulation.** The requirements set forth in EC 9.5500(11) may be adjusted in accordance with the criteria in this subsection. In the case of an adjustment, all of the following standards apply:
   1. Sidewalks may be designed as curbside walks only along those portions of the private streets providing parallel on-street parking.
   2. Street trees may be placed in tree wells or adjacent to the sidewalk.

(f) **Vehicle Parking.** The requirements set forth in EC 9.5500(12) may be adjusted if the proposal achieves to the same degree as would strict compliance with the standards all of the following:
   1. Limitations on the use of continuous parking drives in large-scale multiple-family developments.
   2. Limitations on the size of individual parking lots in multiple-family development.
   3. Minimal negative aspects of parking uses in multiple-family developments.

Where cost considerations preclude parking beneath or within residential
buildings, combinations of partial and interrupted parking drives; on-street parking; and small, dispersed parking courts are an acceptable alternative.

(9) **Bicycle Parking Standards Adjustment.** Where this land use code provides that the bicycle parking standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:
(a) Consistency with EC 9.6100 Purpose of Bicycle Parking Standards; and
(b) Shared bicycle parking remains convenient and clearly visible for users. In cases where the standard for required bicycle parking for a development site would require in excess of over 1,500 bicycle spaces, the applicant may also seek an adjustment by submitting for city review a Bicycle Management Program. The Bicycle Management Program shall address how the applicant will encourage bicycle use and the rationale for requesting an adjustment. City approval of the Bicycle Management Program shall constitute the granting of an adjustment.

(10) **Motor Vehicle Parking and Loading Standards Adjustment.** Where this land use code provides that the motor vehicle parking standards may be adjusted, the standards may be adjusted upon finding the applicable corresponding criteria are met.
(a) **Number of Required Off-Street Parking Spaces.** Adjustments may be made to the required number of off-street parking space provisions of EC 9.6410 based on the following criteria:
1. The minimum required off-street parking spaces may be reduced by up to 50 percent when the applicant for a development can demonstrate, in a parking-traffic study prepared by a traffic engineer, that both of the following conditions exist:
   a. The use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
   b. A Transportation Demand Management (TDM) Program has been approved by the city that contains strategies for reducing vehicle use and parking demand generated by the development and establishes benchmarks by which the program's effectiveness will be measured annually.
2. In the case of an existing use proposing to provide a transit stop and related amenities such as a public plaza, pedestrian sitting areas, transit-supportive development, and additional landscaping, the number of required off-street parking spaces may be reduced by up to 10 percent.
3. Except within a /TD overlay zone, an adjustment that approves installation up to 150 percent of the minimum spaces required by EC
9.6410(3) Minimum Number of Required Off-Street Parking Spaces may be allowed, if all of the following are met:

a. Additional parking is necessary to meet the parking demand for a specific use.

b. Shared use of parking is not available or adequate to meet the demand.

c. At least 60 percent of the parking lot is allocated and striped for compact cars.

d. An employee-based Transportation Demand Management Program has been approved by the city.

(b) Loading and Drive-Through Design Standards. Adjustments may be made to the standards of EC 9.6415 based on the following:

1. The minimum depth required in EC 9.6415(1) for a specially designed area may be adjusted upon a determination that a lesser minimum is adequate to prevent the extension of the line-up of automobiles into the public right-of-way.

2. An adjustment may be granted to the loading and service drive off-street maneuvering space requirement of EC 9.6415(3) for property located on a local street where existing or projected traffic volumes do not exceed daily traffic counts of 750 vehicles.

(c) Parking Area Standards. Adjustments may be made to the landscape standards of EC 9.6420(3) upon finding that the proposed landscape is consistent with the following applicable criteria:

1. Provides visual separation, as needed, between adjacent development.

2. Provides clearly defined parking area entrances and on-site pedestrian circulation.

3. Enhances and softens the appearance of parking structures.

4. Breaks up large expanses of parking.

5. Protects or mitigates the loss of significant trees or other natural features on or adjacent to the development.

(d) Shared Off-Street Parking. The shared off-street parking space requirements of EC 9.6430 may be adjusted as follows:

1. Joint Use at Different Times. The joint use of required facilities at different times may be allowed provided all of the following exist:

a. The applicant shows there will be no substantial conflict in the principal operating hours of the buildings or uses for which the joint parking use is proposed.

b. The parking facility will be within 1/4 mile or 1,320 feet of buildings or uses it will serve.

c. The parties involved in the joint parking facility agree to the joint use arrangement in a legal document approved by the city attorney.

d. The legal document is recorded in the office of the Lane
County recorder and a copy filed with the city’s Building and Permit Services Division.

2. **Joint Use Simultaneously.** The simultaneous joint use of required facilities may be allowed provided all of the following exist:
   a. No more than 2 uses under separate ownership or occupancy shall be involved.
   b. The uses will occur on the same development site.
   c. It can be reasonably anticipated that a number of customers or clients will be served by both uses while on the development site.

The determination of the number of required off-street parking spaces under 1. or 2. of this subsection shall be based on a review of Table 9.6410 Required Off-Street Motor Vehicle Parking, operating characteristics and the conditions noted above.

(e) **Special Event Permanent Parking Facilities.** The standards of EC 9.6435 for permanent parking facilities for special events may be adjusted provided the proposal results in the development of attractive, safe, and efficient special event parking areas.

(11) **Vision Clearance Area - Approval Criteria for Adjustment Review.** The vision clearance standards of EC 9.6780 may be adjusted if it is determined that no feasible alternative to the intersection to address vision clearance is available, and any of the following conditions exist:
   a. Traffic can safely approach and enter the intersection or street given existing traffic control devices or other physical conditions of the area.
   b. Topographic conditions are so extreme or structures exist such that it is not practical to provide required vision clearance.
   c. Additional traffic control structures or facilities may be required to provide for adequate public safety.

(12) **Streets, Alleys, and Other Public Way Standards Adjustment.** As set out below, specific standards set forth in EC 9.6815 through 9.6830 pertaining to streets may be adjusted if the corresponding criteria are met.
   a. **Street Connectivity Standards.** As an alternative to compliance with the standards of EC 9.6815(2) Street Connectivity Standards (a)-(d), the applicant may, at his or her expense, provide to the city a local street connection study that demonstrates how the proposed street system meets the intent of street connectivity provisions of this land use code as expressed in EC 9.6815(1), and how undeveloped or partially developed properties within a quarter mile can be adequately served by alternative street layouts. Approval of the street connection study by the city shall constitute an adjustment to the standards of EC 9.6815(2).

   b. **Cul-de-Sacs.** The limitation of a 400 foot maximum length for a cul-de-sac in EC 9.6820 may be adjusted if all of the following conditions exist:
      1. The physical shape of the property prevents alternative development patterns and there are no practical alternative street layouts available...
that would meet street connectivity.

2. The physical conditions of the property preclude the ability to achieve the density permitted according to the zoning of the property with a cul-de-sac of only 400 feet. 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.

(c) **Intersection Standards.** The minimum offset intersection requirements set forth in EC 9.6830 may be adjusted if the proposed adjustment is necessary and is designed so that no offset dangerous to the traveling public is created as a result of staggering of intersections. An offset necessary to assure safety and efficiency based on traffic engineering principles shall be required. Upon submittal by a traffic engineer and approval by the city of a study that demonstrates the safety and efficiency of an intersection offset of a lesser distance, the minimum intersection offsets of 100 feet on a local street, 200 feet on a collector streets, and 400 feet on an arterial street may be adjusted. Offsets shall be measured from the center lines of the two intersecting streets.

(13) **Tree Preservation and Removal Standards Adjustment.** Except as otherwise provided in EC 9.6885(3) Adjustments to Standards, the tree preservation and removal standards of EC 9.6885(2) may be adjusted, and the number of trees required to be preserved may be reduced based on compliance with all of the following criteria of (a), (b), (c), and (d), and one of the conditions of (e) exists:

(a) The proposed adjustment to the tree preservation and removal standards is the minimum necessary to implement the development proposal.

(b) The proposal includes an approved replanting or restoration program or plan that mitigates the loss of trees or impacts to other natural features.

(c) The proposal is otherwise in compliance with all applicable standards.

(d) Alternative proposals have been evaluated, and there is no feasible alternative.

(e) One of the following conditions exists:

1. Compliance with tree preservation and removal standards is not feasible, or would result in degradation of steep slopes, significant wildlife habitat, or water bodies due to the topography or other natural features of the development site; or

2. An adjustment to the tree preservation and removal standards is necessary in order to achieve the minimum residential density under this land use code; or

3. The existing trees required to meet the minimum preservation standard are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.

(14) **Overlay Zone Development Standards Adjustment.** Where this land use
code provides that the applicable overlay zone standards may be adjusted, the standards may be adjusted upon finding that the development site does not have alley access or with physical or legal constraints if both of the following are met:

(a) The adjustment is necessary due to topography, natural features, easements, and similar physical or legal constraints that preclude full compliance. Self-imposed conditions do not satisfy this criterion.

(b) The adjustment of the standards will result in a development that is consistent with the purpose of the overlay.

(15) S-H Historic Zone Standards Adjustment. In addition to the allowed adjustments to standards provided elsewhere in this land use code, any standard applicable to an S-H Historic Zone may be adjusted upon finding that the proposal is consistent with the purpose of the applicable zone and is suitable for the area.

(16) /BW Broadway Overlay Zone. A standard applicable within the /BW Broadway Overlay Zone may be adjusted upon a finding that the proposed adjustment is consistent with:

(a) The purposes of the /BW Broadway Overlay Zone as set forth in EC 9.4070; and

(b) The applicable adjustment criteria in another subsection of EC 9.8030, if any.

If there is no subsection within EC 9.8030 that pertains to the type of standard being considered, adjustment may be permitted based solely on compliance with EC 9.8030(16)(a).

(17) S-RN Royal Node Special Area Zone Standards Adjustment. A standard applicable within the S-RN Royal Node Subarea LDR, MDR, RMU, CMU or MSC may be adjusted upon a finding that the proposed adjustment:

(a) Is consistent with the purposes of the S-RN Royal Node Special Area Zone as set forth at EC 9.3800; and

(b) Meets the applicable adjustment criteria in another subsection of EC 9.8030, if any.

If there is no EC 9.8030 subsection that pertains to the type of standard being considered, adjustment may be permitted based solely on compliance with EC 9.8030(17)(a).

(Section 9.8030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)
Annexations

9.8035  **Annexation Application Requirements and Criteria.** The provisions for processing annexation applications are found in EC 9.7800 through 9.7885, Annexation Application Procedures and Criteria.  
(Section 9.8035, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Cluster Subdivision

9.8040  **Purpose of Cluster Subdivisions.** The cluster subdivision provisions are designed to provide for flexibility in achieving the allowed density while protecting natural resources or creating open space on development sites in residential zones.  
(Section 9.8040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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, shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing. No development permit shall be issued by the city prior to approval of the cluster subdivision.  
(Section 9.8045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8050  **Cluster Subdivision Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative cluster subdivision plan applications:

1. All cluster subdivision applications shall include the standard subdivision requirements set forth in EC 9.8510 Subdivision, Tentative Plan Application Requirements except for 9.8510(4).

2. The cluster subdivision application shall identify a project coordinator that is either licensed in the state of Oregon to practice architecture or landscape architecture. For applications that include 4 acres or more, the application shall also include a professional design team consisting of at least the following professionals:
   1. Architect.
   2. Civil Engineer or Land Surveyor.
   3. Landscape Architect or Planner.

(Section 9.8050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Cluster Subdivision- Approval Criteria - General. 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 except for the standards related to EC 9.2760 Residential Zone Lot Standards;
   b. EC 9.2750 Residential Zone Development Standards;
   c. EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;
   d. EC 9.6500 through EC 9.6510 Public Improvement Standards; and

The residential lot and development standards may be relaxed based on compliance with the remainder of the cluster subdivision criteria. 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.

2. For areas not included on the city’s acknowledged Goal 5 inventory, the proposed subdivision includes at least 25% of the development site in common open space that either is suitable area for natural resource protection or for use by residents. Areas used for motor vehicle parking and maneuvering shall not be considered as open space.

3. For areas not included on the city’s acknowledged Goal 5 inventory, the proposed subdivision shall maintain open space around natural features, such as steep slopes, wooded areas, and natural waterways or wetlands where those exist, or create common open space with amenities for community activities for residents such as picnic areas, playgrounds, sports features, or gardens.

4. The cluster subdivision will provide adequate screening from surrounding properties including, but not limited to, anticipated building locations, bulk, and height.

5. The proposed residential density, accounting for any duplex, tri-plex and fourplex lots, shall comply with Table 9.2750 Residential Zone Development Standards.

6. The proposed development provides adequate degree of light, air circulation, and privacy for residents within the development.

7. The proposed subdivision will be consistent with the property's designation in the Metro Plan, and applicable adopted plan policies beginning at EC 9.9500.

8. For areas included on the city’s acknowledged Goal 5 inventory, natural resource protection shall be consistent with the acknowledged level of protection provided for the resource.

(Section 9.8055, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Code Amendments

9.8060 General Requirements. Sections 9.8060 through 9.8065 apply to amendments to this land use code, which shall be processed as provided in EC 9.7500 through EC 9.7560, under Type V Application Procedures.

(Section 9.8060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

1. Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.

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

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

(Section 9.8065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Conditional Use Permits

9.8075 Purpose of Conditional Use Permits. Certain types of uses require special consideration before being permitted in particular zones. The reasons for requiring special consideration include, for example, the size of the area required for the full development of those uses, the nature of traffic problems incidental to operation of those uses, the effect those uses might have on adjoining land uses, potential environmental impacts, and their effect on the growth and development of the community as a whole. Uses permitted only with a conditional use permit may also possess unique or special characteristics that make it unacceptable to permit them in particular zones without conditions. In zones where a use may be conditionally permitted, the location and operation of the use is subject to conditional use permit review and approval under a Type III application procedure. One purpose for the review is to determine if the characteristics of the use can be made reasonably compatible with the type of uses permitted outright in surrounding areas. Another purpose is to provide reasonable and necessary conditions so the basic purposes of this land use code are served.

(Section 9.8075, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8080 Applicability. Conditional use permits apply to the initiation or expansion of a use listed as being subject to the conditional use permit review process in this land use code. When a conditional use permit is required, no development permit shall be issued by the city prior to approval of the conditional use permit.

(Section 9.8080, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Conditional Use Permit Application Requirements. Conditional use applications shall be processed in accordance with the application procedures contained in EC 9.7000 through 9.7885, Application Procedures. When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of that conditional use permit. If the proposal includes needed housing, as defined by state statutes, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria - General instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria - Needed Housing.

(Section 9.8085, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

1. The proposal is consistent with applicable provisions of the Metro Plan and applicable refinement plans.

2. The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, as they relate to the following factors:
   a. The proposed building(s) mass and scale are physically suitable for the type and density of use being proposed.
   b. The proposed structures, parking lots, outdoor use areas or other site improvements which could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or are adequately mitigated through other design techniques, such as screening and increased setbacks.
   c. If the proposal involves a residential use, the project is designed, sited and/or adequately buffered to minimize off-site impacts which could adversely affect the future residents of the subject property.

3. The location, design, and related features of the proposal provides a convenient and functional living, working, shopping or civic environment, and is as attractive as the nature of the use and its location and setting warrant.

4. The proposal demonstrates adequate and safe circulation exists for the following:
   a. Vehicular access to and from the proposed site, and on-site circulation and emergency response.
   b. Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on 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.

(5) The proposal is designed and sited to minimize impacts to the natural environment by addressing the following:

(a) **Protection of Natural Features.**

1. For areas not included on the city’s acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
   a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under state or federal law), and native plant communities.
   b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under state or federal law).
   c. Prominent topographic features, such as ridgelines and rock outcrops.
   d. Wetlands, intermittent and perennial stream corridors and riparian areas.
   e. Natural resource areas designated in the Metro Plan diagram as “Natural Resource” and areas identified in any city-adopted natural resource inventory.

2. For areas included on the city’s acknowledged Goal 5 inventory, the preservation of natural features shall be consistent with the acknowledged level of preservation provided for the area.

(b) **Tree Preservation.** The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:

1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria.
2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow.
3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement.
4. Trees that provide a buffer between potentially incompatible land uses.
5. Trees located along the perimeter of the lot(s) and within building setback areas.
6. Trees and stands of trees located along ridgelines and within view corridors.
7. Trees with significant habitat value.
8. Trees adjacent to public parks, open space and streets.
9. Trees along water features.

(c) Restoration or Replacement.
1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
   a. Planting of replacement trees within common areas; or
   b. Re-vegetation of slopes, ridgelines, and stream corridors; or
   c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.

To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.

2. For areas included on the city's acknowledged Goal 5 inventory, any loss of natural features shall be consistent with the acknowledged level of preservation provided for the resource.

(d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.

(6) The proposal provides adequate public facilities and services including, but not limited to utilities, streets, and other infrastructure.

(7) The proposal does not create any significant risk to public health and safety, including but not limited to soil erosion and flood hazard, or an impediment to emergency response.

(8) The proposal complies with all applicable standards, including but not limited to:
   a. EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;
   b. EC 9.6500 through EC 9.6510 Public Improvement Standards; and

(d) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category, it shall achieve the minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards, unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit. For purposes of calculating "net density," the acreage of land considered shall include the entire development site and exclude public property, such as public streets, parks, and other public facilities. In considering whether to grant a modification to the density requirements, the hearings official shall evaluate the following factors:

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1. The availability of the development site for residential use on August 1, 2001. The term “availability” in this section shall include consideration of whether the site was already developed with non-residential uses or had other site constraints impacting its suitability for residential use.

2. The necessity of the development site to be developed with residential uses to be able to achieve the minimum residential density for the area designated on the Metro Plan Land Use Diagram for either medium- or high-density residential use.

3. Adopted plan policies indicate the suitability and appropriateness of the site for non-residential use.

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


(Section 9.8090, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8095 **Conditions.** The hearings official shall impose conditions deemed necessary to assure compliance with approval criteria.

(Section 9.8095, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8100 **Conditional Use Permit Approval Criteria - Needed Housing.** The hearings official shall approve, conditionally approve, or deny the conditional use permit application. Unless the applicant elects to use the general criteria contained in EC 9.8090 **Conditional Use Permit 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 conditional use based on compliance with the following criteria:

(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.

(2) If applicable, the proposal complies with the standards contained in EC 9.5500 **Multiple-Family 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 EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.

   (b) Natural resource areas designated on the Metro 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.
(4) The proposal complies with all applicable standards, including, but not limited to:
(a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(b) EC 9.6730 Pedestrian Circulation On-Site.
(c) EC 9.6735 Public Access Required.
(d) EC 9.6750 Special Setback Standards.
(e) EC 9.6775 Underground Utilities.
(f) EC 9.6780 Vision Clearance Area.
(g) 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.

(5) 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 conditional use permit, and the petition has been accepted by the city engineer.

(Section 9.8100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(1) Purpose. This classification of conditional use is provided in order to facilitate special review of certain uses within the natural resource zone or the wetland buffer overlay zone. It is intended to implement policies in the adopted West Eugene Wetlands Plan or other applicable plans.

(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.

(Section 9.8105, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8110 Modifications to Approved Conditional Use Permit. After the effective date of the approval of the conditional use permit, modifications to the approved conditional use permit may be considered in accordance with the Type II application procedures contained in EC 9.7200 through 9.7230, Type II Application Procedures. The
planning director shall approve the request only if it complies with the following criteria:

(1) The proposed modification is not materially inconsistent with the conditions of the original approval; and

(2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the requested modification does not meet the criteria for approval, the application will be denied. The applicant may submit the requested modification as a new conditional use permit application based on Type III procedural requirements. Nothing in this land use code shall preclude the applicant from initially submitting the requested modification as a new conditional use permit application.

(Section 9.8110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8113 **Conditional Use Permit, Revocation.** The hearings official may revoke a conditional use permit based on the criteria in EC 9.0260 Revocation of Conditional Use Permits, in the manner provided in that section.

(Section 9.8113, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Hazardous Materials Review**

9.8130 **Purpose of Hazardous Materials Review.** The purpose of Hazardous Materials Review is to ensure that a development or use proposed to be located in an area with either known or potential special hazardous materials is established only if necessary steps have been taken to address issues of public health, safety and welfare.

(Section 9.8130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8135 **Applicability.** Hazardous material review is required when the development or use is proposed to be located in an area with either known or potential special hazardous materials, as defined in this code or rules issued thereunder, based on the prior use of the site or the existence of hazardous materials located on or adjacent to the site.

(Section 9.8135, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(Section 9.8140, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Approval Criteria. The planning director shall approve, conditionally approve, or deny an application for Hazardous Materials Review, following a Type II process. Approval or conditional approval shall be based on compliance with the following criteria:

1. The proposed development or use will have no adverse health or safety impacts on the community.
2. The proposed development or use will meet adopted city standards related to hazardous materials.
3. All mitigating measures necessary to alleviate impacts to public health, safety and welfare have been identified and provided for.
4. The design and construction of building foundations and public and private utilities and infrastructure improvements meet adopted city standards.

(Section 9.8145, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Historic Property Applications

Purpose of Historic Property Applications. To help make the citizens of the community and its visitors aware of the origin, development, and historic significance of property, this land use code contains regulations for the preservation of historic property.

(Appendix 9.8150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Applicability. These regulations are applicable to historic property as defined in this land use code.

(Appendix 9.8155, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

General Application Requirements. All historic property applications shall be submitted on a form approved by the city manager and in the manner provided in EC 9.7000 through EC 9.7030, and shall also comply with the following additional requirements for historic property applications:

1. Historic Landmark Designation. The historic landmark designation follows a Type III process and may be initiated by the property owner, planning director, or city council.
2. Historic landmark- Removal of Designation. The property owner of a historic landmark or the planning director may initiate the process to remove historic landmark designation. Removal applications shall follow a Type I process.
3. Historic Property Demolition. A pre-application conference is required prior to submittal of a historic property demolition application. The demolition
application shall follow a Type II application process (EC 9.7010 Application Filing). In order for the city to determine that a historic property demolition application is complete, the owner shall establish that within the previous year the owner has solicited purchase offers for the historic property by giving notice of sale of the property as follows:
(a) Listing the property for sale in both The Register Guard and Oregonian at least six times and at regular intervals;
(b) Posting and maintaining visible for sale sign(s) on the property as specified by the planning director; and
(c) Making a financial prospectus on the status of the property available to interested parties.

As part of the historic property demolition application, the applicant shall prepare and submit a historic property mitigation report.

(Section 9.8160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8165 Historic Landmark- Designation Approval Criteria. The historic review board shall designate a historic resource as a historic landmark if it finds that the following criteria are met:
(1) Designation is consistent with applicable provisions of the Metro Plan and applicable refinement plans.
(2) Designation is based on a determination of historic significance according to one or more of the following:
   (a) Is associated with events that have made a significant contribution to the broad patterns of history.
   (b) Is associated with the lives of persons significant to our past.
   (c) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
   (d) Yields, or may be likely to yield, information important to prehistory or history.
(3) In addition to EC 9.8165 (1) and (2) above, criteria for designation of a historic resource that was moved, is primarily commemorative in intent, or less than fifty years of age shall include the following considerations:
   (a) A historic resource moved from its original location or a place that has historic significance can be eligible if it has historic architectural significance or is the surviving property most importantly associated with a historic person or event.
   (b) A historic resource that is primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historic significance.
(c) A historic resource achieving significance within the last fifty years can be eligible if it is of exceptional importance.

(Section 9.8165, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8170 Historic Landmark-Removal of Designation Approval Criteria. The planning director shall remove a historic property from the local list of landmark designations if any of the following conditions are met:

1. Upon verification that the historic landmark is demolished or moved.
2. The property owner requests that the local historic landmark designation be removed.

(Section 9.8170, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8175 Historic Property Alteration Approval Criteria. The planning director shall approve, approve with conditions or deny an application for historic property alteration. Approval, or conditional approval shall be granted if all of the following criteria for historic rehabilitation or historic restoration work are met:

1. The historic significance of the property is retained and preserved by minimizing the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the historic property.

2. The historic property remains recognizable as a physical record of its time, place, and use. The alteration will not create a false sense of historical development by adding conjectural features or elements from other historic properties or time periods.

3. Changes to the property that have acquired historic significance in their own right are retained and preserved to the extent possible.

4. Distinctive materials, features, finishes, construction techniques, or examples of skilled craftsmanship that characterize the property are retained to the extent possible.

5. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and where possible, materials. Whenever possible replacement of missing features, including identified historic landscape features, is substantiated by historic, pictorial, or physical evidence rather than on conjectural designs.

6. New additions, exterior alterations, or related new construction do not unnecessarily destroy historic materials, features, and spatial relationships that characterize the property. The new work is differentiated from the old and is compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. If a historic property alteration is removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired to the extent possible.

7. If applicable, the proposed alteration is consistent with development standards.
or design guidelines adopted by the historic review board.

(8) Every reasonable effort is made to protect known archeological resources affected by and adjacent to any alteration project. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) The proposed alteration complies with all applicable standards or adjustments thereto made pursuant to provisions beginning at EC 9.8015 of this land use code.

(Section 9.8175, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8180 Historic Property Demolition Approval Criteria. No person may demolish a historic property unless the planning director has approved, with or without conditions, an application to do so and a demolition permit has been obtained from the city manager. (Refer to EC 9.8160 General Application Requirements concerning pre-application requirements.) The planning director may condition approval of the application upon a postponement of the demolition if it will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If a postponement is a condition of approval, the decision of the planning director shall be in writing and contain findings and conclusions. The planning director shall consider the following in assessing the likelihood of preservation:

(1) The state of repair of the historic property and the financial and physical feasibility of historic rehabilitation, historic property moving, or leaving the property in its current state or location.

(2) The effects of the moving upon the use and development of the historic property.

(3) The marketability of the property and the willingness of the property owner to sell the property.

As a condition of approval of a demolition permit the planning director may impose certain documentation or artifact preservation requirements as outlined in the application form. These application provisions may be waived by the planning director based on public safety concerns and an immediate need to allow the structure to be demolished. Waiver under this section however does not waive the requirement for a demolition permit that would be applicable for property without historic property designation.

(Section 9.8180, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8185 Historic Property Moving Approval Criteria. No person may move a historic property unless the planning director has approved an application to do so and the necessary permits have been obtained. The planning director shall approve the application unless a postponement will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If the planning director
requires postponement, the decision shall be in writing and contain findings and
close. The planning director shall consider all of the following in assessing the
likelihood of historic preservation:
(1) Relocation is the only viable alternative for preservation of the historic property.
(2) The effects of the moving upon the use and development of the historic
property.
(3) The historic property is structurally capable of relocation.
(4) The proposed new relocation site will not reduce the historic significance or
historic architectural significance of the historic property.
When a historic property is moved to a new location, the historic property status is
automatically removed from that property at the new site unless the planning director,
using the process required for designation, determines that the historic landmark
designation is appropriate.
(Section 9.8185, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

Interpretations

9.8187 Interpretations. Interpretations of this land use code and decisions issued pursuant
to this land use code shall be determined as provided in EC 9.0040 Land Use Code
and Decision Interpretation.
(Section 9.8187, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

Metro Plan Amendments

Metro Plan amendment applications are found beginning at EC 9.7700 Metro Plan
Amendment Procedures.
(Section 9.8190, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

Partitions, Tentative Plan

9.8200 Purpose of Partitions, Tentative Plan. Sections 9.8200 through 9.8245 govern the
approval of partitions. These regulations are intended to accomplish the orderly
development of land within the community, ensure the adequate provision of public
facilities and services, protect the public health and safety of the community and
enable development to occur consistent with applicable provisions of the Metro Plan.
(Section 9.8200, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)
Applicability of Partition Tentative Plan Applications. Requests to create 2 or 3 parcels shall be subject to the partition provisions of this land use code, following a Type II application procedure. A partition application that also involves a PUD request may not be submitted until a decision on the tentative PUD approval is final. (Refer to EC 9.8305 Applicability.) No development permit shall be issued by the city prior to approval of the tentative partition application.

(Section 9.8205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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:

(1) Applications are prepared by an Oregon licensed land surveyor and contain a preliminary title report.

(2) Applications include all contiguous property under the same ownership as the subject property, and are signed by the owner of the property.

(3) The lot proposed to be divided in the partition application is a legal lot.

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

(Section 9.8210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

Partition Tentative Plan Approval Criteria General. 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:

(1) The proposed partition complies with all of the following:

(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements.

(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.

(c) EC 9.6500 through EC 9.6510 Public Improvement Standards.

(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas Standards.

(e) EC 9.6710 Geological and Geotechnical Analysis.

(f) EC 9.6735 Public Access Required.

(g) EC 9.6750 Special Setback Standards.

(h) EC 9.6775 Underground Utilities.

(i) EC 9.6780 Vision Clearance Area.

(j) All other applicable development standards for features explicitly included in the application.

(k) The applicable adopted plan policies beginning at EC 9.9500.
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.

(2) The proposed partition will not create a new nonconforming situation.

(3) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.

(4) If the provisions of EC 9.8215(1) require a public street, or if the applicant proposes the creation of a public street, all of the following criteria also apply:
   (a) The proposal will 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.
   (b) The proposed partition will:
       1. Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;
       2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
       3. Not hamper the adequate provision of publicly owned open space for recreation needs.
   (c) The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and industrial areas, and provides safe, convenient and direct transit circulation, 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 be reasonably expected to be used by bicyclists.

(5) As far as is practicable, lot side lines run at right angles to the street upon which the lots face, except that on curved streets they are radial to the curve.

(6) If the partition results in a parcel greater than 13,500 square feet in size, the application shall indicate the location of parcel lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

(Section 9.8215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8220 Partition, Tentative Plan Approval Criteria- Needed Housing. 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 the 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.

(2) The proposed partition complies with all of the following:
(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements.
(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.
(c) EC 9.6500 through EC 9.6510 Public Improvement Standards.
(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(e) EC 9.6735 Public Access Required.
(f) EC 9.6750 Special Setback Standards.
(g) EC 9.6775 Underground Utilities.
(h) EC 9.6780 Vision Clearance Area.
(i) EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
(j) All other applicable development standards for features explicitly included 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.

(3) The proposed partition will not cause any existing improvements on proposed lots to be inconsistent with applicable standards in this land use code.

(4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.

(5) If the provisions of EC 9.8220(1) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:
(a) The proposed land uses and densities within the partition are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.
(b) 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.

(6) If the partition results in a parcel greater than 13,500 square feet in size, the application shall indicate the location of parcel lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways.

(Section 9.8220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Partition, Final Plat

9.8225  **Purpose of Partition, Final Plat.** The partition process includes both a tentative plan and final plat procedure. Sections 9.8225 through 9.8245 provide the regulations for processing partition final plat applications to ensure that tentative plan approval conditions have been met.

(Section 9.8225, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8230  **Applicability of Partition, Final Plat Applications.** A partition final plat application is applicable when the subject property has received tentative plan approval and any required approval conditions have been met.

(Section 9.8230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8235  **Partition, Final Plat Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, final plat applications shall:

1. Be signed by the owner of the property.
2. Contain a proposed final plat stamped and signed by an Oregon licensed land surveyor, complying with state and local platting and surveying requirements.
3. Contain documentation addressing all conditions of tentative plat approval and state and local platting requirements.

(Section 9.8235, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8240  **Partition, Final Plat Approval Criteria.** The planning director shall approve or deny the partition’s final plat. Approval shall be based on compliance with the following criteria:

1. The city surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.
2. Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.
3. Public improvements as required by this land use code or as a condition of tentative plan approval are completed, or:
   a. A performance bond or suitable substitute as agreed upon by the city and applicant 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 partition and the petition has been accepted by the city engineer.
4. Public assessments, liens, and fees with respect to the partition have been paid,
or:
(a) A segregation of assessments and liens has been applied for and granted by
the city, or
(b) An adequate guarantee in a form acceptable to the city manager has been
provided assuring the liens, assessments and fees will be paid prior to
recording the final plat.

(5) All conditions of tentative partition approval have been met and the final plat
substantially conforms to the provisions of the approved tentative partition.

(Section 9.8240, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

9.8245 Partition, Final Plat Recordation. The city surveyor and planning director shall
note their approval of the partition on the partition's final plat along with the effective
date of approval, which constitutes the city's acceptance of any dedications to the
public contained therein. After approval, the city shall forward the partition plat to
Lane County for signature by the county assessor and recording.

(Section 9.8245, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)

Planned Unit Development, Tentative Plan

9.8300 Purpose of Planned Unit Development. The planned unit development (PUD)
provisions are designed to provide a high degree of flexibility in the design of the site
and the mix of land uses, potential environmental impacts, and are intended to:
(1) Create a sustainable environment that includes:
(a) Shared use of services and facilities.
(b) A compatible mix of land uses that encourage alternatives to the use of the
automobile.
(c) A variety of dwelling types that help meet the needs of all income groups
in the community.
(d) Preservation of existing natural resources and the opportunity to enhance
habitat areas.
(e) Clustering of residential dwellings to achieve energy and resource
conservation while also achieving the planned density for the site.
(2) Create comprehensive site plans for geographic areas of sufficient size to
provide developments at least equal in quality to those that are achieved through
the traditional lot by lot development and that are reasonably compatible with
the surrounding area.

(Section 9.8300, see chart at front of Chapter 9 for legislative history from 2/26/01 through
6/1/02.)
Applicability. PUD provisions shall be applied when any of the following conditions exist:

(1) The proposal is subject to review and approval through the PUD process according to an adopted refinement plan, including but not limited to, property within the boundary of the South Hills Study where all or a portion of a development site is:
   (a) Between an elevation of 500 feet and 701 feet, and the development site is at least 4 acres with areas of the development site containing slopes that exceed 20%.
   (b) On property above 701 feet in elevation, except partitions that do not include the creation of a public street, unless an alternate review procedure is approved pursuant to EC 9.9630(3)(a).
   (c) Above an elevation of 900 feet, except for a land division undertaken by or on behalf of a governmental entity in order to preserve, manage, or expand park, open space, or natural resource areas.

(2) The property is zoned with a PD overlay zone.

(3) One or more land uses proposed for the site are subject to review and approval through the PUD process according to the zoning.

(4) When requested by the property owner.

No development permit shall be issued by the city prior to approval of the final PUD.

(Tentative Planned Unit Development General Application Requirements.

(1) Ownership. The area included in a proposed PUD shall either be under single ownership or common development control. The application shall include all contiguous property under the same ownership or development control, shall be signed by the owner of the property, and include such related information as prescribed by the planning director. Otherwise contiguous parcels that are separated only by a public right-of-way, shall be included in the PUD application unless the public right-of-way is designated an arterial or collector on the street classification map. If otherwise contiguous parcels are separated by an arterial or collector street, the applicant may, at the applicant’s discretion, include those parcels in the PUD application.

(2) Project Coordinator and Professional Design Team. The tentative PUD application shall identify the PUD project coordinator and the professional design team and certify compliance with the following:
   (a) Project Coordinator. The project coordinator shall:
      1. Be the liaison between the applicant and the city.
      2. Ensure that the required plans are prepared and executed according to any required conditions.
      3. Either be a member of the American Institute of Certified Planners or licensed in the state of Oregon to practice architecture, civil engineering, or landscape architecture.
The project coordinator, or at least one design team member, shall attend all public meetings at which the proposal is discussed.

(b) **Professional Design Team Designation.** Unless waived by the planning director, the professional design team shall consist of at least the following professionals:
1. Oregon licensed arborist.
2. Oregon licensed architect.
3. Oregon licensed civil engineer.
4. Oregon licensed landscape architect.
5. Oregon licensed land surveyor.
6. A member of the American Institute of Certified Planners.

(c) **Plan Certification.** Certification of the services of the professionals responsible for particular drawings shall appear on those drawings. To ensure comprehensive review of all plans for compliance with the PUD provisions by the professional design team, the cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the professional design team stating that the portion of the project in which he or she was involved complies with the following:
1. Meets the standards of his or her profession.
2. Complies with the tentative PUD criteria.

(3) **Phasing.** The tentative PUD application shall include a phasing plan that indicates any proposed phases for development, including the boundaries and sequencing of each phase. Phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements.

(4) **Density.** Dwelling unit densities for PUDs shall be consistent with Table 9.2750 Residential Zone Development Standards. The calculation of the number of dwelling units allowed shall be determined based on the following:

(a) **Easement Calculations.** If it is demonstrated that easements will benefit residents of the proposed PUD, residential density calculations may include areas in easements, with the exception of private streets or ingress/egress easements.

(b) **Dedications.** If it is demonstrated that lands dedicated to the city will benefit residents of the proposed PUD, residential density calculations may include areas dedicated to the public for recreation or open space.

(c) **Cumulative Density.** When final plans are to be approved in phases, at no time shall the cumulative residential density exceed the overall density per acre established at the time of tentative plan approval.

(5) **Needed Housing.** If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the PUD application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria-General instead of the approval criteria found in EC 9.8325 Tentative Planned Unit Development Approval Criteria-Needed Housing.

(Section 9.8310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.8320 Tentative Planned Unit Development Approval Criteria- General. The hearings
official shall approve, approve with conditions, or deny a tentative PUD application
with findings and conclusions. Decisions approving an application, or approving with
conditions shall be based on compliance with the following criteria:
(1) The PUD is consistent with applicable adopted policies of the Metro Plan.
(2) The PUD is consistent with applicable adopted refinement plan policies.
(3) The PUD will provide adequate screening from surrounding properties
including, but not limited to, anticipated building locations, bulk, and height.
(4) The PUD is designed and sited to minimize impacts to the natural environment
by addressing the following:
(a) Protection of Natural Features.
   1. For areas not included on the City’s acknowledged Goal 5 inventory,
      the preservation of significant natural features to the greatest degree
      attainable or feasible, including:
      a. Significant on-site vegetation, including rare plants (those that
         are proposed for listing or are listed under State or Federal
         law), and native plant communities.
      b. All documented habitat for all rare animal species (those that
         are proposed for listing or are listed under State or Federal
         law).
      c. Prominent topographic features, such as ridgelines and rock
         outcrops.
      d. Wetlands, intermittent and perennial stream corridors, and
         riparian areas.
      e. Natural resource areas designated in the Metro Plan diagram as
         “Natural Resource” and areas identified in any city-adopted
         natural resource inventory.
   2. For areas included on the City’s acknowledged Goal 5 inventory:
      a. The proposed development's general design and
         character, including but not limited to anticipated
         building locations, bulk and height, location and
         distribution of recreation space, parking, roads,
         access and other uses, will:
         (1) Avoid unnecessary disruption or removal of
             attractive natural features and vegetation, and
         (2) Avoid conversion of natural resource areas
             designated in the Metropolitan Area General
             Plan to urban uses when alternative locations
             on the property are suitable for development
             as otherwise permitted.
      b. Proposed buildings, road, and other uses are
         designed and sited to assure preservation of
         significant on-site vegetation, topographic features,
and other unique and worthwhile natural features, and to prevent soil erosion or flood hazard.

(b) **Tree Preservation.** The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:

1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
4. Trees that provide a buffer between potentially incompatible land uses;
5. Trees located along the perimeter of the lot(s) and within building setback areas;
6. Trees and stands of trees located along ridgelines and within view corridors;
7. Trees with significant habitat value;
8. Trees adjacent to public parks, open space and streets;
9. Trees located along a water feature;

(c) **Restoration or Replacement.**

1. For areas not included on the city’s acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
   a. Planting of replacement trees within common areas; or
   b. Re-vegetation of slopes, ridgelines, and stream corridors; or
   c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.

To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.

2. For areas included on the city’s acknowledged Goal 5 inventory, any loss of significant natural features described in criteria (a) and (b) above shall be consistent with the acknowledged level of protection for the features.

(d) **Street Trees.** If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305.

(5) The PUD provides safe and adequate transportation systems through compliance
with the following:

(a) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other
Public Ways (not subject to modifications set forth in subsection (11)
below).

(b) Pedestrian, bicycle and transit circulation, including related facilities, as
needed among buildings and related uses on 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.

(c) The provisions of the Traffic Impact Analysis Review of EC 9.8650
through 9.8680 where applicable.

(6) The PUD will not be a significant risk to public health and safety, including but
not limited to soil erosion, slope failure, stormwater or flood hazard, or an
impediment to emergency response.

(7) Adequate public facilities and services are available to the site, or if public
services and facilities are not presently available, the applicant demonstrates that
the services and facilities will be available prior to need. Demonstration of
future availability requires evidence of at least one of the following:

(a) Prior written commitment of public funds by the appropriate public
agencies.

(b) Prior acceptance by the appropriate public agency of a written
commitment by the applicant or other party to provide private services and
facilities.

(c) A written commitment by the applicant or other party to provide for
offsetting all added public costs or early commitment of public funds
made necessary by development, submitted on a form acceptable to the
city manager.

(8) Residents of the PUD will have sufficient usable recreation area and open space
that is convenient and safely accessible.

(9) Stormwater runoff from the PUD will not create significant negative impacts on
natural drainage courses either on-site or downstream, including, but not limited
to, erosion, scouring, turbidity, or transport of sediment due to increased peak
flows or velocity.

(10) Lots proposed for development with one-family detached dwellings shall
comply with EC 9.2790 Solar Lot Standards or as modified according to
subsection (11) below.

(11) The PUD complies with all of the following:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density
requirements for the subject zone.

(b) EC 9.6500 through EC 9.6510 Public Improvement Standards.

(c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood

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Hazard Areas - Standards.
(d) EC 9.6710 Geological and Geotechnical Analysis.
(e) EC 9.6730 Pedestrian Circulation On-Site.
(f) EC 9.6735 Public Access Required.
(g) EC 9.6750 Special Setback Standards.
(h) EC 9.6775 Underground Utilities.
(i) EC 9.6780 Vision Clearance Area.
(j) All other applicable development standards for features explicitly included in the application except where the applicant has shown that a proposed noncompliance is consistent with the purposes set out in EC 9.8300

Purpose of Planned Unit Development.

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.

(12) The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, stormwater runoff and environmental quality.

(13) The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.

(14) If the tentative PUD application proposes a land division, nothing in the approval of the tentative application exempts future land divisions from compliance with state or local surveying requirements.

(Section 9.8320, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing.
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:

(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.

(2) The proposed land uses and densities within the PUD are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.

(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).

(4) 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 (9) below).

(b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource" are protected.
(5) There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.

(6) The PUD provides safe and adequate transportation systems through compliance with all of the following:
   (a) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (9) below).
   (b) 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.

(7) The PUD complies with all of the following:
   (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
   (b) EC 9.6500 through 9.6510 Public Improvement Standards.
   (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
   (d) EC 9.6730 Pedestrian Circulation On-Site.
   (e) EC 9.6735 Public Access Required.
   (f) EC 9.6750 Special Setback Standards.
   (g) EC 9.6775 Underground Utilities.
   (h) EC 9.6780 Vision Clearance Area.

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.

(8) The applicant has demonstrated that wastewater service, transportation service, stormwater service, water service, and electrical service will be provided to the site prior to the need for those facilities and services. Where the facility or service is not already serving the site, this demonstration requires evidence of at least one of the following:
   (a) Prior written commitment of public funds by the appropriate public agencies.
   (b) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
   (c) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.

(9) 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.

(10) 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).

(11) 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.

(12) 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.

(b) Development 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.

(c) 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.

(d) 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.

(Section 9.8325, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8330 Site Alteration. Unless specifically permitted by the hearings official, vegetation, topography, and other natural features of areas proposed for a PUD shall not be substantially altered until final PUD approval, and then only as authorized by the final PUD approval. “Substantially altered” includes, but is not limited to, site grading and removal of trees or other vegetation. If a subdivision is required, site alteration shall not be permitted until after tentative subdivision approval is granted.

(Section 9.8330, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Planned Unit Development, Final Plan

9.8350 Purpose of Planned Unit Development, Final Plan. The PUD process includes both a tentative and final plan. Final plan approval is required primarily to ensure that tentative plan approval conditions have been met. (Section 9.8350, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8355 Applicability. A final PUD plan is required for every approved tentative PUD, and every phase of a tentative PUD. (Section 9.8355, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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:

(1) Applications shall contain final maps and supplemental materials required to demonstrate compliance with tentative plan conditions of approval.

(2) Final PUD plans may be submitted in phases, if such phases were approved as part of the tentative PUD consideration. The boundaries of each phase of the final PUD plans shall coincide with the boundaries of the phasing areas approved at the tentative plan stage. Requests to extend the time frame for a specific phase shall be subject to EC 9.7340 Expiration.

(3) Individual phases of a PUD may not be submitted for final PUD review until the boundaries of the phases are legal lots as defined in this land use code, and documents necessary to assure permanent maintenance, at no expense to the city, of buildings, common use facilities, landscaping, open space, and outdoor living areas have been executed and recorded.

(4) When a PUD or any phase thereof is submitted for final approval, each design team member shall provide written certification that the portion of the project in which he or she was involved continues to comply with the approved tentative plan conditions of approval.

(5) 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.

(Section 9.8360, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.8365 Final Planned Unit Development Approval Criteria. The planning director shall approve, approve with conditions, or deny a final PUD application. Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.

(Section 9.8365, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8370 Modifications to Approved Planned Unit Development. The applicant for the original PUD may apply for a modification of the final PUD approval following the Type II process. The planning director shall approve the request only if it complies with the following criteria:

1. The proposed modification is consistent with the conditions of the original approval.

2. The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the planning director determines that the proposed modification is not consistent with the above criteria, the proposed modification may not occur unless a new tentative PUD application is submitted based on the Type III procedural requirements. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new tentative PUD application.

(Section 9.8370, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8375 Final Planned Unit Development - Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required as a condition of approval, the planning director may require the applicant to post a performance bond in an amount and for a time period determined by the planning director to be sufficient to assure timely completion.

(Section 9.8375, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Property Line Adjustment

9.8400 Purpose of Property Line Adjustment. Sections 9.8400 through 9.8420 provide an expedited process for the review of property line adjustments. A property line adjustment is the relocation of a single boundary line or the removal of non-platted lines between two legal lots. Property line adjustments shall be considered in accordance with the Type I application procedures contained in EC 9.7100 General Overview of Type I Application Procedures.

(Section 9.8400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
**Applicability of Property Line Adjustment Applications.**

(1) A property line adjustment application is applicable to changes to the property lines of adjoining properties when all of the following exist:

(a) A property line proposed for removal is not platted in a partition or subdivision plat.

(b) A property line proposed for adjustment will not result in an increase in the number of parcels or lots.

(c) A property line proposed for adjustment will not create more than 2 property line adjustments to any of the boundaries of an individual lot or parcel within a calendar year. This subsection does not apply to proposed property line adjustments undertaken by or on behalf of a governmental entity that affect the ability to preserve, manage, or expand park, open space, or natural resource areas.

(d) The adjustment will result in less than a 200% change in the size of the lot or parcel. This subsection does not apply to proposed property line adjustments undertaken by or on behalf of a governmental entity that affect the ability to preserve, manage, or expand park, open space, or natural resource areas.

(2) A property line adjustment application may not be utilized to effect the reconfiguration of lots or parcels which must be approved through the partition or subdivision procedure.

(3) A property line adjustment application may not be utilized to create flag lots.

(Section 9.8405, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Property Line Adjustment Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to property line adjustment applications.

(1) Except for parallel property line adjustments when the adjusted property line is a distance of even width along the common boundary, all applications shall be prepared by an Oregon licensed Land Surveyor.

(2) Applications shall be signed by at least one of the owners of each parcel involved, and shall include a preliminary title report for each parcel.

(Section 9.8410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**Property Line Adjustment Approval Criteria.** The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria:

(1) Any buildings to be retained on the properties comply with the minimum front and interior yard setbacks as defined in this land use code.

(2) The final configuration of property lines shall not reduce an existing lot below
the minimum lot standards established in this land use code or otherwise violate standards of this land use code, building codes, and fire codes.

(3) The final configuration of property lines shall not violate any previous requirements or conditions of approval imposed with a prior applicable land use decision.

(4) Public assessments, liens, and fees with respect to the partition have been paid, or:
   (a) A segregation of assessments and liens has been applied for and granted by the city; or
   (b) An adequate guarantee in a form acceptable to the city manager has been provided assuring the liens, assessments and fees will be paid prior to recording the property line adjustment.

Approval of a property line adjustment does not relieve the applicant from complying with all applicable codes or statutory requirements.

(Section 9.8415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8420 **Post-Approval Requirements.**

(1) Upon approval of a property line adjustment, the city shall record with Lane County a Notice of Approval for Property Line Adjustments that contains the revised legal descriptions of the two existing lots affected by the adjustment.

(2) In accordance with state law, the owners of the property affected by the adjustment are responsible for creating and recording a deed with Lane County Deeds and Records that reflects the new location of the property line. The property owners are also responsible for submitting requests to the Lane County Department of Assessment and Taxation for transfers on the assessment roll in accordance with the approved adjustment.

(3) The respective property owners are responsible for payment of any public liens, assessments and fees that may be required prior to recording the notice of approval.

(4) The respective property owners are responsible for meeting the statutory requirements for the survey and monumentation of the new line by an Oregon licensed surveyor.

(Section 9.8420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Refinement Plan Amendments

9.8421 Purpose of Refinement Plan Amendments. An amendment to an existing refinement plan allows changes to be made to portions of the plan without comprehensively updating the entire document. Refinement plan application requirements and criteria are designed to facilitate consideration of amendments to address changes that have occurred, such as changes in state or federal legislation, changes in the Metro Plan or other applicable local policies, or changes in circumstances that could directly influence public policy choices.

(Section 9.8421, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8422 Applicability. Refinement plan amendment procedures only apply when specific changes are proposed to an existing refinement plan that covers areas only within the jurisdiction of the city. The procedures are not applicable to comprehensive updates of an entire refinement plan.

(Section 9.8422, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8423 General Requirements. Applications for refinement plan amendments shall be submitted on a form approved by the city manager and reviewed under a Type IV process for site specific amendments or otherwise, a Type V process according to EC 9.7000 through 9.7885 Application Procedures.

(Section 9.8423, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8424 Refinement Plan Amendment Approval Criteria. The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

(1) The refinement plan amendment is consistent with all of the following:
   (a) Statewide planning goals.
   (b) Applicable provisions of the Metro Plan.
   (c) Remaining portions of the refinement plan.

(2) The refinement plan amendment addresses one or more of the following:
   (a) An error in the publication of the refinement plan.
   (b) New inventory material which relates to a statewide planning goal.
   (c) New or amended community policies.
   (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.
Site Review

9.8425 **Purpose of Site Review.** Site review is used as a means to maintain or improve the character, integrity, and harmonious development of an area, address potential environmental impacts, and to provide a safe, stable, efficient, and attractive on-site environment.

(Section 9.8425, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(1) Property is zoned with the /SR overlay zone and the proposal would result in either of the following:

   (a) New development of vacant sites (excluding partitions and any development that consists only of new or expanded parking areas).

   (b) An expansion of 20 percent or more of the total existing building square footage on the development site.

(2) The proposed use on the property is identified as a use which requires site review under other provisions of this land use code and the proposal would result in either of the following:

   (a) New development of vacant sites (excluding development that consists only of new or expanded parking areas).

   (b) An expansion of 20 percent or more of the total existing building square footage on the development site.

(3) The application proposes needed housing, as defined by State statutes. Applications proposing needed housing shall be reviewed through the Type II site review procedures utilizing the criteria at EC 9.8445 Site Review Approval Criteria - Needed Housing unless the applicant specifically request in the application that the city apply the criteria at EC 9.8440 Site Review Approval Criteria - General.

No development permit shall be issued by the city prior to approval of the site review application.

(Section 9.8430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.8435 **General Requirements.** Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:

(1) Oregon licensed architect.

(2) Oregon licensed civil engineer.
(3) Oregon licensed landscape architect.
(4) A member of the American Institute of Certified Planners.

(Section 9.8435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8440 Site Review Approval Criteria - General. 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:

(1) The site review plan's general design and character is reasonably compatible with surrounding properties, as it relates to building locations, bulk and height, noise, glare and odors.

(2) Proposed lots, buildings, streets, parking lots, recreation areas, and other proposed uses are designed and sited to minimize impacts to the natural environment by addressing the following:

(a) Protection of Natural Features.
   1. For areas not included on the City's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
      a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under State or Federal law), and native plant communities.
      b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
      c. Prominent topographic features, such as ridgelines and rock outcrops.
      d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
      e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.

   2. For areas included on the City's acknowledged Goal 5 inventory the applicant shall show that it has given due consideration to the preservation of attractive and distinctive historical and natural features.

(b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:

   1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;

   2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
4. Trees that provide a buffer between potentially incompatible land uses;
5. Trees located along the perimeter of the lot(s) and within building setback areas;
6. Trees and stands of trees located along ridgelines and within view corridors;
7. Trees with significant habitat value;
8. Trees adjacent to public parks, open space and streets.
9. Trees along water features.

(c) Restoration or Replacement.
1. For areas not included on the city’s acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
   a. Planting of replacement trees within common areas; or
   b. Re-vegetation of slopes, ridgelines, and stream corridors; or
   c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.

To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.335 and rules adopted thereunder.

2. For areas included on the city’s acknowledged Goal 5 inventory, any loss of significant natural features described in criteria (a) and (b) above shall be consistent with the acknowledged level of protection for the features.

(d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.

(e) Parking. There is a need for parking in the area and the proposed parking area will provide shared parking.

(3) The proposal provides safe and adequate transportation systems through compliance with all of the following:
(b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on 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.

(4) The proposal will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.

(5) The proposal complies with all of the following standards:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.

(b) EC 9.6500 through 9.6510 Public Improvement Standards.

(c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.

(d) EC 9.6710 Geological and Geotechnical Analysis.

(e) EC 9.6730 Pedestrian Circulation On-Site.

(f) EC 9.6735 Public Access Required.

(g) EC 9.6750 Special Setback Standards.

(h) EC 9.6775 Underground Utilities.

(i) EC 9.6780 Vision Clearance Area.

(j) All other applicable development standards for features explicitly included 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.

(6) The proposal complies with applicable adopted plan policies beginning at EC 9.9500.

For all properties zoned with the /SR overlay, the above criteria or those contained in EC 9.8445 Site Review Approval Criteria- Needed Housing shall supersede any previously adopted criteria that may have been applied to the property through a rezoning or similar process.

(7) Any additional specific factors applied at the time the /SR designation was applied.

(Section 9.8440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8445 Site Review Approval Criteria- Needed Housing. 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:

(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.

(2) For a proposal for multiple family developments, the proposal complies with the standards contained in EC 9.5500 Multiple Family 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 EC 9.6880 through EC 9.6885 Tree
Preservation and Removal Standards.

(b) Natural resource areas designated on the Metro Plan diagram as “Natural Resource” are protected.

(4) The proposal complies with all of the following standards:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.

(b) EC 9.6500 through 9.6510 Public Improvement Standards.

(c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.

(d) EC 9.6730 Pedestrian Circulation On-Site.

(e) EC 9.6735 Public Access Required.

(f) EC 9.6750 Special Setback Standards.

(g) EC 9.6775 Underground Utilities.

(h) EC 9.6780 Vision Clearance Area.

(i) All other applicable development standards for features explicitly included 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.

(5) 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.

(Section 9.8445, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8450 Final Site Review Approval. Following the issuance of the final decision approving a site review application, the applicant shall satisfy all applicable conditions. A site review plan shall not be stamped with the city’s approval until all conditions of approval have been met. Once stamped by the city’s approval, a site review plan is deemed to be consistent with all development standards of this land use code.

(Section 9.8450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8455 Modifications to Approved Site Review Plans. Modifications of the final approved site review plan may be requested following the Type II process. The planning director shall approve the request if it complies with the following criteria:

(1) The proposed modification is consistent with the conditions of the original approval.
(2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties. If the planning director determines that the modification is not consistent with the above criteria, the proposed modification may not occur until a new site review application is submitted and reviewed based on the Type II application procedures in section 9.7200 and the requirements and criteria in sections 9.8425-9.8455. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new site review application.

(Section 9.8455, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Standards Review

9.8460 Purpose of Standards Review. The standards review process is intended to provide a way to effectively review specific types of proposed development with clear and objective standards outlined in this land use code.

(Section 9.8460, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8465 Applicability. Certain uses in the NR zone as referenced in EC 9.2520(3) are subject to the standards review procedure. Where the provisions of this section require review for compliance with standards, the application for review shall be considered under a Type II process, unless the subject land use application is being considered under a Type III application process. If the review requested is a part of a Type III application, the review of standards shall be considered concurrently under a Type III application process. No development permit shall be issued by the city prior to completion of the standards review.

(Section 9.8465, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8470 Standards Review Approval Criteria. The planning director shall determine whether the application is in compliance with the applicable standards subject to the review.

(Section 9.8470, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Street Name Change

9.8475 Purpose of Street Name Changes. Requests to rename an existing street may be generated by a variety of circumstances. In many cases, there are other existing streets in the city that have similar sounding names resulting in confusion for the postal service, emergency response services and the general public. Applications to
9.8475  
rename a street are subject to state law that requires the planning commission to review the request and make a recommendation to the city council for final action.  
(Section 9.8475, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8480  
Applicability. Any existing street or highway, other than a county or state road or highway, may be renamed by the city council provided it is within six miles of the limits of the city and within the Eugene Urban Growth Boundary. Street name changes are subject to the Type IV procedural requirements beginning at EC 9.7400.  
(Section 9.8480, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8485  
Street Name Change Approval Criteria. The planning commission shall recommend, and the city council shall approve an application for a street name change upon determining that a proposed renaming is in the best interest of the city.  
(Section 9.8485, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8490  
General Requirements. The city council by ordinance shall rename a street or highway in accordance with the recommendation of the planning commission, or by resolution shall reject the recommendation. A certified copy of the ordinance shall be filed for record with the county clerk or recorder, and a like copy shall be filed with the county assessor and county surveyor. The county surveyor shall enter the new names of the streets and roads as required by state law.  
(Section 9.8490, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Subdivision, Tentative Plan

9.8500  
Purpose of Subdivision, Tentative Plan. Sections 9.8500 through 9.8575 governing the approval of subdivisions are established in order to accomplish the orderly development of land within the community. These regulations are intended to ensure adequate provision of public facilities and services, address potential environmental impacts, protect the public health and safety of the community and enable development to occur consistent with the Metro Plan.  
(Section 9.8500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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. A subdivision application that also involves a PUD request may not be submitted until a decision on the tentative PUD approval is final.
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:

1. All tentative subdivision applications shall be prepared by an Oregon licensed land surveyor and shall include a preliminary title report.
2. The application shall include all contiguous undeveloped or partially developed property under the same ownership as the subject property, be signed by the owner of the property, and include such related information as prescribed by the planning director.
3. The tentative subdivision plan application shall include a phasing plan that indicates any proposed phases for development, including the boundaries and sequencing of each phase. Phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements.
4. The lot proposed to be divided in the subdivision application is a legal lot.
5. If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria - General instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing.

(Section 9.8510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.8515 Subdivision, Tentative Plan Approval Criteria - General. 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:

1. The proposed subdivision complies with the following:
   a. EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone;
   b. EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways; and
   c. EC 9.6500 through EC 9.6510 Public Improvement Standards.
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.
(3) Any existing improvements on the proposed lots are consistent with the provisions of this land use code.

(4) The proposed subdivision will be consistent with the property's designation in the Metro Plan and and applicable adopted plan policies as reflected in the sections beginning at EC 9.9500.

(5) The proposed subdivision will:
  (a) Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns;
  (b) Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
  (c) Not hamper the adequate provision of publicly owned open space for recreation needs.

(6) The proposed subdivision provides safe, convenient, and direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and industrial areas, and provides safe, convenient, and direct transit circulation, 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.

(7) The proposed subdivision is designed and sited such that roads, infrastructure, utilities, and future development of proposed lots will minimize impacts to the natural environment by addressing the following:
  (a) Protection of Natural Features.
      1. For areas not included on the city's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
         a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under state or federal law), and native plant communities.
         b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
         c. Prominent topographic features, such as ridgelines and rock outcrops.
         d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
         e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.
      2. For areas included on the city's acknowledged Goal 5 inventory, the preservation of natural features shall be consistent with the acknowledged level of preservation provided for the area.
  (b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with
trees having the following characteristics given the highest priority for preservation:

1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
4. Trees that provide a buffer between potentially incompatible land uses;
5. Trees located along the perimeter of the lot(s) and within building setback areas;
6. Trees and stands of trees located along ridgelines and within view corridors;
7. Trees with significant habitat value;
8. Trees adjacent to public parks, open space and streets.
9. Trees along water features.

(c) **Restoration or Replacement**

1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
   a. Planting of replacement trees within common areas; or
   b. Re-vegetation of slopes, ridgelines, and stream corridors; or
   c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.

   To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.

2. For areas included on the city's acknowledged Goal 5 inventory, any loss of natural features shall be consistent with the acknowledged level of protection provided for the resource.

(d) **Street Trees.** If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.

(8) If the subdivision results in a lot greater than 13,500 square feet in size, the application shall indicate the location of lot lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings
within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

(9) As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.

(10) The proposed subdivision complies with all of the following:
(a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(b) EC 9.6710 Geological and Geotechnical Analysis.
(c) EC 9.6730 Pedestrian Circulation On-Site.
(d) EC 9.6735 Public Access Required.
(e) EC 9.6750 Special Setback Standards.
(f) EC 9.6775 Underground Utilities.
(g) EC 9.6780 Vision Clearance Area.
(h) The proposed subdivision complies with other applicable development standards for features explicitly included 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.


(Section 9.8515, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing. 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.
(2) The proposed land uses and densities within the PUD are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.
(3) The proposed subdivision complies with all of the following:
(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.
(c) EC 9.6500 through EC 9.6510 Public Improvement Standards.
(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(e) EC 9.6730 Pedestrian Circulation On-Site.
(f) EC 9.6735 Public Access Required.
(g) **EC 9.6750 Special Setback Standards.**
(h) **EC 9.6775 Underground Utilities.**
(i) **EC 9.6780 Vision Clearance Area.**

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.

(4) The proposed subdivision will not cause any existing improvements on proposed lots to be inconsistent with applicable standards in this land use code.

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

(6) The proposed subdivision provides safe and adequate transportation systems through compliance with the following: 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.

(7) 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 EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
   (b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource."

(8) If the subdivision results in a lot greater than 13,500 square feet in size, the application shall indicate the location of lot lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways.

(9) The subdivision complies with development standards explicitly addressed in the application or is granted adjustments thereto pursuant to the provisions beginning at EC 9.8015 of this land use code.

(10) Where all or a portion of a development site is within the South Hills Study and above 700 feet in elevation, the proposed development shall have received initial approval through the Planned Unit Development process. Where all or a portion of the development site is within the South Hills Study and is between 500 feet and 701 feet, and the development site is at least 4 acres with areas of the development site containing slopes that exceed 20%, the proposal shall have received initial approval through the Planned Unit Development process.

(Section 9.8520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Subdivision, Final Plat

9.8550  Purpose of Subdivision, Final Plat. Sections 9.8550 through 9.8575 establish the procedures for processing subdivision final plat applications in a manner that ensures adequate provision of public facilities and services, protects the public health and safety of the community and enables development to occur consistent with tentative subdivision approval and applicable provisions of the Metro Plan.

(Section 9.8550, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(Section 9.8555, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8560  Subdivision, Final Plat Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, subdivision final plat applications shall:

(1) Be signed by the owner of the property.
(2) Contain a proposed final plat stamped and signed by an Oregon licensed land surveyor, complying with state and local platting and surveying requirements.
(3) Contain documentation addressing all conditions of tentative plat approval and state and local platting requirements.

(Section 9.8560, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8565  Subdivision, Final Plat Approval Criteria.
The planning director shall approve or deny the subdivision final plat. Approval shall be based on compliance with the following criteria:

(1) Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation.
(2) 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.
(3) Conservation areas, including natural resource buffers and tree preservation areas, have been designated as required by this land use code or as a condition of tentative approval; and 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 implementation of any natural resource protection or restoration requirements of the tentative subdivision approval.

(4) Public assessments, liens, and fees with respect to the subdivision have been paid, or a guarantee acceptable to the city manager has been provided assuring the liens, assessments, and fees will be paid prior to recordation.

(5) All conditions of tentative approval have been met and the final plat substantially conforms with the provisions of the approved tentative plan.

(6) The city surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.

(Section 9.8565, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8570 **Subdivision, Final Plat Recordation.** The city surveyor and planning director shall note their approval of the subdivision on the subdivision's final plat along with the effective date of approval, which constitutes the city's acceptance of any dedications to the public contained therein. After approval, the city shall forward the subdivision's final plat to Lane County for signatures and recording.

(Section 9.8570, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8575 **Special Platting Standards.** In addition to the partition and subdivision requirements contained in this land use code, the following specific platting standards may also apply to partition and subdivision applications that include lots or parcels designated as conservation parcels and lots or parcels located adjacent to a railroad right-of-way:

(1) **Conservation Land Divisions.** Conservation land divisions are intended to facilitate the sale or donation of valuable natural resource areas to public or non-profit agencies for long-term protection and management by dividing conservation areas and remaining areas into separate parcels.

(a) Conservation parcels are those set aside and managed to conserve natural resource values including the following:

1. Wildlife habitat.
2. Ecological significance.
3. Rare or endangered species.
5. Flood storage and control.

Conservation parcels are primarily undeveloped and natural, and shall have no minimum standards for lot area, frontage, width or depth.

(b) Remainder parcels are those parcels that are not being protected for natural resource values. Remainder parcels may be developed, partly developed, or undeveloped. The planning director may authorize exceptions to the minimum platting standards for lot area, lot frontage, lot width, and lot depth for remainder parcels provided the following standards are met:
1. At least one of the lots created must be a conservation parcel and must be rezoned to NR Natural Resource zone prior to or concurrent with land division.

2. The number of remainder parcels created must be the least number that will accomplish the purpose of the conservation land division.

3. Exceptions to minimum lot and parcel platting standards will not be allowed on residentially zoned remainder parcels.

4. Exceptions to minimum lot and parcel platting standards for remainder parcels in agricultural, commercial and industrial zones will be no more than the minimum needed to accomplish the purpose of the conservation land division.

(c) The city shall keep records of approved remainder parcels to ensure that zoning reviews on future development permit applications are consistent with that approval.

(2) **Platting Standards-Railroads.**

(a) In accordance with the purpose of EC 9.8400 **Purpose of Property Line Adjustments**, special requirements may be imposed by the planning director in connection with railroad crossings including, but not limited to, provisions for separation of street and railroad grades, if necessary for the safety of the residents of the partition or subdivision and of the general public.

(b) Where the partition or subdivision is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate the property will be used for industrial purposes, all streets shall be located at a sufficient distance from the right-of-way to allow for reasonable sites for industrial use adjacent to the right-of-way.

(Section 9.8575, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Temporary Manufactured Dwelling Hardship Permits**

**9.8600** **Purpose of Temporary Manufactured Dwelling Hardship Permits.** Sections 9.8600 through 9.8615 regulate the provision of temporary housing to address medical needs. These regulations are intended to ensure adequate provisions exist to accommodate small scale temporary housing on individual lots in low-density areas.

(Section 9.8600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.8605** **Applicability.** Requests for temporary manufactured dwelling hardship permits shall be subject to these provisions.

(Section 9.8605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
9.8610  **Temporary Manufactured Dwelling Hardship Permits General Requirements.**
All applications for a temporary manufactured dwelling hardship permit shall be processed under a Type I procedure and shall be submitted in the manner and on a form approved by the city manager.

(Section 9.8610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8615  **Temporary Manufactured Dwelling Hardship Permit Approval Criteria.** A temporary manufactured dwelling hardship permit shall be granted if all of the following are met:

1. A written communication is submitted to the city from a physician, therapist, or other professional counselor establishing that the person on whose behalf the temporary manufactured dwelling hardship permit is sought is suffering either a physical or mental impairment, infirmity, or is otherwise disabled and must be near a designated care giver in order to receive adequate care.
2. The lot on which the temporary manufactured dwelling would be placed must be zoned R-1.
3. An on-site parking space in addition to that required for the primary dwelling unit must be provided if the resident of the temporary manufactured dwelling owns or operates a vehicle.
4. The temporary manufactured dwelling is limited to a single-wide manufactured dwelling with no more than two bedrooms.
5. The temporary manufactured dwelling must be set back a minimum of 10 feet from the primary dwelling and all interior property lines.
6. The temporary manufactured dwelling must be located to the rear of the primary dwelling unit (except on corner lots).
7. A pedestrian and vehicular access drive to the temporary manufactured dwelling (capable of supporting the weight of emergency vehicles) shall be maintained for the purposes of emergency access and future removal of the manufactured dwelling.
8. The placement of the temporary manufactured dwelling shall not require a permanent foundation, filling, or grading.
9. The temporary manufactured dwelling must be screened from abutting properties with a 75 percent opaque site-obscuring fence, wall, or vegetation 6 feet in height. This requirement can be met by existing or new materials.
10. The temporary manufactured dwelling must be equipped with skirting that in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.
11. The temporary manufactured dwelling must be connected to an on-site sewer system serving an existing dwelling on the same lot.
12. Construction and installation of plumbing, gas, piping, electrical equipment, wiring, tie-downs, over-the-top ties, and skirting must comply with all applicable federal, state and local rules and regulations.
(13) Temporary manufactured dwellings must comply with the solar access setback standards with respect to structures on adjacent lots.

(14) The temporary manufactured dwelling must comply with all applicable federal, state, and local special flood hazard area rules and regulations.

(15) Within 60 days of the date that the hardship for which a temporary manufactured dwelling hardship permit has been issued ceases, the temporary manufactured dwelling must be disconnected from the sewer system and all utilities, and removed from the lot.

(16) The temporary manufactured dwelling must be a manufactured home or a mobile home as defined in section 9.0500.

(Section 9.8615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Traffic Impact Analysis Review

9.8650 Purpose of Traffic Impact Analysis Review. The purpose of Traffic Impact Analysis Review is to ensure that developments which will generate a significant amount of traffic, cause an increase in traffic that will contribute to traffic problems in the area, or result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards provide the facilities necessary to accommodate the traffic impact of the proposed development. In addition, any Traffic Impact Analysis Review addressing streets in the jurisdiction of Lane County is also designed to ensure that cross sectional elements of streets, such as the wearing course or pavement, base material, soils, or storm water structures (bridges or culverts) have the adequate capacity to accommodate developments that utilize vehicles of heavy weight and associated vehicle traffic as part of their activity.

(Section 9.8650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

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

(2) The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city’s traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.

(3) The city has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the roadway
system in the vicinity of the development that do not meet adopted level of service standards.

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

(Section 9.8670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8675 **General Application Requirements.** An application for Traffic Impact Analysis Review shall contain each of the items required by the “Standards for Traffic Impact Analyses” available from the city.

(Section 9.8675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

1. Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.

2. Public improvements shall be designed and constructed to the standards specified in EC 9.6505 **Improvements - Specifications.** The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.

3. An exception to any or all of the requirements listed in the “Standards for Traffic Impact Analyses” for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with this subsection.

4. In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County’s jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street...
structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate vehicle impacts to structures.

(Section 9.8680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Vacations

9.8700  **Purpose of Vacations.** In order to ensure the orderly development of land, public ways in the form of streets, roads, alleys, right-of-way, pedestrian and/or bicycle easements and accessways, or utility easements are established, obtained, or reserved by the city. As land develops, and as land uses change over time, public ways may no longer be necessary for ensuring the orderly development of land. This land use code and state law provide procedures, requirements, and criteria for vacating public ways. The vacation process includes a review of the need for public ways and the manner in which to dispense with public ways. In addition, sections 9.8700 through 9.8725 of this land use code provide a process for the vacation of undeveloped subdivision and partition plats or parts thereof.

(Section 9.8700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8705  **Applicability of Vacation Procedures.**

(1) The vacation process applies to recorded undeveloped subdivision and partition plats and to public ways and public easements under the jurisdiction of the city.

(2) The city's vacation process does not apply to lands over which Lane County or the state have jurisdiction such as unannexed plats or public ways within the Urban Growth Boundary, or county roads and state highways within the corporate limits of the city where jurisdiction has not been transferred to the city.

(3) Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC 9.7000 through 9.7885 Application Procedures.

(Section 9.8705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8710  **Vacations, Application Requirements.**

(1) Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC 9.7000 through 9.7885 and the approval criteria contained in EC 9.8715. In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.

(2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved
public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC 9.7000 through 9.7885 and the approval criteria contained in EC 9.8720. In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.

(3) Notwithstanding the provisions in subsections (1) and (2) above, vacation of any public way acquired with public funds, vacation of improved public right-of-way, and vacation of undeveloped subdivision and partition plats, or parts thereof, including public right-of-way and improved public easements located therein, shall be considered in accordance with the Type IV Application Procedures contained in EC 9.7000 through 9.7885 and the approval criteria contained in EC 9.8725. Applications shall be accompanied by the application fee established by the city manager pursuant to Chapter 2 of this code, and an additional amount sufficient to pay the expenses related to publication of the vacation notice.

(4) In addition to payment of the application and publication fees referenced in subsection (3) above, a vacation of improved or unimproved public right-of-way, any public way acquired with public funds, or any undeveloped subdivision or partition plat, or portions thereof, shall require the payment by the applicant of a deposit equal to the assessment of special benefit that results from the vacation and disposition of property to the benefitted property owners.

(a) The assessed value of special benefit and the amount of money to be deposited shall be determined by the city manager and approved by the city council. The assessed value of special benefit shall include:

1. The value of the real property; and
2. The costs incurred by the city in the construction of public improvements.

(b) Notice of the proposed assessment for benefits shall be given by mail to the owners of the property to be assessed no less than 20 days prior to the public hearing of the vacation application before the city council consistent with the public hearing notice procedures prescribed in EC 9.7400 General Overview of Type IV Application Procedures.

(c) The notice shall contain a statement of the names, addresses, and the amount of the proposed assessment of each land owner's special benefit by the vacation and the hour, date, and place of the public hearing at which the city council will hear objections to the vacation or assessment.

(d) At least 5 working days prior to the public hearing, the land owner shall deposit with the city the sum of money called for by this subsection (4).

(e) If the vacation application is approved by the city council, the deposit shall be retained by the city as directed by the city council. If the vacation application is denied by the city council, the deposit shall be returned to the land owner.
(5) For vacations under the Type I or Type II process, the application must include the signatures of all owners of the property subject to the easement and the owners of abutting properties.

(Section 9.8710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8715 Approval Criteria for the Vacation of an Unimproved Easement. The planning director shall approve, approve with conditions, or deny the vacation application. Approval, or approval with conditions shall be based on all of the following:

(1) The subject area is not presently or in the future needed for public services, facilities, or utilities, and the vacation does not prevent the extension of, or the retention of public services, facilities, or utilities; or if needed, the applicant shall provide for the replacement and abandonment of any existing public services, facilities or utilities in the subject area.

(2) Such public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.

(Section 9.8715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8720 Approval Criteria for Vacation of Improved Easements, Unimproved Public Right-of-Way, and Vacation and Rededication of Unimproved Public Right-of-Way. The planning director shall approve, approve with conditions, or deny the vacation application. The application shall be approved if the vacation is found to be consistent with the all of the following criteria:

(1) The subject area is not presently or in the future needed for public services, facilities, or utilities, and the vacation does not prevent the extension of, or the retention of public services, facilities, or utilities; or if needed, the applicant shall provide for the replacement and abandonment of any existing public services, facilities, or utilities in the subject area.

(2) Such public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.

(3) The vacation does not impede the future best use of the remainder of the property under the same ownership or any adjoining land; or adversely affect the development of the remainder land, or any adjoining land, or access thereto; and the vacation does not conflict with provisions of this land use code including the street connectivity standards and block lengths.

(Section 9.8720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8725 Approval Criteria for the Vacation of Improved Public Right-of-Way, Public Ways Acquired with Public Funds, and Undeveloped Subdivision and Partition Plats. The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with
public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.

(Section 9.8725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**Variances**

**9.8750 Purpose of Variances.** The provisions of EC 9.5750(9), 9.6708, and 9.8750 through 9.8760 allow for partial or full exemption from specific land use code standards only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of those regulations would deny the property owner uses enjoyed by other property owners in the vicinity and under identical zones. Any variance granted shall be subject to conditions that ensure the variance does not constitute a granting of special uses inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The city shall not grant variances which allow uses not on the applicable list of allowed uses specified in EC 9.2000 through 9.3915 of this land use code.

(Section 9.8750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.8755 Applicability.** Unless specified otherwise in another land use code section, the planning director may grant variances only to the standards prescribed in:

(1) EC 9.2000 to 9.3915 for the following:
   (a) Building Height.
   (b) Fences and Walls.
   (c) Front Yard Setbacks.
   (d) Interior Yard Setbacks.

(2) EC 9.6410 Motor Vehicle Parking Standards.

(3) EC 9.6600 to 9.6680 Sign Standards.

(4) EC 9.6745 Setbacks - Intrusions Permitted.

(Section 9.8755, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.8760 Approval Criteria for Variances.** The planning director shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon following a Type II process. Approval, or conditional approval shall be based on compliance with all the following criteria:

(1) A strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship due to at least one of the following conditions:
   (a) Size, shape, or dimensions of a site.
   (b) Geographic, topographic, or other physical conditions on the site or in the

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(c) Street locations or traffic conditions in the immediate vicinity. Economic considerations do not constitute grounds for granting a variance.

(2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zone.

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

(4) In addition to the above criteria, the following 3 criteria apply to variances from code sections that apply to EC 9.6410 Motor Vehicle Parking Standards, and from EC 9.2000 to 9.3915 base zone regulations as applied to fences and walls.

(a) Neither present nor anticipated future traffic volumes generated by the use of the site or uses of the sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

(b) The granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

(c) The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this land use code.

(5) In addition to the criteria set forth in subsections (2), (3) and (4) of this section, the following criterion applies to variances from the provisions of EC 9.6600 to 9.6680 Sign Standards:

(a) Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship inconsistent with the objectives of EC 9.6600 to 9.6680 Sign Standards. A practical difficulty or undue hardship may result from the location of existing structures on the site or in the immediate vicinity. The planning director may not grant variances based on the convenience of the applicant, including any hardship of regional or national businesses which wish to use a standard sign when those standard signs do not conform to the provisions of the sign code.

(Section 9.8760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Willamette Greenway Permits

9.8800 **Purpose of Willamette Greenway Permits.** Intensification of uses, changes in use, or developments require special consideration before being permitted within the boundaries of the Willamette River Greenway. Special consideration is required to implement Oregon Statewide Planning Goal 15, Willamette River Greenway which is designed to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. Urban uses may be allowed but conditions of approval may be imposed as are deemed
necessary to carry out the purpose and intent of the Willamette River Greenway, and to insure that any intensification of uses, changes in use, or developments within the Willamette Greenway boundaries are compatible with nearby uses within the Willamette Greenway.

(Section 9.8800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8805 **Applicability.** Willamette Greenway permit applications are required for intensification of uses, changes in use, or developments within the boundaries of the Willamette River Greenway according to Resolution No. 2592 Adopting a Willamette River Greenway Boundary. Willamette Greenway permit procedures may apply to Site Review applications when site review approval is required in addition to Willamette Greenway permit approval. No development permit shall be issued by the city prior to approval of the Willamette River Greenway permit.

(Section 9.8805, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8810 **General Requirements.**

1. Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC 9.7000 through EC 9.7885 Application Procedures.

2. Willamette Greenway permit applications may be reviewed concurrently with conditional use permit applications, planned unit development applications, or site review applications.

3. No development permit shall be accepted by the city when a Willamette Greenway permit is required for the proposed development until the hearings official or planning commission approves the Willamette Greenway permit. Development permits shall be consistent with the terms and conditions of that Willamette Greenway permit.

(Section 9.8810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8815 **Willamette Greenway Permit Approval Criteria and Standards.** Willamette Greenway permit approval may be granted only if the proposal conforms to all the criteria in subsections (1) through (4), and the applicable standards of subsection (5) as follows:

1. To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

2. To the greatest possible degree, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.

3. The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.

4. In areas subject to the Willakenzie Area Plan, the intensification, change of use, or development will conform with that plan’s use management considerations.
In areas not covered by subsection (4) of this section, the intensification, change of use, or development shall conform with the following applicable standards:

(a) Establishment of adequate setback lines to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. Setback lines need not apply to water related or water dependent activities as defined in the Oregon Statewide Planning Goals and Guidelines (OAR 660-15-000 et seq.).

(b) Protection of significant fish and wildlife habitats as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper. Sites subsequently determined to be significant by the Oregon Department of Fish and Wildlife shall also be protected.

(c) Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.

(d) Preservation of scenic qualities and viewpoints as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper.

(e) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable.

(f) Compatibility of aggregate extraction with the purposes of the Willamette River Greenway and when economically feasible, applicable sections of state law pertaining to Reclamation of Mining Lands (ORS Chapter 517) and Removal of Material; Filling (ORS Chapter 541) designed to minimize adverse effects to water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

(g) Compatibility with recreational lands currently devoted to metropolitan recreational needs, used for parks or open space and owned and controlled by a general purpose government and regulation of such lands so that their use will not interfere with adjacent uses.

As used in this section, the words "the greatest possible degree" are drawn from Oregon Statewide Planning Goal 15 (F.3.b.) and are intended to require a balancing of factors so that each of the identified Willamette Greenway criteria is met to the greatest extent possible without precluding the requested use.

(6) When site review approval is required, the proposed development will be consistent with the applicable site review criteria.

(7) The proposal complies with all applicable standards explicitly addressed in the application. An approved adjustment to a standard pursuant to provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

(Section 9.8815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Modifications to a Willamette Greenway Permit. After the effective date of approval of final plans, modifications to the approved final plans may be considered in accordance with the Type II Application Procedures contained in EC 9.7000 Application Procedures. The planning director shall decide whether to grant the requested modification based on the following criteria:

(1) The modification will be consistent with the conditions of the original approval; and

(2) The modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If determined to be consistent with the above criteria, the planning director shall approve the request. The applicant retains the ability to submit the requested modification as a new Willamette Greenway permit application based on the Type III procedural requirements. Nothing in this Land use code shall preclude the applicant from initially submitting the requested modification as a new Willamette Greenway permit application.

(Section 9.8825, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Zone Change

Purpose of Zone Changes. As the Metro Plan is implemented over the years, there will be a need for changes in zoning. As that plan is reviewed and periodically revised, other zone changes may be warranted.

(Section 9.8850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Applicability. Changes in zoning, including the application of or change of an overlay zone or special area zone shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures, with the following exceptions:

(1) The proposed zone change would apply the /ND Nodal Development Overlay Zone, in which case the zone change shall be processed as described in EC 9.4260.

(2) The proposed zone change involves an annexation request that qualifies for an automatic change in zoning, as provided in EC 9.7810 Changes in Zoning.

(3) The proposed zone change involves a concurrent amendment to the Metro Plan or a refinement plan, or the adoption of a new refinement plan; in which case the zone change shall be processed as a Type IV or Type V application as provided in EC 9.7400 through EC 9.7455 Type IV Application Procedures and EC 9.7500 through 9.7560 Type V Application Procedures.

(4) The proposed zone change is processed concurrently with an amendment to this land use code; in which case, the zone change shall be processed as a Type V application as provided for in EC 9.7500 through EC 9.7560 Type V Application Procedures.

(Section 9.8855, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.8860 General Requirements.

(1) Concurrent Review. Zone change applications may be reviewed concurrently with certain other land use applications, but only as provided in EC 9.8005 Applicability and Effect of Application Requirements, Criteria, and Concurrent Review and in EC 9.8855 Applicability.

(2) Overlay Zones. EC 9.1040 Establishment and List of Overlay Zones establishes overlay zones that supplement the base zone regulations. Changes in zoning can include the designation of an overlay zone in addition to the base zone. While some of these overlay zones have been applied to a specific geographic area through a land use code amendment, other overlay zones are applied on a case by case basis. In these cases, the overlay zone can be applied in response to adopted plan policies or where the use of the overlay zone is necessary to address future development considerations.

(Section 9.8860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8865 Zone Change Approval Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

(1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

(2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

(3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(a) EC 9.2150 Commercial Zone Siting Requirements.
(b) EC 9.2430 Industrial Zone Siting Requirements.
(c) EC 9.2510 Natural Resource Zone Siting Requirements.
(d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.
(e) EC 9.2681 Public Land Zone Siting Requirements.
(f) EC 9.2735 Residential Zone Siting Requirements.
(g) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
(h) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
(i) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
(j) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
(k) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
(l) EC 9.4075 /BW Broadway Overlay Zone Siting Requirements.
(m) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
(n) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.

(5) In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.

(Section 9.8865, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002; and Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)
Adopted Plan Policies

9.9500 Adopted Plan Policies. The adopted plan policies set forth in the sections beginning at EC 9.9500 shall be used when applicable for purposes of evaluating applicable adopted plan policies pertaining to subdivisions, partitions, and site review.

(Section 9.9500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


1. Construction of proposed drainage corridors identified in the Plan shall be delayed until new development in the planning area creates a need for the drainage system. New development is defined, for the purpose of this policy, as final approval of any new subdivision or planned unit development within the Royal Avenue planning area; or final approval of an annexation request for land designated in the Royal Avenue Specific Plan for Main Street Commercial, Commercial Mixed-Use, Residential Mixed-Use or Medium-Density Residential development. The drainage corridor will be constructed in one or two increments, depending on where the first development proposal is approved within the node. Approval of new development on the north side of Royal Avenue will require construction only of the northside drainage channel; approval of new development on the south side of Royal will require construction of the complete system.

2. The median proposed as part of the reconstruction of Royal Avenue shall not be constructed so as to limit access to existing residences that take access off Royal Avenue. Existing homes fronting on Royal Avenue shall be allowed to maintain access onto Royal Avenue until such time as those properties are redeveloped.

3. The proposed north-south drainage channel on the south side of Royal Avenue that bisects property owned by Ron Bounds (Map and Tax Lot number 17-04-20-00-01300) shall be designed so as to avoid the removal of the residential structure on that parcel. The land on which the residential structure is sited, other than land required for the construction of the drainage channel and corridor,
shall retain its current zoning (AG/UL) and use allowances until the
property is annexed to the City of Eugene and rezoned consistent
with the Royal Avenue Specific Plan. Annexation and rezoning
shall be initiated completely at the discretion of the property owner.
(Policy 6)

4. With the exception of the future extension of Roosevelt Boulevard
and the reconstruction of Royal Avenue, the City shall not require
the construction of any street or alley depicted on the Royal Avenue
Land Use diagram until the property on which that street or alley is
shown is annexed to the City and approved for new development.
New development is defined, for the purpose of this policy, the same
as that of Policy #2. (Policy 9)

(b) Land use, Bethel-Triangle Neighborhood. Highest priority shall be given
to preserving housing in the Bethel Triangle area. It shall be recognized
that it is an irreplaceable resource. Support for its continued viability shall
be provided along the following guidelines:

1. Efforts should be made to upgrade the public facilities and services
(sanitary sewers, storm sewers, streets, street lighting) in the area.
Particular attention should be given to street conditions and the need
for improving Trainsong Park.

2. Efforts to upgrade public facilities and services should consider
alternatives to full assessments where hardships can be established.
(Policy 1)

(c) Urban Services and the Urban Growth Boundary. Parks.
1. Landscape buffer shall be provided in conjunction with new public
improvements, such as highways, freeways, power substations, etc.
(Policy 6)

2. Landscape buffer should be provided along existing highways and
freeways. (Policy 7)

(d) Transportation. Streets.
1. In newly developing portions of Bethel-Danbo, street network
design should ensure that through traffic movements are adequately
served by higher level streets (i.e., arterials and collectors) and that
local traffic alone is encouraged to use the local streets, thereby
enhancing the local character of the streets in residential areas.
(Policy 1)

2. When high traffic generators are located on higher level streets,
particularly in the case of location on arterials, access should be
controlled wherever possible and joint access by several uses
encouraged. (Policy 2)

3. On principal and minor arterials and collectors, the predominant
function of carrying through traffic should prevail and removal of
on-street parking privileges should occur where the traffic-moving
function requires it and right-of-way is inadequate to accommodate
both functions. (Policy 3)
4. Where vacant parcels contain frontage on other than a local street (i.e., on an arterial or collector), development of the parcel should include provision for controlled access onto the higher level street, or, where possible, from an adjacent local street. (Policy 4)

5. On collector streets, the land access service and the traffic moving functions are somewhat balanced. In improving these streets, the decision to remove on-street parking privileges should include consideration of the degree of impact on adjacent development. (Policy 5)

6. In the future, location of collector and local street systems and land use planning should be coordinated to prevent occasions where the same collector or local street serves potentially conflicting land uses. For example, the same collector should not serve both industrial and residential development, except where an intervening street intercepts industrial traffic. The same local street should never serve both industrial and residential traffic. (Policy 6) On local streets, the predominant function of land access and service should encourage the retention of on-street parking privileges. (Policy 8)

7. Land use planning in Bethel-Danebo should not allow high traffic attractor-generators to locate on local streets. (Policy 9)

(e) Transportation, Mass Transit. The city of Eugene should continue working with the planning staff of Lane Transit District in determining shelter locations, transfer point locations, design of shelters, and bus pullouts. (Policy 4)

(f) Transportation, Pedestrian Facilities. Whenever possible, development of vacant parcels in the Bethel-Danebo area should be designed with attention to providing adequate bike-pedestrian connections to schools and park sites, as well as to existing and proposed bike-pedestrian ways. (Policy 2)

(2) Bethel-Danebo Refinement Plan (Phase II - 1979) - Policy Direction.

(a) While economic growth and revitalization is to be encouraged, strong emphasis should be placed on enhancing Eugene's environment and its quality of life. (Policy 1) Economic development should:

1. Diversify the employment base; and
2. Provide employment opportunities for existing and future residents while addressing concerns for preservation of the area's livability. (Policy 2)

(b) While the amount of industrial lands unused and unsuitable by reason of location outside the urban service area could appropriately be reduced, those remaining needed industrial areas are to be protected from encroachment by incompatible land use. (Policy 4)

(c) Sites of sufficient size for industrial expansion, parking, landscaping, and buffering need to be provided. Government action could occur in

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1. Incorporate the beneficial functions (flood control, stormwater conveyance, water quality treatment) of natural resources into the city's storm drainage system. (Policy 1.1)

2. Maintain flood control, drainage, and water quality treatment capacities along the city's stormwater conveyance corridors while protecting and enhancing the health, diversity and continuity for wildlife habitat, native vegetation, and endangered species. (Policy 1.2)

3. Balance the operational needs of managing natural resource and wildlife habitat areas against any associated nuisance conditions that may result. (Policy 1.6)

4. Evaluate the effectiveness and appropriateness of a variety of surface water management facilities for meeting the multiple objectives of this plan. (Policy 1.8)

5. Meet or exceed federal flood hazard requirements. (Policy 2.1)

6. Protect adjoining land uses from flood and drainage hazards. (Policy 2.2)

7. Maximize the capacity of existing stormwater facilities especially where deficiencies exist by encouraging the use of techniques that lower and slow the rate of stormwater runoff. (Policy 2.3)

8. Meet or exceed federal and state stormwater quality requirements especially where they conform with existing local policy. (Policy 3.1)

9. Reduce stormwater pollution associated with new construction and development, soil erosion, improper use of stormwater facilities, and city operations and maintenance practices. (Policy 3.3)

10. Evaluate the effectiveness of stormwater quality management measures. (Policy 3.4)

11. Maintain the stormwater system through techniques and practices that balance flood control, drainage services, water quality, and natural resource protection needs. (Policy 4.1)


1. General Policies.

   a. Allow some flexibility to mix commercial and industrial uses where the site and public infrastructure can ensure compatibility with surrounding land uses and adequate provision of public services. (Policy 4)

   b. Promote redevelopment of existing commercial areas and compact, dense growth by encouraging businesses to revitalize and reuse existing

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commercial sites. (Policy 6)
(c) Recognize the differing needs of residential areas in the various parts of the community, and determine the need to create additional commercial sites in light of opportunities for redevelopment. (Policy 8)
(d) Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers. (Policy 11)
(e) Concentrate development in existing commercial areas to minimize traffic impacts on the rest of the city. (Policy 12)
(f) Reduce congestion on commercial developed streets (strip commercial areas). (Policy 13)
(g) Encourage transportation alternatives to automobile use. (Policy 14)
(h) Improve the quality of planning for commercial traffic impacts. (Policy 15)
(i) Take steps to address the underlying goal in the Metro Plan to have viable neighborhood commercial uses that meet the needs of nearby residents and reduce the use of the automobile. (Policy 16)

(2) Central/University Subarea.
(a) Recognize that additional commercial development will occur primarily through redevelopment of existing commercial sites. (Policy 17)

(3) Willakenzie Subarea. Identify appropriate areas within the Willakenzie subarea to accommodate office development and address neighborhood commercial needs. In identifying commercial sites, evaluate impacts on traffic patterns and surrounding land uses. (Policy 18)

(4) West Subarea.
(a) Consider commercial land in the West Eugene subarea to accommodate both neighborhood commercial needs and those of the larger community. In siting additional commercial land, evaluate impacts on traffic patterns and surrounding land uses. (Policy 19)

(b) Retain the floating node indicated on the Plan Diagram south of West 18th Avenue between Bailey Hill and Chambers Street. (Policy 20)

(5) South Subarea.
(a) Consider downtown as the commercial service area for South Eugene. If a new area for medium-density residential development is established in South Eugene, additional general commercial land may be created with the housing. (Policy 21)

(b) Further strip commercial activity along Willamette Street will be discouraged. Strip commercial is defined as commercial facilities which are largely oriented to automobile traffic, such as retail uses found in the C-2 General Commercial District. Small-scale General Office District developments are not considered strip commercial. (Policy 22)

(6) River Road/Santa Clara Subarea. Recognize that the commercial sites designated in the River Road/Santa Clara Urban Facilities Plan provide adequate commercial supply for the area. Consider additional commercial land in the vicinity of the Chambers Connector if needed to address community commercial needs. (Policy 22)
(7) Commercial Site Development.

(a) Foster the development of attractive and functional commercial areas that not only increase property values, but enhance Eugene's reputation as a pleasant, productive, and attractive community in which to live or do business. Recognize that innovative building designs and neighborhood-enhancing streetscapes — especially those designed to accommodate both pedestrian and automobile users with sidewalks, convenient bus stops, and adequate parking — are key factors in the success of such developments. (Policy 23)

(b) Give special emphasis to upgrading existing commercial developments. (Policy 24)

(c) Provide access controls on all streets, emphasizing the functional operation of the streets based on their classification (as arterial, collector, or local) while maintaining reasonable and legal access to adjacent property. (Policy 25)

(d) Encourage parking lot design that is attractive, does not exceed a reasonable ratio of parking spaces per building area, and support compact growth. (Policy 26)

(e) Encourage commercial developments to provide for alternative modes of transportation. (Policy 27).

(Section 9.9530, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) Downtown as Commercial Center, Destination Point, and Neighborhood.

(a) Recognize and reinforce diverse functions in the downtown. (Policy 1)

(b) Promote intensity of development and use. (Policy 2)

(c) Maintain and improve the downtown's ability to serve as a major employment center, including attention to maintaining downtown as a high-quality work environment for employers and employees. (Policy 3)

(d) Strengthen downtown's role as a destination point for cultural and tourist activities and assist local businesses in capturing possible economic spinoffs. (Policy 4)

(e) Encourage production and conservation of facilities affordable to new small-scale businesses. (Policy 5)

(f) Recognize the need for the mall to remain a people-oriented place while providing an attractive environment for businesses. (Policy 6)

(g) Enhance and maintain public facilities and services to promote a positive image and increased use of downtown. (Policy 7)

(h) Provide the highest possible degree of physical security for the downtown area, recognizing its multi-use character. Security measures must address urban design, police resource deployment, and public education and awareness. (Policy 8)

(i) Encourage developments with visually stimulating activity on the ground floor. (Policy 11)
(j) Enhance existing nodes of night-time activity and improve the pedestrian routes used between such centers. (Policy 13)

(k) Encourage the production and conservation of housing and residential support services in the downtown that are attractive and affordable to a diverse population. (Policy 14)

(l) Enhance and support buildings, landmarks, or events that have distinct historical value or special assets that contribute to the character of the downtown and the sense of place. (Policy 15)

(m) Strengthen ties between downtown and the surrounding park system. (Policy 16)

(n) Promote the Willamette River as an important element of downtown. (Policy 17)

(2) Downtown Development, Services, and Marketing.

(a) Support and revitalize existing retail activity downtown. (Policy 4)

(b) Support existing and potential office development and employment-generating uses. (Policy 6)

(c) Facilitate development downtown that is consistent with the community's goals for the city center. (Policy 7)

(d) Conserve viable residential resources, especially on the edges of the downtown area. (Policy 8)

(e) Identify ways additional housing can be brought into the downtown. (Policy 9)

(f) Improve services to meet the needs of downtown's elderly population. (Policy 10)

(g) Expand the ability of the disabled to use and enjoy the downtown area. (Policy 11)

(3) Downtown Access, Circulation, and Parking.

(a) Improve access and entrances into downtown from the regional transportation system. (Policy 1)

(b) Provide better access within downtown and links between downtown and other major activity centers. (Policy 2)

(c) Continue efforts to aggressively promote access to and circulation within the downtown by bicycles, mass transit, walking, carpooling, and other alternative modes of transportation. (Policy 3)

(d) Encourage actions that will recognize the role of various streets and maximize their use for access to the downtown and circulation and parking within downtown. (Policy 4)

(e) Improve access to specific points on the mall by people using a variety of transportation modes and take steps to reduce the size of the mall. (Policy 5)

(f) Encourage new parking structures to accommodate other uses at the first floor either at the outset or in the design of the building. (Policy 8)

(Section 9.9540, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Eugene Parks and Recreation Plan Policies.

(1) Physical Access.
   (a) Provide safe parking at parks and recreational facilities that commonly
draw crowds arriving by both automobiles and bicycles. (Policy 4)
   (b) Provide safe and convenient access to parks and recreational facilities for
persons with disabilities. (Policy 5)
   (c) When possible, require land divisions and planned unit developments to
provide for pedestrian access to parks and potential park sites. (Policy 6)

(2) Urban Design.
   (a) Protect the unique geographical features, buttes, and other natural
landmarks in parks and other recreational facilities for their contribution to
the community's identity. (Policy 1)
   (b) Use the Trees for Eugene street tree planting guide when designing
streetscapes next to and within parks and other recreational facilities.
(Policy 3)
   (c) Minimize the impacts of park use on surrounding lands through:
1. Buffering borders shared with residential, commercial, industrial,
and agricultural uses.
2. Expanding sub-standard sized parks, when possible, through
acquisition to improve access, visibility, and aesthetic quality.
3. Careful siting of access roads, parking areas, and activities that
require lighting or produce high noise levels. (Policy 4)
   (d) Treat environmental enhancement as a component of recreational
development. (Policy 5)

(3) Willamette and McKenzie Rivers.
   (a) Use the January, 1985, Willamette River Greenway Management Proposal
as a source for identifying natural vegetation and wildlife areas as well as
possible management techniques and specific land use actions and
decisions that will provide a balance among physical access areas, visual
access areas, and areas where access should be limited or discouraged.
(Policy 1)
   (b) Preserve and enhance natural habitats and scenic corridors that deserve
special merit along the rivers. (Policy 6)
   (c) Assure that developments within the established Willamette River
Greenway boundaries comply with State and local Greenway standards
and regulations. (Policy 7)

(4) South Hills.
   (a) Preserve the character and habitat value of the South Hills by siting and
developing recreational facilities and other improvements in a way that
preserves and enhances the natural conditions of the area. (Policy 1)
   (b) Manage the South Hills as a passive recreational feature by providing a
variety of recreational facilities, such as trails, view points, and natural
areas, to accommodate a range of interests and activities. (Policy 2)
   (c) Extend the Ridgeline Trail System along or near the ridge of the South
Hills and provide linkages to adjacent neighborhoods. (Policy 4)
(5) **Delta Ponds.** Develop the Delta Ponds as a major recreational area and corridor including a variety of recreational and educational opportunities. (Policy 1)

(6) **Amazon Channel.**
   (a) Develop the channel as a major recreational corridor by providing a variety of recreational facilities along its length. (Policy 1)
   (b) Provide access to the channel from adjacent neighborhoods. (Policy 3)
   (c) Where channel street crossings are absent, install foot bridges that are sensitive to wildlife for convenient access to recreational areas. (Policy 4)
   (d) Improve the safety and aesthetic quality of the channel corridor to encourage its use and contribute to its beautification. (Policy 6)

(7) **Millrace and Other Waterways and Drainageways.**
   (a) Maintain and enhance the character and recreational opportunities of the Millrace. (Policy 1)
   (b) Protect natural stream courses, sloughs, and wetlands in connection with parks and recreational facilities. (Policy 3)

(Section 9.9550, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9560 **Eugene-Springfield Metropolitan Area General Plan (Metro Plan).**

(1) **Land Divisions in Campus Industrial Designated Area.** A 50-acre minimum lot size shall be applied to ownerships of 50 or more acres to protect undeveloped sites from piecemeal development until a site development plan has been approved by the responsible city. (Plan Diagram, page II-E-8)

(2) **Land Divisions in Special Heavy Industrial Designated Area.** Land divisions in these areas shall be controlled to protect large parcels (40 acres minimum parcel size). (Plan Diagram, page II-E-8)

(3) **Land Divisions in North of Awbrey Lane Area.** The minimum parcel size for lots in the industrial park shall be 40 acres. (Plan Diagram, page II-E-9)

(4) **Environmental Resources Element.**
   (a) Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design consideration and construction measures to be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas. (Policy 4, page III-C-7.)
   (b) Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input. (Policy 28, page III-C-11)

(5) **Environmental Design Element.** Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental, and energy consequences in the design and construction of urban developments. Landscaping shall be utilized to enhance distinctive natural features. (Policy 2, page III-E-3)

(Section 9.9560, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

(1) General.
(a) The City of Eugene will use the Land Use Diagram and the policies of this plan along with other City policies in making land use and other decisions regarding the plan area. The Land Use Diagram is a generalized map and graphic depiction of the policies and proposals of this plan and the Community Goals and Policies. It is a supplement to and a refinement of the Metropolitan Area General Plan Diagram. (Policy 1)
(b) Businesses shall be encouraged to landscape their sites. Where feasible, such encouragement shall include development of mechanisms to fund such landscaping. (Policy 4)

(2) Oregon Department of Transportation Lands Policies. Future use of the ODOT lands shall be for residential, park, and office as defined in the following policy statements:
(a) Future use of the ODOT lands shall be primarily residential. This use shall be for low- to medium-density residential development.
(b) Future development of the ODOT lands shall preserve and enhance the existing “gateway” effect as an attractive entrance to the city, and special attention shall be given to developing a portion as a gateway park.
(c) Under future development, office use on the ODOT lands shall be limited to the site of the present Department of Motor Vehicles (DMV) building on the northwest corner of Tax Lot 1000--Assessor's Map 17-03-33-3 I ("S" on the Land Use Diagram). (Policy 1)
(d) Upon conversion of the ODOT lands from public to private ownership and the ensuing development of the lands shall be compatible with the single-family development along East 15th Avenue, the commercial uses along Franklin Boulevard and Walnut Avenue, and the existing bike route. (Policy 2)

(3) University of Oregon Lands Policies (East Campus Area).
(a) The City of Eugene and the Fairmount Neighbors recognize the 'University of Oregon Development Policy East Campus Area (dated April 28, 1982),” as a statement of the binding intent of the University, governing land use in the East Campus Area. (Policy 1)
(b) The City shall encourage the University to use its property in East Campus in an orderly fashion: intensity of use will be greatest near the already dense Central Campus Area (Agate Street and 15th Avenue) and become less intense as the properties approach low-density residential uses. (Policy 2)
(c) The City shall encourage the University to use lands currently zoned PL (Public Land District) with energy and space efficient structures and land use patterns. (Policy 3)
(d) The City shall encourage the University to develop high- and medium-density residential units with concern for adequate parking and appropriate parking solutions, regard for landscaping, and consideration of the impacts
(4) **Traffic Circulation Policies.**

(a) The Department of Motor Vehicles site shall continue to gain access from Walnut Avenue and not from Franklin Boulevard. (Policy 1)

(b) The adverse effects of motor vehicle movement shall be mitigated as much as possible. (Policy 2)

(c) Primary vehicular access to the Oregon Department of Transportation Land should minimize impact on nearby residences and Fairmount Park. (Policy 3)

(d) Traffic management techniques shall continue to be used and new techniques developed to reinforce the idea of a hierarchy of streets in the plan area. Some streets shall combine their local, collector, or arterial function with a role as primary pedestrian or bicycle ways. The use of low-volume, local neighborhood streets for through movements by truck and heavy construction equipment shall be discouraged. (Policy 4)

(5) **Parking Policies.**

(a) Steps shall be taken to gain better use of existing off-street parking areas and to discourage long-term storage of vehicles on the street. (Policy 1)

(b) The adverse effects of motor vehicle parking shall be mitigated as much as possible. (Policy 3)

(c) Parking systems adopted for any area within the special study area should avoid creating parking problems for any other area or land use of the Fairmount Neighborhood. (Policy 4)

(6) **Bicycle and Pedestrian Policies.**

(a) When the Department of Transportation lands are developed in the future, consideration shall be given to realigning the 15th Avenue bicycle path in the vicinity of those lands and making it more attractive. (Note: If the bicycle path is realigned, the City shall require an easement for the path to ensure its permanence in the future.) (Policy 1)

(b) Existing and future businesses shall be encouraged to provide safe and covered bicycle parking for employees and patrons. (Policy 3) The use of bicycles, mass transit, walking, carpooling, and other appropriate alternative modes of transportation, especially by employees working in the plan area, shall be actively encouraged and provided for in order to reduce automobile dependence and alleviate traffic and parking problems. (Policy 4)

(Section 9.9570, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9580 **Jefferson/Far West Refinement Plan Policies.**

(1) **Land Use Element, General.** Use the Land Use Diagram and the accompanying text along with other policies in the Jefferson/Far West Refinement Plan and applicable City goals, policies, and plans to provide policy direction for public decisions made affecting the area. (Policy 3)
(2) Land Use Element, Residential.
   (a) Encourage both public and private actions that will improve the overall appearance of the area and the condition of residential structures. (Policy 1)
   (b) Increase the opportunity for home ownership within the area. (Policy 2)
   (c) Encourage a mixture of housing densities and types to allow a diverse population group to live within the area. (Policy 3)

(3) Land Use Element, Commercial/Industrial.
   (a) Promote a mix of mutually supportive land uses which will help stimulate neighborhood-based economic development. (Policy 1)
   (b) Encourage both public and private actions which will improve the overall appearance of commercial areas and the condition of non-residential structures. (Policy 2)

(4) Land Use Element, Public/Civic.
   (a) Recognize the resources of land used for public purposes and their value to the neighborhood and broader community, and yet also address potential conflicts with surrounding uses. (Policy 1)
   (b) Recognize the potential assets a church can lend to a community, yet also address the potential conflicts with surrounding land uses. (Policy 3)

(5) Land Use Element, Far West, Residential Areas, North Low-Density Residential Area. The City shall continue to recognize the area as suitable for low-density housing. Efforts shall be made to maintain and improve the existing housing stock through both public and private investments. In an effort to allow additional residential units and yet maintain the character of the area, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

(6) Land Use Element, Far West, Residential Areas, Central Low-Density Residential Area. The low-density designation recognizes existing residential development and land uses. The City shall continue to recognize the residential character of the area and provide incentives for public and private rehabilitation of rundown structures. In addition, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

(7) Land Use Element, Far West, Residential Areas, West Medium-Density Residential Area. This area shall be recognized as appropriate for medium-density housing. The City shall consider rezoning land designated PL Public Land and in use as Westmoreland Family Housing to reflect existing development. The City shall improve and maintain public access for bicyclists and pedestrians along the Amazon Canal and crossing the Amazon Canal easement.

(8) Land Use Element, Far West, Residential Areas, South Low-Density Residential Area. This area shall be recognized as appropriate for low-density residential use. The City shall encourage the rehabilitation of rundown structures, block planning, infilling, and shared housing.
(9) **Land Use Element, Far West, Commercial/Industrial Areas, West 11th Avenue/Garfield Street Commercial/Industrial Area.** The City shall promote development along West 11th Avenue and Garfield Street that will allow it to continue to be a major commercial corridor and yet respond to the need for efficient movement of automobile traffic. The City shall encourage the consolidation of off-street parking, the reduction of access points and, therefore, turning movements, and the grouping of compatible commercial uses. The City shall encourage businesses and property owners along West 11th Avenue and Garfield Street to provide landscaping and other amenities which will beautify the area and create a better edge between pedestrians and vehicular traffic. Businesses in the area shall be encouraged to form a Merchants Association.

(10) **Land Use Element, Far West, Commercial/Industrial Areas, West 18th Avenue and Chambers Street Commercial Area.** This area shall be recognized as an important commercial node. Commercial activities shall be allowed to expand or redevelop within this area in a manner sensitive to surrounding land uses. To avoid strip commercial development along either West 18th Avenue or Chambers Street, expansion of commercial uses outside of this area shall not be considered appropriate.

(11) **Land Use Element, Far West, Mixed Use/Transition Areas, Mixed Use/Transition Area (South of West 10th Avenue).** The City shall promote development that will provide a transition between retail and auto-oriented activities on West 11th Avenue and low-density residential developments to the north. The City shall allow zoning that permits medium-density residential developments, and/or professional offices, yet prohibits intensive commercial activities such as drive-up uses. Site review subdistrict zoning shall be applied in this area to address the relationship of the development to the residential area to the north and the commercial area to the south. Efforts shall be made to improve the area by constructing needed sidewalks, planting trees, and providing other amenities, and by encouraging access and parking in rear yard areas. The City shall recognize the need to maintain an appropriate scale of development within this area and to encourage developments that are sensitive to the adjacent park.

(12) **Land Use Element, Far West, Mixed Use/Transition Areas, Mixed Use/Transition Area (North of West 12th Avenue).** The City shall promote development that will provide a transition between retail and auto-oriented activities on West 11th Avenue and low-density residential developments. Allow zoning that permits medium-density residential developments, and/or professional offices, yet prohibits intensive commercial activities such as drive-up uses. Site-review subdistrict zoning shall be applied to this area to address the relationship of the development to the residential area to the south and commercial area to the north. Efforts shall be made to create a distinctive quality in this area by such actions as sidewalk construction, landscaping, and rehabilitation of rundown structures, and by encouraging access and parking in rear yards.
(13) Land Use Element, Far West, Land in Public Ownership, Public Facilities and Open Space. Land owned by the City along Amazon Canal shall be improved and maintained as public open space.

(14) Land Use Element, Jefferson, Residential Areas, West Low-Density Residential Area. Promote retention of existing viable residential structures by targeting the use of rehabilitation funds in this area and encouraging the relocation and rehabilitation of residential structures when land is needed for public or quasi-public uses. Encourage additional residential developments that will maintain the character of the area by pursuing the application of block planning and allowing additional housing units on undeveloped or underutilized sites, division of existing single-family structures into duplexes, and access to additional housing units off alleys. Promote development of public and quasi-public uses in the area that will minimize conflicts with adjacent residential areas by encouraging shared use of existing parking facilities and allowing inter-agency agreements to account for parking requirements.

(15) Land Use Element, Jefferson, Residential Areas, West Medium-Density Residential Area. This area is appropriate for medium-density residential use.

(16) Land Use Element, Jefferson, Residential Areas, Low-Density Residential Area - South of the Fairgrounds. This area shall remain a low-density residential area. Efforts shall be made to maintain and improve the quality of the existing housing stock.

(17) Land Use Element, Jefferson, Residential Areas, Low-to-Medium-Density Residential Area. This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review. The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals. The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

(18) Land Use Element, Jefferson, Residential Areas, East Medium-Density Residential Area. This area shall be recognized as appropriate for medium-density residential development. Efforts shall be made to preserve the existing residential structures by encouraging rehabilitation, infilling, or relocation of structures within the neighborhood.

(19) Land Use Element, Jefferson, Commercial Areas, Willamette Street Commercial Corridor. This area shall be recognized as appropriate for neighborhood and regional-oriented commercial uses. This designation, however, recognizes that the half-block west of Willamette Street is the dividing line between residential and commercial uses. Efforts shall be made to encourage street trees and other amenities which will create a distinctive quality on this portion of Willamette Street.
(20) **Transportation Element, General.** In recognition of the T-2000 Plan, continue to encourage a variety of transportation mode that create accessibility for all segments of the community. (Policy 1)

(21) **Transportation Element, Major Transportation Corridors.**
(a) Limit the impact of arterial streets within the plan area, especially in residential areas. (Policy 1)
(b) Encourage actions that will preserve local streets for local traffic. (Policy 2)
(c) Improve the traffic flow on West 13th Avenue between Charnelton and Willamette Streets. (Policy 3)

(22) **Transportation Element, Pedestrians/Bikeways.** Encourage convenient, safe, and pleasant access for pedestrians, bicyclists, and handicapped persons throughout the plan area, emphasizing movements to and from: 1) Ida Patterson, Westmoreland, and O'Hara Elementary Schools; 2) Lane County Fairgrounds; 3) transit lines; 4) community facilities such as the Jefferson Pool; and 5) neighborhood commercial areas. (Policy 1)

(23) **Public Service & Facilities Element, Educational/Recreational/Leisure Resources.** Maintain the Amazon Canal as an important flood control device and yet continue to develop as a distinctive recreation corridor and non-motorized transportation link. (Policy 6)

(24) **Public Service & Facilities Element, Public Safety/Utilities.**
(a) Encourage actions that will reduce crime and fear of crime for residents and employees in the plan area. (Policy 1)
(b) Encourage actions that will maintain adequate fire protection within this area. (Policy 2)
(c) Maintain and develop important corridors or linkages. (Policy 6)
(d) Provide safe and enjoyable access throughout the neighborhood. (Policy 7)
(e) Preserve and enhance elements that reflect neighborhood features and improve neighborhood identity. (Policy 8)
(f) Inventory and preserve historic and natural features. (Policy 11)
(g) Discourage unnecessary barriers, nuisances, and other elements detrimental to the revitalization of the neighborhood, including noise and site pollution. (Policy 13)

(Section 9.9580, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9590 **Laurel Hill Plan Policies.**

(1) **Laurel Hill Valley Neighborhood Land Use and Future Urban Design (Section I, Subsection C).**
(a) Approval of Valley Development will take into consideration:
   1. **Density.** The appropriate density for residential development shall be determined based on 1) the provision of the Metropolitan Area General Plan calling for an overall density range of one to ten units per acre; and 2) provisions of the South Hills Study, including those
limiting density to five units per acre for sites above 500 feet in elevation.

2. **Size.** Large apartment complexes (over thirty-two units) are objectionable because their dominance would alter entirely the character of the Valley. Approval of apartment complexes larger than 32 units will depend upon the feasibility of providing adequate urban services, streets, schools, and transportation.

3. **Dispersal.** Planned Unit Developments composed primarily of multiple dwelling units shall be separated and dispersed and not abutting. (Policy 1)

   (b) New land divisions shall be planned to respect the existing topography and ensure solar potential to the extent possible. Developer shall be encouraged to investigate techniques other than grid-type division of land when planning for development. (Policy 5)

   (c) The Laurel Hill Plan supports the South Hills Study standards. In general, alteration of land contours shall be minimized to retain views of natural features and retain as much of the forested atmosphere as possible. Aside from purely aesthetic considerations, these hillsides demand care in development because the topsoil is thin and the water runoff is rapid. Proposed developments shall respect the above considerations. The Valley hillside policy applies to all land with an average slope, from toe to crest, of 15 percent or greater. (A 15-percent slope is one in which the land rises 15 feet per 100 horizontal feet.)

   1. If, in the opinion of the responsible City official, an adverse conservation or geological condition exists upon a parcel of land proposed for a subdivision, or before any major hillside clearing, excavation, filling or construction is contemplated, the requirements of the Uniform Building Code, Chapter 70, *Excavation and Grading*, and those sections of the code relative to foundation design may be invoked.

   2. Considerable latitude shall be allowed the developer in the shaping, depth, and required street frontages of lots where it is necessary to preserve the terrain. (Policy 6)

(2) **Laurel Hill Valley Neighborhood, Land Use and Future Urban Design (Section II, Subsection C).**

   (a) No arterial or limited access road will be allowed within the boundaries of the Valley which would connect the Glenwood interchange on Interstate 5 to 30th Avenue or Spring Boulevard (see goal #1). (Policy 1)

   (b) No arterial or limited access road will be allowed within the Valley except as necessary to serve Valley residents, as it would physically divide and thus destroy the neighborhood. (Policy 2)

(3) **East Laurel Hill Area, Land Use and Future Urban Design.** The Glenwood collector shall be designed to avoid breaking up large and existing properties, improve the intersection alignment of the Laurel Hill-Glenwood overpass, and maintain safe sight distance. It shall serve as the primary access to future
residential development south of the floating node, but terminate and diffuse into other roads serving the area. No connection to 30th Avenue shall be made. (Section II Policy)

(Section 9.9590, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9600 19th and Agate Special Area Study Policies.

(1) 19th and Agate Special Area Study and Agate Commercial Area.
(a) Increase availability of short-term on-street parking and decrease long-term on-street automobile storage. (Policy 1)
(b) Allow flexibility in the way required off-street parking is met for businesses in the 19th and Agate Commercial Area. (Policy 2)

(2) General Traffic and Circulation. Reduce problems of dust and noise generated by vehicular traffic in the alley east of Condon School. (Policy 11)

(Section 9.9600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) General Land Use. Minimize land use conflicts by promoting compatibility between land uses, especially among residential, commercial-industrial, and commercial-agricultural uses. (Policy 1)

(2) Residential Land Use.
(a) Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan. (Policy 1)
(b) Evaluate traffic and compatibility impacts when considering new residential development on parcels fronting arterial streets. (Policy 3)
(c) Provide adequate buffering and traffic control for existing non-residential development fronting River Road, (to minimize conflicts with surrounding development). (Policy 4)
(d) Permit medium-density housing (10 to 20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit, and alternative modes of transportation, schools and parks, and open space should be considered. Medium-density residential development will be considered for the north Santa Clara area consistent with the above criteria. (Policy 5)
(e) Design residential development which is adjacent to the Greenway, parks, and other identified natural features in a manner that ensures its compatibility with those features. (Policy 6)

(3) Commercial and Industrial Land Use.
(a) Maintain and enhance the compatibility of adjacent land uses through the use of appropriate buffering mechanisms, such as landscaping standards. (Policy 1)
(b) Require site plan reviews for all new commercial and industrial development. (Policy 2)
(c) Prohibit the linear expansion of existing strip commercial areas fronting on River Road. Existing strip commercial development may expand by infilling, redevelopment, or expansion onto contiguous property that does not front on River Road. (Policy 3)

(d) Provide for buffering and traffic control for existing development that fronts River Road (to minimize conflicts with surrounding residential development). (Policy 4)

(e) Minimize impacts of new commercial development intended to consolidate and improve existing strip commercial uses along River Road by requiring development standards. (Policy 5)

(f) New neighborhood commercial uses shall be located away from River Road in locations that facilitate the provision of commercial facilities scaled to a residential area and that allow for dispersal of commercial uses throughout River Road-Santa Clara. (Policy 6)

(g) Ensure compatibility between neighborhood commercial developments and the surrounding residential area by identifying and applying siting and development standards. (Policy 7)

(4) River Road/Railroad Avenue Subarea.

(a) Designate and zone existing medium-density development.

(b) Limit River Road access to existing commercial development.

(c) Maintain existing land use patterns until completion of the Chambers Connector. The effects of the Chamber Connector and related road improvements on the immediate area should be examined upon completion of final design and right-of-way acquisition and any appropriate changes adopted.

(d) The area south of Fir Lane and east of River Road is appropriate for commercial and low density residential uses.

(e) Medium density residential development along the east side of River Road north of Fir Lane is appropriate, and requires a minimum development area of 2/3 of an acre.

(f) Rezone the apartments on the west end of Briarcliff Drive from industrial to medium density residential use.

(g) Delay for six months rezoning of the vacant parcels south of Briarcliff and adjacent to the Northwest Expressway from industrial to low density residential use.

(h) Designate the two parcels north of Holeman Avenue and west of River Road for commercial use.

(5) River Road/Knoop Subarea Recommendations.

(a) Maintain existing land use pattern.

(b) Apply site review for medium-density development in the northern portion of the subarea.

(c) Limit number of River Road access points to medium-density development in the southern portion of the subarea.

(6) River Road/Hilliard Subarea.

(a) Rezone small split-zone tax lots to their most intensive use.
Maintain viability of existing residential land use.
Recommend professional office development for the undeveloped land on the west side of River Road between West Hillcrest and Horn Lane. Only professional office development making unified use of one or more acres shall be allowed in the area. Access shall be limited to mitigate impacts on existing low-density residential development west of the area.

(7) River Road/Howard Subarea.
(a) Maintain the status of non-conforming uses.
(b) Maintain the status of existing medium-density land use.
(c) Encourage medium-density residential development for all portions of the subarea, with the exception of the following areas: Hatten Street commercial area, the area west of River road between Maxwell and Howard, and the area east of River Road between Owosso and Corliss.
(d) Recommend professional office development on the east side of River Road between Owosso and Corliss.

(8) Maxwell/Park Avenue.
(a) Recommend development of medium-density housing, while maintaining natural features, for neighborhood park and open space through use of clustering and site review.
(b) Concentrate medium-density development around the commercial node, with a transition to low-density, particularly at the northern and southern boundaries of the subarea.
(c) Apply site review for parcels fronting the Northwest Expressway and the Southern Pacific Railroad tracks.
(d) Maintain current commercial designation to the north of the line which would be Howard Avenue if ever extended westerly. Only commercial developments making unified use of five or more acres shall be allowed in the area.

(9) Riviera.
(a) Continue existing land use pattern.
(b) Rezone single-family residential south of River Avenue to medium-density and north of River Avenue to commercial zoning.
(c) Rezone all residentially developed parcels south of River Avenue and east of River Road to medium-density residential use.

(10) River Avenue. Rezone the area north of River Avenue to commercial.

(11) River Road/Irving.
(a) Rezone small split-zoned tax lots to their most intensive use.
(b) Parcels south of Santa Clara Avenue and west of River Road, that are not already developed for commercial use, should be zoned of office development.
(c) Designate the large southern undeveloped parcel for medium-density development.
(d) Designate the westerly portion of the large parcel south of Santa Clara Avenue and west of River Road for medium-density development, with an emphasis on development of health-related facilities.
(e) Maintain the viability of existing low-density residential development.
(f) Designate professional office development for five parcels north of Santa Clara Avenue and west of current commercial development on west River Road.

(12) **River Road/Division.**
(a) Designate medium-density development for undeveloped and underdeveloped property west of Ross Lane and west of Lee's Trailer Park.
(b) The transition from professional office use to medium-density residential use should occur in the vicinity of a line projected south from the east boundary of the Santa Clara Elementary School property.
(c) Rezone parcels north of Santa Clara Square and south of Green Lane for professional office use.

(13) **Irving Light-Medium Industrial.**
(a) Use Planned Unit Development procedures to mitigate impacts on existing adjacent low-density residential development upon rezoning to industrial.
(b) Only industrial developments, making unified use of ten or more acres shall be allowed in the area.
(c) Consider amending the Plan designation to Special-Light Industrial.

(14) **Northwest Expressway.**
(a) Encourage development of a two- to five-acre neighborhood commercial node west of the slough for the following reasons:
   1. Arterial street access
   2. Access from the Northwest Expressway at Irvington Drive.
   3. Large parcel size in the area.
   4. Metropolitan Plan assumes large population growth in this area.
(b) Apply site review for development of parcels fronting the Northwest Expressway and Southern Pacific Railroad.

(15) **River Road/Wilkes.**
(a) Consolidate commercial development for property south of Swain Lane and bounded by the slough on the east and Greenwood Street on the south.
(b) Rezone split-zone tax lots.
(c) Designate medium-density development on the easterly portion of the large undeveloped parcel north of Swain Lane.
(d) Designate community commercial development on the westerly portion of the large undeveloped parcel north of Swain Lane. Only commercial developments making unified use of five or more acres shall be allowed in the area.
(e) Encourage commercial development contiguous to existing commercial uses east of River Road.
(f) Encourage low-density zoning for property south of Brotherton, across from River Loop #2.
(g) Designate neighborhood commercial development for two acres on the northwest corner of Irvington and River Road. Only commercial developments making unified use of one or more acres and with access limited to Irvington Drive, shall be allowed in the area.
(16) **Public Facilities and Services.**
   (a) Land development patterns in the area shall accommodate the provision of fire and emergency services. (Fire subsection, Policy 2)
   (b) If a transfer site in the western portion of the metropolitan area is desired, a cost-benefit analysis shall be conducted to determine its effectiveness before any siting plans are considered. (Solid Waste Service subsection, Policy 1)
   (c) Future road improvements providing sidewalks and bicycle lanes shall consider safety needs of students, especially at intersections near schools and along busy streets. (School subsection, Policy 1)
   (d) Encourage the continued multiple use of school facilities. (School subsection, Policy 3)
   (e) When appropriate, land for park and recreation facilities shall be dedicated as part of the development review process for vacant land. (Park and Recreation Service subsection, Policy 3)

(17) **Environmental Design Element.**
   (a) New residential development taking place in areas adjacent to the Northwest Expressway and the Southern Pacific Railroad shall be designed so as to minimize noise and visual impacts generated by these facilities. (Relationship of the Area to the Railroad, Policy 1)
   (b) Examine the possibility of providing landscaping and a noise barrier along the east side of the Northwest Expressway as a means of buffering adjacent residential areas. (Relationship of the Area to the Railroad, Policy 2)
   (c) Residential developments shall be designed to minimize potential conflicts with adjacent agricultural operations. (Urban and Agricultural Fringe Areas, Policy 1)
   (d) With the exception of high voltage transmission lines, require the installation of underground utilities in developing areas. (Signs/Utilities subsection, Policy 2)
   (e) Landscape buffers shall be provided for power substations in the study area by the responsible utility. (Signs/Utilities subsection, Policy 3)
   (f) Encourage the preservation and restoration of structures, landmarks, sites, and areas of cultural, historic, or archaeological significance. (Historic Structures subsection, Policy 2)
   (g) Future development along vegetated sloughs shall be reviewed to determine additional requirements, if any, to maintain and improve the sloughs as environmental assets. (Vegetated Sloughs subsection, Policy 2)

(18) **Transportation Element.**
   (a) All street improvement projects should support and recognize that different streets serve different functions. (Policy 1)
   (b) Support alternative to the automobile including mass transit, bicycle, walking, and carpooling. (Policy 2)

(Section 9.9610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Riverfront Park Study.

(1) Land Use. Development standards within the SD, Special Development District, applied to the Riverfront Park, shall be designed to:
   (a) Provide for intensity of development while recognizing the environmental and open-space attributes and requirements of the area.
   (b) Recognize that proximity to alternate transportation facilities may provide opportunities to reduce parking requirements for certain industrial uses.
   (c) Provide for signing standards consistent with the purpose of the district.
   (d) Allow for a mixture of uses in the SD, Special Development District.
   (e) Ensure that development in the Riverfront Park is primarily related to University activities and programs.

(2) Transportation.
   (a) The City, if possible in conjunction with a developer, shall work with the Oregon Department of Transportation (ODOT) and the Southern Pacific Railroad to increase the number of points of access to undeveloped property within the Riverfront Park Study area. (Policy 1)
   (b) The City shall work with the Lane Transit District, the University of Oregon, and employers in the Riverfront area to maximize the use of alternative modes or transportation. Facilities and programs will be developed to work toward the goal of accommodating a substantial number of the trips made to new development within the Riverfront Park Study area through modes other than the single-occupancy automobile. (Policy 2)
   (c) The City shall use its Capital Improvement Programming process to identify projects, their implementation schedules, and anticipated funding sources needed to provide transportation facilities to service development in the Riverfront Study Area. Special efforts shall be made to secure non-City funding for capital improvements whenever possible. (Policy 3)
   (d) The City shall pursue construction of projects intended, by design and timing, to avoid Level of Service ‘E’ in the Franklin Boulevard corridor. (Policy 4)
   (e) The City shall encourage the University of Oregon, Lane County, and the Oregon Department of Transportation to participate financially in transportation improvements involved in the Riverfront Park Development area. (Policy 6)
   (f) The City, in cooperation with the University and developers, shall develop a plan for a comprehensive bicycle path network for the Riverfront Study area including: 1) the South Bank Bike Trail; 2) the Mill Race Bike Path (included in the Eugene Bikeways Master Plan); and 3) new paths providing access between Franklin Boulevard and the south Bank Trail and to destinations within the study area. (Policy 7)

(Section 9.9620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
South Hills Study Policies.

(1) Ridgeline Park Section - Specific Recommendations.
   (a) That all vacant property above an elevation of 901' be preserved from an
       intensive level of development, subject to the following exceptions:
       1. Development of individual residences on existing lots; and
       2. Development under planned unit development procedures when it
          can be demonstrated that a proposed development is consistent with
          the adopted South Hills Study Ridgeline Park purpose statement
          which provides any areas recommended for preservation or park
          usage should serve at least one of the following purposes:
          a. To insure preservation of those areas most visibly a part of the
             entire community.
          b. To protect areas of high biological value in order to provide for
             the continued health of native wildlife and vegetation.
          c. To insure provision of recreational areas in close proximity to
             major concentrations of population.
          d. To provide connective trails between major recreational areas.
          e. To provide connective passageways for wildlife between
             important biological preserves.
          f. To contribute to Eugene's evergreen forest edge.
          g. To provide an open space area as a buffer between the
             intensive level of urban development occurring within the
             urban service area and the rural level of development occurring
             outside the urban service area.
   (b) That all proposed developments in the south hills area be reviewed to
       determine if connecting linkages are possible between various park sites,
       particularly north of Skyline Park to Hendricks Park and between Blanton
       Heights and Hawkins Heights.

(2) Density Section - Specific Recommendations.
   (a) That in the area west of Friendly Street the maximum level of new
       development per gross acre be limited to 8 units per acre (the maximum of
       8 units per gross acre being subject to positive findings under the planned
       unit development criteria).
   (b) That in the area east of Friendly Street the maximum level of new
       development per gross acre be limited to 5 units per acre (the maximum
       figure of 5 dwelling units per gross acre being subject to positive findings
       under the planned unit development criteria).
   (c) That low-moderate income housing developed under the Controlled
       Income and Rent provisions of the City Code be exempt from the density
       standards set forth above, but subject to normal specific site analysis
       standards.

(3) Development Standards - Specific Recommendations.
   (a) That all major developments (developments in excess of minor partitions)
       occurring on property above an elevation of 701' shall be reviewed by the
       Planning Director to determine if standard subdivision procedures, site
review procedures, or planned unit development procedures should be required. In reaching a determination, the Planning Director shall evaluate the following factors:

1. The potential for surface movement;
2. The view potential of the property;
3. The nature of existing vegetation;
4. The nature of surrounding development; and
5. The nature of the development proposal.

The decision of the Planning Director shall be appealable to the Planning Commission and thence to the City Council. (See provisions beginning at EC 9.7600 for appeal procedures.)

(b) That planned unit development procedures shall be utilized for the following purposes:

1. To encourage clustering of development in areas characterized by:
   a. Shallowest slopes.
   b. Lowest elevations.
   c. Least amount of vegetation.
   d. Least amount of visual impact.
2. To encourage preservation as open space those areas characterized by:
   a. Intermediate and steep slopes.
   b. Higher elevations.
   c. Significant amounts of vegetation.
   d. Significant visual impact.

(c) That adequate review of both on-site and off-site impact of any development by a qualified engineering geologist occur under any of the following conditions:

1. All formations:
   Soil depth of 40 inches and above.
   Slopes of 30 percent and above.
2. Basalt flows:
   Soil depth of 40 inches and above.
   Slopes of 20 percent to 30 percent.
3. Eugene Formation:
   Soil depth of 40 inches and above.
   Slopes of 20 percent to 30 percent.
4. Basalt flows:
   Soil depth of 20 to 40 inches.
   Slopes of 30 percent and above.
5. Eugene Formation:
   Soil depth of 20 inches to 40 inches.
   Slopes of 30 percent and above.

(d) That developments be reviewed to encourage clustering of open space elements of different developments in order to preserve the maximum amount of continuous open space.
(e) That developments be reviewed in terms of scale, bulk and height to insure that development blends with rather than dominates the natural characteristics of the south hills area.

(f) That all proposed road locations be reviewed to insure minimum grade disturbance and minimum cut-and-fill activity, particularly in those areas most visible due to slope, topographic or other conditions.

(g) That planned unit development review shall be based upon a recognition of both public and private interest. In areas of significant conflict (e.g., locating development in a highly visible area as opposed to a less visible area or in an area of significant vegetation as opposed to a relatively open area) which could be resolved through use of an alternative development plan, primacy shall be given to the public interest in any determinations.

(h) That all developments shall be reviewed for potential linkage with or to the ridgeline system.

(i) That all developments (planned unit developments or subdivisions) be reviewed to insure maximum preservation of existing vegetation.

(Section 9.9630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)


(1) Rezone the lot on the east side of Willamette, south of 24th Place from C-2 to General Office, to support the transition from residential north of 24th Place to commercial south of the subject lot.

(2) The southeast corner of the block between 18th and 19th, Oak and Willamette is currently zoned R-3 and occupied with low-density residential uses. This four lot area faces residential development across Oak Street and across 19th Avenue. The uses on the remainder of the block are office or commercial but are oriented toward Willamette or 18th Avenue. This study recommends that the Metro Plan be refined to support the continuation of medium-density zoning as an appropriate use for these parcels. Additionally, traffic projections for a two-way Willamette Street indicate a 3000 vehicle decrease on Oak between 18th and 20th, which also supports the continuation of the integrity of residential uses in the area.

(3) The School District-owned Civic Stadium and bus garage property is appropriately designated for medium density residential development on the Metro Plan Diagram, but should remain zoned Public Land as long as the Civic Stadium use remains.

(4) Commercial or office zoning along Willamette between 19th and 24th Place should not be expanded. The area should appropriately remain in residential uses as it is designated in the Metro Plan Diagram. The traffic volumes projected for a two-way Willamette in this section are approximately 12,000 vehicles per day, an increase of 4,400. This level of traffic is lower than several other arterial streets which are primarily residential: 18th Avenue, 11th Avenue between downtown and Garfield Street, and Patterson south of 24th. Staff feels that the projected increase in traffic volumes does not support the conversion of
residential to office or commercial uses.

(5) In recognition of existing mix of low, medium and high density residential uses and the current zoning on the west side of Willamette between 19th Avenue and 24th Place, this study recommends that the Metro Plan diagram be refined to reflect a high density residential designation on parcels currently zoned R-3 in the area.

(6) The zoning and planned use designations for the remainder of the study area should remain as is. In particular, the area on the east side of Willamette Street between 19th and the Civic Stadium property is an appropriate area for medium density residential development. The area on the east side of Willamette between 19th and 18th is appropriately designated and zoned as commercial.

(Section 9.9640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

(This section intentionally left blank.)

(1) Apply interim protection measures to wetland sites identified for protection through existing local land use controls, until sites are purchased for conservation and protection. (Policy 3.2)

(2) Along with Lane County and the State of Oregon, protect wetlands on public lands in the west Eugene wetlands study area and restore wetlands on public lands consistent with Wetland Designations Map (Map 3). (Policy 3.5)

(3) Establish, maintain and protect physical and hydrologic linkages between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas. (Policy 3.8)

(4) Protect and enhance the quality, functions, and values of natural and human-made waterways that are interconnected with wetlands. (Policy 3.9)

(5) Restrict public access in natural resource areas, rare plant sites and specified wildlife nesting and resting areas. (Policy 3.11)

(6) Protect and create buffer areas between regulated wetland boundaries and adjacent uses or developments. (Policy 3.12)

(7) Promote multiple uses of protected wetlands to meet community, environmental and human needs:
(a) Provide public access for all people where other wetland functions and values are not compromised;
(b) Coordinate wetland protection, enhancement and restoration with regional water quality improvement needs; and
(c) Utilize current and restored wetlands for flood storage and control.
(Policy 3.13)

(8) Implement wetland protection policies that prohibit development on wetlands designated for protection after those wetlands are acquired by a public agency or nonprofit organization (e.g., The Nature Conservancy). (Policy 3.14)

(9) The Waterside Protection setback proposed in the Natural Resources Special
Study shall be applied to streams designated to be protected in this plan as identified on Map 3, Wetland Designations. (Policy 3.15)

(10) Local governments shall not issue grading or building permits within areas mapped as jurisdictional wetland in the West Eugene Wetland Plan area unless the applicant has an approved state/federal wetland fill permit for the proposed project (Policy 3.20)

(11) Pursue interim protection of sites which contain rare species, but do not meet the criteria for protection in Policy 3.17 through conservation easements or other measures until either (1) the affected species are de-listed or (2) conservation agreements are reached between the property owner and affected natural resources agencies to address the rare species populations. (Policy 3.26)

(12) Future fill or removal within the "utility corridors" as designated on the Wetland Designation Map (Map 3) shall be conducted with an applicable U.S. Army Corps of Engineers (Army Corps) and/or Division of State Lands dredge and fill permit(s), and shall be limited to the minimum impacts necessary to:
   (a) Conduct emergency repairs to existing utility lines,
   (b) Conduct essential maintenance (e.g., work to maintain or optimize performance) on existing utility lines, including line locating,
   (c) Construct connections to existing utility lines,
   (d) Construct new utility lines,
   (e) Move existing utility lines when necessary to maintain service or conduct emergency repairs, and when at least one of the following is true:
       1. The utility line must be moved to protect it from erosion or some other natural threat;
       2. Construction of public facilities that are consistent with this plan and that conflict with an existing utility line, where such public facilities cannot reasonably be constructed without moving the utility line; or
       3. The utility line must be moved in order to maintain or repair another utility line in the same vicinity.
   (f) Place new utility poles or replace existing utility poles, only when necessary to maintain performance or safety of above-ground utility lines. Above-ground utility lines may not be replaced with underground utility lines within wetlands designated for restoration or protection.
   (g) No other impacts are authorized by this policy. The following shall also apply to these corridors:
       1. The corridors for underground utility lines shall be 20 feet wide for excavations or pipes up to 10 feet below ground surface (bgs), 30 feet wide for excavations or pipes from 10 to 15 feet bgs, and 40 feet wide for excavations or pipes deeper than 15 feet bgs. Where two utility lines are close to each other, the corridors for the lines may overlap, but impacts for work on one line are allowed only within the corridor width for that line, not the combined width of both lines.
       2. The corridors for above ground utility lines shall be 10 feet wide for single pole structures and 20 feet wide for double pole ("H-style") structures.
3. The utility corridors shall be centered on an existing utility line, extending an equal distance (half the allowed width) on both sides, except for corridors for new utility lines, which shall be located as specified in subsection 4. below.

4. Construction of new utility lines and new connections to existing utility lines within wetlands designated for protection shall require an amendment of this plan to change the designation from "protect" to "utility line corridor." Such amendments will only be allowed where it is demonstrated that:
   a. An alternatives analysis has concluded that locating the new utility line within a protected wetland is the best alternative. The alternatives analysis shall compare alternatives that are completely outside of protected wetlands and compare them to any alternatives that impact protected wetlands. The alternatives shall be evaluated by weighing engineering requirements and total environmental impacts including impacts to rare species and their habitat, and to wetlands designated in the Plan for restoration or protection.
   b. The new construction cannot reasonably be constructed completely outside of wetlands designated for protection as demonstrated in the above-referenced alternatives analysis;
   c. The utility lines are located so as to reduce the impact to wetlands designated for protection as much as possible, and in no case shall a cumulative area greater than 1 acre be re-designated from “protection” to “utility corridor” for a new utility line;
   d. Unavoidable impacts will be mitigated through restoration of the project’s entire impact area;
   e. There are no impacts to wetlands from new utility lines installed within the Willow Creek Natural Area; and
   f. Impacts to rare plant and animal species will not occur.

(g) Other than the activities described in this policy, these corridors shall be treated as protected wetlands. Allowed activities shall be conducted in such a manner as to minimize adverse impacts to the maximum extent possible upon the wetlands within the corridor itself and within surrounding protected wetlands. Wetland impacts shall be limited to the minimum area necessary. Utility agencies shall use the best feasible technology to pinpoint the location of needed repairs prior to excavation in order to limit the area of impact.

(h) Except for emergency repairs, these activities shall be planned and timed to minimize adverse impacts to wetlands.

(i) All impacts shall be followed by restoration activities including:
   1. Backfilling with existing native soil within three feet of the surface whenever possible, and in no case less than two feet; and
   2. Grading and re-seeding and/or replanting with appropriate native
plant species.

(j) Any unavoidable impacts to rare plant species shall be mitigated through coordinated transplanting or other measures. (Policy 3.21)

(13) The plant and animal species listed below shall be considered rare for the purposes and policies of this Plan:

Rare Plants:
white-topped aster  Aster curtus
Willamette daisy  Erigeron decumbens var. decumbens
Shaggy horkelia  Horkelia congesta
Bradshaw’s lomatium  Lomatium bradshawii
Timwort  Cicendia quadrangularis

Rare Animals:
Northwestern pond turtle  Clemmys marmorata marmorata
Fender’s blue butterfly  Icaricia icarioides fenderi
(Policy 3.23)

(14) Future fill within the Planned Transportation Corridors as shown on Wetland Designations Map (Map 3) shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. New roadway construction shall be limited to those projects listed in TransPlan as of August 10, 1992, excluding those projects listed in Appendix B; no other new roads or streets are permitted. Road widening and other improvements to existing roads or streets shall be limited to those listed in TransPlan (1992) or in an adopted capital improvement plan (CIP) as of June 30, 1998. Road widening and other improvements to existing roads or streets within wetlands designated for protection or restoration shall require an amendment of this plan to change the designation to “Planned Transportation Corridor” if the project is not listed in TransPlan (1992) or in an adopted CIP as of June 30, 1998. In no case shall more than 1 acre (cumulative) of protected wetland be re-designated to Planned Transportation Corridor for improvements to an existing road or street. (Policy 3.22)

(Section 9.9660, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9670 West University Refinement Plan Policies.

(1) Transportation and Parking Element.

(a) If additional multi-level parking structures are necessary, they should be designed for safety, efficiency, and compatibility with surroundings, taking into account the effect on residential areas, including traffic, visual, noise, and artificial lighting impacts, and design for possible later conversion to other uses should be encouraged. (Policy 6)

(b) The use of bicycles should be encouraged in the following ways:
1. Businesses and major employers should provide secure, convenient covered bicycle parking.

(2) Public Facilities and Services Element.
(a) In the provision of services and facilities in the plan area, special recognition and consideration shall be given to the need for retaining and upgrading the livability of this densely populated and centrally located area that contains concentrations of persons with special needs, particularly renters, students, low-income persons, group home residents, handicapped persons, and the elderly. (Policy 5)
(b) Adequate lighting for nighttime walking and bicycling and to reduce the fear of crime shall be developed and maintained. (Policy 8)
(c) Additional usable open space and recreation facilities shall be developed in the West University Neighborhood. (Policy 9)

(3) Neighborhood Design Elements.
(a) Elements that enhance neighborhood identity, character, or the “image” of the plan area, as well as livability, shall be maintained and/or encouraged whenever possible. Examples include:
   1. Murals.
   2. Small, intensely developed open spaces.
   3. Street trees.
   4. Street furniture.
   5. Waterways.
   6. Small-scale businesses including street vendors.
   7. Alley cottages.
   8. Older homes.
   10. A distinctive street lighting system.
   15. Pitched roofs, wood-framed windows, wood exterior siding. (Policy 1)
(b) Elements that are detrimental to neighborhood identity, character, and livability, such as large parking facilities and the use of motor vehicles, shall be discouraged. (Policy 2)
(c) The City shall continue to implement a program of historic preservation to identify and restore structures and other landmarks of historic significance in the plan area. (Policy 3)
(d) The City shall encourage preservation of existing older structures in the plan area that merit saving because of structural soundness or historic or architectural merit, using methods such as rehabilitation and housemoving. (Policy 4)
(e) Design elements that encourage walking, such as pedestrian paths, street trees, benches, low-level lighting, trash cans, mailboxes, and planters shall
be encouraged. (Policy 5)
(f) Care shall be taken to maintain or improve pedestrian and bike crossings on streets that form edges or barriers. (Policy 6)
(g) The City shall protect and enhance the Millrace and Amazon Creek. (Policy 7)
(h) The City shall study the feasibility of connecting the Millrace and Amazon Creek with a canal that would provide opportunities for site repair, redevelopment, flood control, recreation, transportation, and improving the environment. (Policy 8)
(i) The City shall recognize that in order to best use scarce open space in the plan area, certain streets shall be considered for recreational and other uses. Note: It will be necessary for the City to take specific steps to legally authorize the use of streets for non-transportation purposes and to minimize liability. (Policy 9)
(j) Certain streets (see Street Design Map) will become a woonerf area and will be developed by the City or private developers for shared use by pedestrians, bicycles, and local automobile traffic. This concept will be implemented incrementally over time to test its feasibility. The woonerf treatments will not be applied to the bordering arterial streets — 18th, 13th, Patterson, and High — and thus will provide an incentive for traffic to use those arterials. The woonerf concept is not the same and should not be confused with street diverters or barricades. It will not restrict access to any area within its boundaries. Initial implementation could include:
1. Through automobile traffic should be limited or excluded; vehicles whose origin or destination is in the woonerf should be permitted.
2. Entrances and exits to the woonerf should be easily distinguishable from other streets, using more than just traffic signs.
3. The number of parking spaces may be restricted, but must be sufficient for the needs of the residents.
4. Recreation facilities such as basketball hoops, picnic facilities, and street games should be available to encourage diverse use of the public rights-of-way.

See also the [indented] note under Policy 9 in this element. (Policy 10)
(k) If experience shows that the woonerf concept works in this neighborhood, then more extensive and permanent street treatments will be implemented as funding permits. These may include:
1. Permanent recreation facilities.
2. Roadways that are narrowed and identified by special paving with the passage or two cars permitted by the use of pull-out areas.
3. Design details and street furniture that serve the residents of the area.
4. Community gardens.
5. Clustered parking. (Policy 11)

(4) Land Use - Housing and Commerce Element.
(a) The City shall develop mechanisms for shared planning and/or consolidation of small parcels under multiple ownership for development
so that better site planning and use can occur. Results might include shared parking, better sun exposure for solar energy use, shared open space, and saving mature vegetation. (Policy 4)

(b) Efforts shall be made to save existing structures that merit saving because of structural soundness and/or historical significance. (Policy 7)

(c) Efforts shall be made to save existing residential structures in the plan area. These efforts shall include rehabilitation, housemoving, and infilling. (Policy 8)

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

(e) The City and the neighborhood groups will encourage and promote owner occupancy in the plan area. (Policy 10)

(f) The City shall encourage housing that is wheelchair-accessible. (Policy 13)

(g) The City shall prevent the number and scale of group care facilities from becoming so concentrated in the plan area that 1) the area loses its attractiveness as a residential setting and 2) the residents of group care homes are no longer living in a residential setting. (Policy 14)

(h) The City will assist the health care and education industries to grow and to continue to provide services and employment to the extent allowed by balancing all City goals, recognizing that they are important contributors to the local economy. (Policy 19)

(i) All new development in the R-4 zoned land north of 13th Avenue in the plan area shall be subject to site review so that it is efficient, workable, safe, compatible with surroundings, and considerate of historic and natural features. (Policy 21)

(j) New clinics shall not be allowed in the residentially zoned areas south of 13th Avenue in this plan area. (Policy 22)

(k) Commercially zoned property in the plan area shall be used more intensely in the future. (Policy 24)

(Section 9.9670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


1. Land Use Element.
   (a) Prevent erosion of the neighborhood’s residential character. (Policy 1)
   (b) Support improving existing housing and reducing the number of substandard units. (Policy 2)
   (c) Encourage the concentration of commercial activities within the core of downtown and prevent the conversion of residentially zoned properties to non-residential zoning districts within the Westside Neighborhood. (Policy 3)
   (d) Recognize the important role neighborhood-oriented commercial uses play
in meeting the needs of those living and working in the area. (Policy 5)

(2) **Land Use Element - Central Residential Area.** The City shall encourage actions that will preserve existing residential structures, including rehabilitation, block planning, infilling, and shared housing. (Policy 2)

(3) **Land Use Element - Central Residential Area.**
   (a) The City shall promote residential development that will provide a transition between retail and auto-oriented activities on West 7th Avenue and lower-density residential developments south of West 8th Avenue. (Policy 2)
   (b) The City shall encourage alley access and parking to occur in rear yard areas with special landscaping and other amenities provided along West 8th Avenue. (Policy 4)

(3) **Transportation and Traffic Element.**
   (a) Reduce the adverse impacts of traffic on arterial and collector streets that run through and on the edge of the Neighborhood. (Policy 2)
   (b) Examine possible solutions to traffic impacts in the Westside Neighborhood by evaluating the implications of changes made both in and beyond the neighborhood. (Policy 3)
   (c) Recognize the negative impacts that insufficient parking in and close to the Westside Neighborhood can have on the vitality of commercial activities and the character of residential areas within the Westside Neighborhood. (Policy 4)
   (d) Improve and maintain bicycle and pedestrian facilities within the Westside Neighborhood and linking to other parts of the city. (Policy 5)
   (e) Encourage Lane Transit District to continue to provide bus service in the Westside Neighborhood. (Policy 6)
   (f) Recognize the importance of certain alleys for internal block circulation and access in the Westside Neighborhood. (Policy 7)

(5) **Neighborhood Character and Design Element.**
   (a) Identify and encourage preservation of the significant cultural resources and unique features of the neighborhood including buildings, sites, structures, objects, street trees, and landscape features. (Policy 1)
   (b) Promote landscaping in the public right-of-way that will 1) mitigate the adverse effects of motor vehicle traffic, 2) provide defined entrances to the neighborhood, and 3) foster the distinctiveness of various parts of the neighborhood. (Policy 2)

(Section 9.9680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.9690 Whiteaker Plan Policies.**

(1) **Neighborhood History and Character Element.**
   (a) Preserve existing trees on public land and right-of-way. (Policy 3)
   (b) Continue, enhance, and promote the street tree planting program. (Policy 4)
(c) Inventory and promote protection of significant trees on private property. (Policy 5)

(d) In evaluating proposed changes to the transportation systems that affect Whiteaker, consider the impacts on historic and character defining features of the neighborhood and design system that not only move traffic but link and reinforce elements of neighborhood character. (Policy 9)

(e) Protect and enhance the natural characteristics of Skinner Butte and the Willamette River. (Policy 10)

(f) Protect and enhance positive features of the neighborhood that help create a strong sense of neighborhood identity. (Policy 11)

(2) Land Use Element.

(a) Use the land-use diagram and policies of this plan along with other City policies in making land-use decisions for the Whiteaker community. (Policy 1)

(b) In areas designated for medium- or high-density residential use, allow single-family housing that can be rehabilitated to help maintain a variety of dwelling unit types and densities. (Policy 3)

(c) Guide the use of public land in a manner that recognizes the needs of the public agency and yet also helps ensure compatibility between adjoining land uses. (Policy 6)

(d) Recognize that about 3,000 residents live within one quarter mile of the railroad and are directly impacted by railroad operations and practices. (Policy 7)

(e) Recognize the important link Monroe Street serves between residential portions of the Blair and Sladden neighborhoods, and encourage preservation of its mixed use character. (Policy 8)

(f) Recognize the important link the 3rd/4th Avenue serves between the residential areas around Skinner Butte and encourage surrounding land uses that will preserve natural, scenic, and historic resources in the area and prevent the road from becoming a high-speed thoroughfare. (Policy 9)

(g) Increase efforts to preserve and rehabilitate existing housing resources, and minimize conversion to non-residential uses or demolition. (Policy 10)

(h) Explore and implement ways to increase owner-occupied housing within those portions of Whiteaker designated for residential use. Increase options/opportunities for purchase or home ownership to interested low-income renters. (Policy 11)

(3) Land Use Element, City Policies for Subareas, Blair Commercial Area - Subarea 1. Recognize the Blair Commercial Area as appropriate for neighborhood-scale commercial uses and small-scale industrial uses. Encourage continued economic revitalization, preservation of historic resources, and building rehabilitation. (Policy 1)

(4) Land Use Element, City Policies for Subareas, West Blair Residential Area - Subarea 2. Recognize the West Blair Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage
home ownership and the preservation of sound historic properties, and discourage non-residential uses. (Policy 1)

(5) Land Use Element, City Policies for Subareas, East Blair Residential Area - Subarea 3. Recognize the East Blair Residential Area as being appropriate for medium-density residential use (up to 20 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses. (Policy 1)

(6) Land Use Element, City Policies for Subareas, Blair Industrial Area - Subarea 4. Help protect residential areas close to the Blair Industrial Area from the impacts of industrial expansion and changes in use occurring within this area. Apply the site review /SR suffix on all industrially zoned parcels adjacent, across an alley, or across a street from property zoned low-density residential. (Policy 3)

(7) Land Use Element, City Policies for Subareas, Rose Garden Residential Area - Subarea 7.
   (a) Recognize the Rose Garden Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses in areas planned for residential use. (Policy 1)
   (b) Public Land currently in park use in this area shall not be converted to a motor vehicle parking lot. (Policy 5)

(8) Land Use Element, City Policies for Subareas, South Sladden Area - Subarea 9. In the South Sladden area, encourage the retention of existing residential structures in this area or the moving of single-family structures that are in good condition or could be fixed up, to residential areas in Whiteaker rather than have the structures demolished. (Policy 5)

(9) Land Use Element, City Policies for Subareas, West Skinner Butte Residential Area - Subarea 10. Recognize the West Skinner Butte Residential Area as appropriate for Medium-Density Residential use (up to 20 units per acre), encourage an increase in various types of home ownership, and promote new residential developments that are compatible with the Whiteaker neighborhood. (Policy 1)

(10) Land Use Element, City Policies for Subareas, East Skinner Butte Residential Area - Subarea 12. Particularly within the East Skinner Butte Historic District, encourage home ownership, preservation of historic structures and landscape features, and discourage non-residential uses. (Policy 3)

(11) Transportation Element.
   (a) Design any new arterial/bridge or major reconstruction of an existing arterial/bridge to minimize noise pollution, appropriately screen the facility from abutting properties, and minimize the negative impacts to nearby properties. (Policy 2)
   (b) Take steps to mitigate excessive noise on existing arterials and establish screening as needed. (Policy 3)
   (c) Encourage reduction of through traffic on non-arterial streets within the
(d) Maintain and improve the operation of the street system to facilitate circulation within the neighborhood. (Policy 5)
(e) Improve traffic safety for the various modes of transportation either by implementing measures to separate different modes or to make shared travel lanes more functional, compatible, and safer. (Policy 7)
(f) Continue to improve safe bicycle access to and throughout the Whiteaker neighborhood. (Policy 9)
(g) Encourage the installation of bus shelters, especially near areas with concentrations of senior citizens or where there is high transit usage and limited opportunities for shelter during bad weather. (Policy 10)
(h) Provide adequate pedestrian facilities for crossing of arterial streets at their points of greatest demand. (Policy 13)
(i) Continue to install sidewalk access ramps at intersections within the Whiteaker area. (Policy 14)
(j) Retain alleys and encourage their appropriate use as important elements of the transportation network. (Policy 15)
(k) Enhance the function alleys and pedestrian ways currently perform as part of the pedestrian system. (Policy 16)
(l) Recognize street trees as a significant public asset and help integrate where possible into the streetscape. Planting strips can soften the edge adjacent to residential areas and visually integrate residential and non-residential areas. (Policy 17)
(m) Require property owners to replace removed street trees at the time of removal or during the next planting season, subject to adopted planting standards. (Policy 18)

(12) Recreation Element.
(a) Develop, manage, and program parks in ways that minimize impacts on surrounding neighborhoods and minimize conflicts of use within parks. (Policy 5)
(b) Support changes in traffic patterns that would minimize park automobile traffic impacting residential streets. (Policy 6)

(Section 9.9690, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)


(1) Land Use Element - General Policies.
(a) The City shall use the Land Use Diagram and accompanying text and policies of the Willakenzie Refinement Plan, as well as other applicable City goals, policies, and plans, to provide policy direction for public decisions affecting the plan area. (Policy 1)
(b) The City shall ensure that future commercial development and redevelopment in the Willakenzie planning area is sensitive to and compatible with existing and planned development in the surrounding area. (Policy 2)
(c) Retain existing significant vegetation whenever possible to provide buffering between residential and nonresidential uses, as well as between low-density and higher density residential areas. (Policy 3)

(d) Recognize Coburg Road, the Ferry Street Bridge, Beltline Road, Delta Highway, Interstate 5, and the Eugene-Springfield Highway (I-105) as designated entrance corridors to the city as identified in the adopted City of Eugene Entrance Beautification Study. (Policy 4)

(e) Site review procedures or special development standards shall be considered for properties which abut or face one another, when the uses permitted on those properties are potentially incompatible. (Policy 5)

(f) Minimize land use conflicts by promoting compatibility between low-density and higher-density residential land uses as well as between residential and nonresidential land uses. (Policy 6)

(g) Mixed-use developments that combine living, working, and shopping opportunities shall be encouraged in the study area. (Policy 7)

(2) Land Use Element - Residential Policies.

(a) Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city. (Policy 1)

(b) Ensure that development plans include street sizes adequate to meet future demands. (Policy 3)

(c) Encourage a mixture of housing densities and types to address the housing needs of a diverse population. (Policy 4)

(d) Encourage medium- and high-density residential uses in areas which have good access to commercial services, public open space, schools, parks, transit, and other alternative modes of transportation. (Policy 5)

(e) Require that all new residential development adjacent to Beltline Road, Interstate 5, Delta Highway, and I-105 provide on-site noise buffering between the noise source and the new development. (Policy 6)

(f) Berms that are used to fulfill a noise-buffering requirement shall be landscaped and irrigated with a permanent irrigation system. (Policy 7)

(g) Promote compatibility between low-density residential land uses and medium- to high-density residential land uses. (Policy 8)

(3) Land Use Element - General Commercial and Industrial Policies.

(a) Minimize the impact of future neighborhood commercial development on adjacent residential uses through the application of Willakenzie Commercial Siting and Development Guidelines. (Policy 2)

(b) Encourage the consolidation of parking lots, development of joint access, and use of access controls on commercial and industrial developments. (Policy 3)

(4) Land Use Element - Central Region, Gilham Subarea.

(a) The parcels lying south of Goodpasture Island Road, currently occupied by Greer Gardens commercial nursery operation, shall be considered appropriate for medium-density residential development at the time that the property owner wishes to redevelop. In the event that redevelopment of
the site occurs, vehicular access to the medium-density development shall be limited to the northeastern end of the site, across Goodpasture Island Road from Ridgeway Drive. (Policy 1)

(b) Expansion or redevelopment of the neighborhood grocery at the northwest corner of Cal Young and Fir Acres shall conform to Willakenzie Commercial Siting and Development Guidelines and shall be limited to the existing tax lot. This site shall also be limited to Neighborhood Commercial zoning. (Policy 2)

(5) Land Use Element - Central Region, Sheldon Subarea.

(a) Encourage development that consolidates parcels into cohesive development sites and limits the number of access points onto Coburg Road. (Policy 1)

(b) The existing commercial developments at the northeast and southeast corners of Coburg and Willakenzie Roads shall not be expanded beyond their existing boundaries. (Policy 6)

(6) Land Use Element - Central Region, Harlow Subarea. The City shall require that medium-density residential development on the east side of Coburg Road, between Tandy Turn and Bailey Lane and between Adkins Street and Elysium Avenue, is developed in a manner that promotes compatibility between low-density and medium-density uses, enhances the visual character of Coburg Road (a designated Entrance Corridor), and limits traffic conflicts on Coburg Road and local streets. (Policy 2)

(7) Land Use Element - Central Region, Willagillespie Subarea.

(a) The City shall require noise buffering and/or other noise attenuation features for all new residential development abutting I-105 and Delta Highway. (Policy 1)

(b) The City shall encourage infilling of large, vacant residential parcels and residential parcels which have not yet been developed to their fullest capacity in order to accomplish a compact urban growth form. (Policy 2)

(c) The City shall ensure that new development and redevelopment occurring on the flanks of Gillespie Butte will be accomplished in a manner that affords maximum preservation of the natural character of the butte, and is sensitive to topographic constraints, soil conditions, views to and from the butte, and the need for public access to the butte. (Policy 3)

(d) The City shall provide a pedestrian access to Gillespie Butte prior to new development occurring on the western and southern flanks of the butte. (Policy 10)

(8) Land Use Element - North Region, Delta Subarea.

(a) The City shall encourage site development practices which promote compatibility between commercial/general office uses and residential uses. (Policy 2)

(b) The City shall allow access to commercial- and general office-zoned land only from arterial and collector streets. (Policy 3)
(c) The City shall encourage development that consolidates parcels into cohesive development sites and limits the number of access points onto Green Acres Road. (Policy 4)

(9) **Land Use Element - North Region, Unincorporated Subarea.**

(a) The City shall require future developments on parcels abutting the UGB to provide an effective transition between urban and rural land uses. This transition is intended to minimize potential conflicts with adjacent agricultural uses and sand and gravel operations. (Policy 2)

(b) The City shall require that access to the future school site on the east side of Coburg Road and the future school building itself be oriented toward the existing residential street systems rather than Coburg Road. (Policy 3)

(c) The City shall limit access points along both sides of County Farm Road, north of the present city limits. Encourage construction of a local residential street system to provide access. (Policy 5)

(d) The City shall recognize the Northwest Pipeline District Offices (located along the east side of North Game Farm Road) as a nonconforming use. The site shall be exempt from the nonconforming use requirements of the Eugene Code so that the use may continue to operate. Future expansion of the use by Northwest Pipeline will be limited to the tax lot on which the offices are currently located (Tax Lot 1503 — Assessor’s Map 17-03-09-00). The site and surrounding area shall be considered appropriate for low-density residential use. (Policy 6)

(e) The City shall acknowledge the potential for development of residential/mixed-use neighborhoods in the Unincorporated Subarea. (Policy 11)

(f) Residential mixed-use developments shall be a minimum of 30 acres in size and a maximum of 160 acres in size. (Policy 14)

(10) **Land Use Element - North Region, Coburg/Crescent Subarea.**

(a) The City shall recognize the area south of the future extension of Crescent, and west of the future Shadow View Drive, as depicted on the Willakenzie Land Use Diagram (and as refined by Inset Map D), as appropriate for the expansion of Neighborhood Commercial development. The Neighborhood Commercial site shall not exceed 10 acres in size. Uses in this commercial area are intended to serve the day-to-day shopping and service needs of area residents and employees of the Special Light Industrial area. Clinics and medical offices shall not be permitted in this neighborhood commercial area. (Policy 2)

(b) The city of Eugene shall ensure that industrial development in the Coburg/Crescent subarea is sensitive to and compatible with surrounding uses and will conform to the Coburg/Crescent Special Light Industrial Siting and Development Standards. (Policy 3)

(c) The City shall encourage the development of commercial uses which provide direct services to the employees of the Special Light Industrial area. Examples include restaurants, banks, day-care centers, health clubs, and recreational facilities. (Policy 7)
(d) The land use plan diagram for the Coburg/Crescent subarea indicates general locations for parks/open space and low-, medium-, and high-density residential uses. The City shall allow for the consideration of a different arrangement of residential and park/open space uses subject to the following criteria:

1. Provision shall be made for an eastern access to the School District 4J site;
2. Provision shall be made for a park site immediately adjacent to the 4J school site;
3. Low-density residential uses shall border North Game Farm Road;
4. The future parks site must have adequate street frontage (as determined by the City PARCS Department);
5. Medium-density residential development proposed for areas to the east and south of the Kinney Loop subdivision must be sensitive to and compatible with the low-density residential development within this subdivision; and
6. Provision shall be made for design elements which insure compatibility between residential and industrial land uses. (Policy 9)

(11) Land Use Element - South Region, Ferry Street Bridge Subarea. The City shall encourage site development practices which promote compatibility between high-density residential land uses and the Q Street Floodway and Autzen Stadium. (Policy 1)

(12) Land Use Element - South Region, Chase Gardens Subarea.

(a) The City shall require future residential developments on parcels abutting the unincorporated area to provide an effective transition between urban and rural land uses. This transition is intended to minimize potential conflicts with adjacent agricultural operations. (Policy 1)

(b) The City shall recognize the area north of Centennial Boulevard which is designated on the Willakenzie Land Use Diagram for commercial uses as being appropriate for General Office and Neighborhood Commercial zoning. This area shall contain a maximum of 10 acres of Neighborhood Commercial zoning. Commercial uses are intended to be located on the east side of Garden Way, either in its present alignment or a future alignment. (Policy 4)

(c) The City shall acknowledge the potential for development of residential/mixed-use neighborhoods in the Chase Gardens subarea. (Policy 5)

(d) Residential mixed-use developments shall be a minimum of 30 acres in size and a maximum of 160 acres in size. (Policy 8)

(13) Transportation Element.

(a) The transportation network within the Willakenzie Area shall be planned and designed to ensure: a) preservation of existing neighborhoods; b) an adequate system of arterials and collectors for the efficient movement of through traffic; and c) the preservation of the use of local streets for local traffic. (Policy 1)

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(b) The City shall maintain and encourage the safe and efficient operation of major streets by limiting private, direct access to those streets where necessary. (Policy 2)

(c) The City shall continue to provide direct access from Coburg Road to the Kinney Loop subdivision via Kinney Loop. If in the future access onto Coburg Road from Kinney Loop becomes a hazard, the City shall consider the addition of an access point to the Kinney Loop area via Crescent Avenue. This additional access to Kinney Loop off Crescent Avenue should be to provide access to the Kinney Loop subdivision only and should not connect through to other areas. (Policy 3)

(d) The City shall provide for improvements to designated entrance corridors, including those in County and State jurisdictions, in conjunction with construction or reconstruction projects affecting those streets. (Policy 4)

(e) The City shall work with major developers and employers to ensure that transportation demand management strategies are incorporated into their facilities planning and operations. (Policy 5)

(f) The City shall work with developers to provide and participate in transportation mitigation measures which are necessary to resolve direct traffic impacts resulting from new development. Mitigation measures could include such things as traffic control signs, traffic signals, street widenings, turn lanes, and other access improvements. (Policy 6)

(g) To the greatest extent possible, the City shall encourage regional and intercity traffic to use major rather than minor arterials. (Policy 7)

(h) The City shall work with developers and the State of Oregon to ensure that noise attenuation is provided for existing and proposed residential developments along State highways when improvements are made to those roads. (Policy 8)

(i) The City shall require new residential developments occurring along State highways and streets identified as Traffic Noise Control Corridors to use appropriate siting and design techniques to bring the development into compliance with State and Federal noise standards. (Policy 9)

(j) As street lights are installed on major streets, the City shall consider the impacts of light intrusion on residences adjacent to those streets. (Policy 11)

(k) The city shall continue to require sidewalks to be constructed in all newly developed areas. (Policy 13)

(l) Sidewalks shall not be installed on local streets within existing developed residential areas unless a majority of property owners are supportive or unless traffic conditions materially change to create a safety problem. (Policy 14)

(m) The City shall provide for the creation of a network of bicycle and pedestrian amenities to encourage bicycling and walking, reduce reliance on the automobile, and alleviate or delay congestion and other traffic problems. (Policy 19)
(14) **Public Facilities and Services Element - Natural Drainage.**
   (a) Encourage development practices that reduce the need for construction of an extensive subsurface storm sewer system. (Policy 1)
   (b) Encourage growth and development patterns that are compatible with natural features and discourage the alteration of natural features. Relocation of natural drainage features may be considered as an alternative to replacement with a closed pipe system. (Policy 2)
   (c) Encourage measures that will improve the quality of storm-water runoff discharged into local waterways. (Policy 3)

(15) **Public Facilities and Services Element - Water and Electric Services.** The City shall work with EWEB to continue support for placing utility lines underground. (Policy 2)

(16) **Neighborhood Design Element - Neighborhood Gateways.**
   (a) Encourage the development of symbolic 'gateways' to the Willakenzie area through the effective use of landscape materials in areas indicated on the Neighborhood Gateways map. (Policy 1)
   (b) Encourage the Eugene Water & Electric Board and other utility providers to relocate utility lines underground in areas designated as neighborhood gateways on the Neighborhood Gateways map. (Policy 2)

(17) **Neighborhood Design Element - Natural Resource Area Protection.**
    Significant wetland, riparian, waterway, and upland sites in the Willakenzie area shall be protected from encroachment and degradation in order to retain their important functions related to fish and wildlife habitat, flood control, sedimentation and erosion control, water-quality control, and groundwater pollution control. (Policy 1)

(18) **Neighborhood Design Element - Historic Preservation.** The City shall identify and encourage preservation of significant historic and cultural resources including buildings, sites, structures, objects, agricultural landscapes, and other landscape elements in the Willakenzie area. (Policy 1)

(Section 9.9700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.9710 Willow Creek Special Area Study Policies.**

(1) **Land Use.**
   (a) Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures. (Policy 3)
   (b) The City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:
       1. Properties with elevation and slope, soil and geologic conditions which fit criteria identified in Eugene’s South Hills Study for applying PUD procedures;
2. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and
3. Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project. (Policy 4)

(2) Transportation.
   (a) Through appropriate mechanisms, proposed developments shall be encouraged to respond to an overall transit, bicycle, and pedestrian system for the Willow Creek Basin. (Policy 2)
   (b) Bicycle facilities will be designed to connect with other major routes outside the Willow Creek Basin, in order to provide residents and employees with this transportation option for daily and recreational travel needs. (Policy 3)
   (c) Major employment and commercial center proposals shall plan for convenient, covered on-site bicycle parking as an integral part of a parking program. (Policy 4)
   (d) Through appropriate mechanisms, proposed developments shall be encouraged to provide adequate transit access. (Policy 5)
   (e) The City of Eugene shall work with major employers to establish and implement ongoing paratransit programs. (Policy 6)
   (f) Development proposals within the urban growth boundary shall be reviewed to ensure adequate access to the adjacent properties within the urban reserve area. (Policy 7)
   (g) A carefully planned collector street system providing access from residential, commercial, and industrial areas to arterial streets shall be developed for the Willow Creek Basin. (Policy 8)

(3) Off-Site Public Facilities. Analysis shall be conducted and appropriate measures taken to deal with urban level storm run-off from the Willow Creek Basin. (Policy 3)

(4) Environmental. Acquisition, transfer of development rights, public easements and dedication to the public are mechanisms which shall be used to protect a continuous corridor along the entire length of the Basin ridgeline, including properties above the 800-foot elevation contour. The same mechanisms shall be employed to pursue protection of an interconnecting environmental/recreational/storm drainage system throughout the Basin. (Policy 2)

(Section 9.9710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
Corner Lot or Parcel

Example 1
Tangent Line
(Front Lot Line Extended)

135° or Less
Front Lot Line
Corner Lot

Example 2
Front Lot Lines
Interior Lot Lines (Typical)
Corner Lot
Corner Lot
Corner Lot
Corner Lot
Corner Lot
Corner Lot

Front Lot Lines
Figure 9.0500

Front and Interior Yards

Front Yards (Minimum Depth as per applicable zone)

Street Lot Lines

Lot Lines

Right-of-Way

Sidewalk

Interior Yards (Minimum Depth as per applicable zone)

Note: Right-of-Way Includes Actual Street Paving with Curbs, Gutters, and Sidewalks
Figure 9.0500

Vision Clearance Area

Perspective View

Tree Limb Clearance:
- 9 Feet Minimum Above Sidewalk
- 15 Feet Minimum Above Street

On Private Property, the Clearance Area Extends Through a Triangle at a Maximum Height of 30 Inches

In the Public Right-of-Way, the Clearance Area Extends 35 Feet Along Curb Edge at a Maximum Height of 18 Inches

Plan View

Public Right-of-Way Clearance Area

Private Property Vision Clearance Area

Sidewalk

Curb

Apex of Curb Line

Right-of-Way Clearance Area

Private Property Vision Clearance Area

See also EC 9.6780 Vision Clearance Area.
Figure 9.2171(5)

Maximum Front Yard Setbacks, Building Orientation, and Entrances

Building Portion within Setbacks: In C-1, at least 80% of all street facing building facades must be within the specified maximum setback.

Building Portion within Setbacks: In C-2 or C-3, at least 25% of all street facing building facades must be within the specified maximum setback (0 to 15 feet).

15' maximum front yard setback for C-1, C-2 and C-3.

See Figure 9.2173(3) for buildings over 25,000 square feet floor area.

Buildings in GO have a 15 feet maximum front yard setback but no additional requirement that a portion of the building be within the maximum setback.

Landscape:
The space between the building and street complying with the maximum setback above must be landscaped or an enhanced pedestrian space in accordance with EC 9.6210(1) Basic Landscape Standard or Figure 9.2171(5(e)).

Paving and Pedestrian Amenities:
The maximum front yard setback may be exceeded if the area between the building and the street is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. See Figure 9.2171(5(e)) and Figure 9.4530(8).

* = Main Entrance
Example:

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

**NOTE:**
The type of fence, wall or screen used in any situation is limited only by specific requirements stated in the landscape standards beginning at EC 9.5200 Purpose of Landscape Standards.

Fences up to 8 feet in height are permitted in the interior yard setbacks.

Fences up to 42 inches in height are permitted within the maximum front yard setback.

15 feet maximum front yard setback for C-1, C-2 and C-3.

-- Fence up to 8 feet
--- Fence up to 42 inches
-------- Property Line

42 inch maximum height in front yard setback.
8 foot maximum height in interior yard setback.
Figure 9.2173(10)(a) Large Commercial Facilities - Exterior Wall Articulation

- Depth Equal to Minimum 3% of the Length of Facade
- Minimum 20% of Length Needs to be Articulated (Projected and Recessed)
- Perimeter Wall Length Exceeds 100 Feet

Figure 9.2173(10)(b) Large Commercial Facilities - Exterior Facades

- Covered Entry
- Display Windows
- Awnings
- Entry Areas
- Arcades or Colonnade
Large Commercial Facilities - Ground Floor Window Calculation

Elevation View

Ground Floor Windows Must Occupy:
25% of Ground Floor Wall Area from
0-9 feet above grade and 50% of Wall Length

Plan View

Building
25,000 square feet or greater
total building floor area

Ground Floor Wall Lengths Facing Street x 9 Feet Wall
Height = Ground Floor Wall Area
Shopping Street Standards

NOTES:
Shopping streets must include all of the following elements:
- Sidewalks with a minimum 12 foot width on both sides of the street
- Street trees on an average of 1 per 50 linear feet placed within planting strip in the on-street parking zone
- Pedestrian-scale lighting
- 400 feet maximum block length
- Buildings occupying at least 80 percent of the frontage on both sides of the street
- Two travel lanes
- Curb extensions at intersections

Building entries must be in compliance with EC 9.2173(9).

The maximum front yard setback may be exceeded if the area between the building and the street is landscaped and/or paved for use by pedestrians. The area must be an enhanced pedestrian space. If landscaped, must be in compliance with 9.6210(1) Basic Landscape Standards (L-1).

Small Commercial

Large Commercial

Main Entrance

Public Street

Crosswalk

Curb Extensions

Drive Lanes

Sidewalk

Parking/Planter

Sidewalk

Parking/Planter
Fig 9.2175(5)

Large Multi-Tenant Commercial Facilities

Individual parking areas may not exceed 55,000 square feet in size. See 9.2175(4)(b).

Parking Lot less than 55,000 sf

Internal Access Way
See EC 9.2175(3)(a)

Parking Lot

Large Commercial
(22,000 sf)

Private Drive

Medium Commercial
(10,000 sf)

Parking Lot 12,750 sf

Private Drive

Small Commercial
(3,600 sf)

Parking Lot 13,800 sf

Primary Public Street

Secondary Public Street

Private Drive

Small Commercial
(3,000 sf)

Parking Lot 14,600 sf

Small Commercial
(3,200 sf)

Parking Lot 13,800 sf

Parking Lot 14,600 sf

Notes:

- All buildings on site must be oriented to either a public or private street, a private drive, or a shopping street. The buildings must be in compliance with the maximum front yard setback standards in Table 9.2170.

- Private drives used to meet building orientation standards must incorporate street design elements described in EC 9.2175(3)(b). When private drives are used, the setback is measured from the back of the sidewalk.

- If private drives and/or shopping streets are used to meet this standard, building entries must be in compliance with EC 9.2175(3).

Private drives must include the following:

- Two travel lanes
- Sidewalks (minimum 8 feet in width) on both sides of the street
- Street trees with an average spacing of 50 feet in parking/planting zone
- Pedestrian-scale lighting
- On-street parking (except in required fire lanes)

Shopping streets must include the following:

- Two travel lanes
- Sidewalks (minimum 12 feet in width) on both sides of the street
- Street trees with an average spacing of 50 feet in parking/planting zone
- Pedestrian-scale lighting
- On-street parking
- Curb extensions at intersections
Map 9.2740
AREAS UNAVAILABLE FOR CONTROLLED
INCOME & RENT (CIR) HOUSING WITH
INCREASED DENSITY
(Shown as Shaded Areas)
Boundaries of areas based on Eugene Census Tracts
& Block Groups from the 1990 Census

Legend

Census Tracts & numbers
Block Groups & numbers
Shaded areas are unavailable for CIR housing
with increased density. All remaining areas are
available for CIR housing with increased density.
Solar Lot Requirements

Front lot line is within 30° of the true East-West Axis.

75 feet minimum North-South lot dimension required.
Figure 9.2795

Solar Setback Standards

Northern Lot Line and North-South Dimension

East-West Axis

Northern Lot Line

45° or less

Northern Lot Line

North-South Lot Dimension

East-West Axis

North-South Lot Dimension

North-South Lot Dimension

Measured from a line drawn between the mid points of the two southern most lot lines.
Figure 9.2795(2)

Shade Point Height (SPH) Measurement

If the Roof Pitch is 5 inches Vertical in 12 Inches Horizontal or Greater: (SPH) = Ridge

Shade Point Height (SPH)

Elevation

If the Roof Pitch is Less Than 5 inches Vertical in 12 Inches Horizontal: (SPH) = Eave

Shade Point Height (SPH)

Elevation

If the Ridgeline Runs Within 45 Degrees of North/South, Then Measure From the Northern-Most Point of the Ridge and Reduce the Shade Point Height by 3 Feet.

See 9.0500 Shade Point

North/South Ridge

Shadow Casting Point

Perspective
R-1 Solar Setback Calculation

SSB = (2.5 x SPH) + (N divided by 2) - 82.5

Shadow cast shown on ground plane.
R-2 Solar Setback Calculation

\[ SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 95 \]

**ELEVATION**

- **Shade Point Height**
- **Maximum Building Height**
- **Solar Setback**
- **North - South Lot Dimension**
- **North Property Line**
- **Shadow cast shown on ground plane.**

**PLAN**

- **North Property Line**
- **North - South Lot Dimension**
- **NORTH**
Map 9.4120 Airspace Plan, continued
Map 9.4510
Transit Oriented Development Overlay Zone
Building Orientation in /TD Areas

- Building
- Street
- Parking Area
- Property Line
- Additional entrance optional.
- Parking options see Figure 9.4530(6)
- Main entrance facing street within 15 feet maximum setback.
- 15' maximum front yard setback.
Figure 9.4530(3)  

**Floor Area Ratio Calculation**

**1.0 FAR**
Total Building Floor Area = 
Area of Development Site

Example 1: 1 Story over the Full Site Area equals 1.0 FAR
Example 2: 2 Stories over Half the Site Area equals 1.0 FAR

**2.0 FAR**
Total Building Floor Area = 
2 Times Area of Development Site

Example 1: 2 Stories over the Full Site Area equals 2.0 FAR
Example 2: 4 Stories over Half the Site Area equals 2.0 FAR
Pedestrian amenities required if hard surfacing is provided.
Figure 9.5500(4)(b) Multiple-Family Minimum Building Setback Along Streets

- Required interior yard setback.
- Alley
- Street
- Property Line
- Enhanced Pedestrian Space

- Less than 100 feet of street frontage.
- 10 feet or less
- Minimum 40% frontage in building or enhanced pedestrian space.
- Minimum 60% site frontage occupied by building or enhanced pedestrian space.
- 100 feet of more site frontage on street.

20% maximum % in enhanced pedestrian space.
Multiple-Family Block Requirements

Multiple-family development site 8 or more acres in size.

The maximum block size within a multiple-family development shall be no greater than 4 acres.

Development Site Boundary

Streets
Figure 9.5500(11)(b) Multiple-Family Driveways

Development sites with alley access shall use the alley to provide access to the development site. In these instances, no direct motor vehicle access to the street, other than the alley, shall be permitted from the development site.

Street

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

All driveways shall be perpendicular to the street they connect to.
Multiple-Family Parking

Streets may be designed with parallel parking.

Parking Courts provide access to garages or head-in-parking.

Maximum of 3 Parking Courts connected by driveways.

Streets provide for through movements and defined blocks.

See Figure 9.5500(12)(b) Multiple-Family Parking Courts.
Figure 9.5500(12)

Multiple-Family Parking (Continued)

See Figure 9.5500(12)(b)
Multiple-Family Parking Courts

Note: Parking lot landscaping not fully illustrated.
Multiple-Family Parking Courts

Planting Island Between Parking Courts:
• 20 feet minimum width
• 360 square feet minimum area

9,000 Square Feet Maximum

Interior Planting Islands
See Figure 9.6420(3)(e)3

Parking Court
Parking Aisle
Bicycle Parking Standards

Figure 9.6105(2)

Locking device located in center zone.

Typical Space

Compact Bicycle Rack Options

End spaces shall have a clear space of 2' minimum.

PLAN: HOOP STYLE OPTIONS

ELEVATION: HOOP STYLE OPTIONS

2' min.

3' min. between racks

18" min.

18" min.

3' min. between racks

2' min.

7 feet minimum overhead clearance.
Figure 9.6210(2)
Low Screen Landscape (L-2)

**GENERIC PLAN:**
Version A - Formal Arrangement

- Canopy Tree
- Low Screen Shrubs
- Living Plant Material

Property Line

Width Varies

30 Linear Feet

Edge of Area

**GENERIC PLAN:**
Version B - Informal Arrangement

Property Line

Width Varies

30 Linear Feet

Edge of Area

**GENERIC PLAN:**
Version C - Optional Masonry Wall

Wall location may vary relative to property line. See code requirements.

Optional 30 - 42" high Masonry Wall

30 Linear Feet

Edge of Area

---

**Required Plant Materials**
- Low Screen Shrubs (3 gallon minimum) to form continuous screen at least 30 inches tall in 3 years; maximum 42 inches in height.
- 1 canopy tree per 30 linear feet as measured along the property line.
- Living plant material covering a minimum of 70 percent of the required landscaped area within 3 years.

**Plan Label Requirements for all required trees, shrubs and living plant material:**
- Scientific Name and Common Name
- Quantity, Size, and Spacing

---

0'  5'  10'  15'

---
Figure 9.6210(3)

High Screen Landscape (L-3)

**GENERIC PLAN:**
**Version A - Formal Arrangement**
- Canopy Tree
- High Screen Shrubs
- Living Plant Material

**GENERIC PLAN:**
**Version B - Informal Arrangement**
- Property Line
- Width Varies

**GENERIC PLAN:**
**Version C - Optional Masonry Wall**
- Wall location may vary relative to property line. See code requirements.
- Optional masonry wall at least 6' high.

**Required Plant Materials**
- High Screen Shrubs (5 gallon minimum) to form continuous screen at least 6 feet tall within 5 years.
- 1 canopy tree per 30 linear feet as measured along interior lot lines.
- Living plant material covering a minimum of 70 percent of the required landscaped area within 3 years.

**Plan Label Requirements for all required trees, shrubs and living plant material:**
- Scientific Name and Common Name
- Quantity, Size, and Spacing
High Screen Landscape (L-3) (Continued)

1 canopy tree per 30 linear feet as measured along interior lot lines.

High Screen Shrubs

6 feet minimum height within 5 years.

High Screen Landscape Standards (L-3): Continuous screen with a minimum height of 6 feet within 5 years; 1 canopy tree per 30 linear feet; living plant material covering 70 percent of required planting area within 3 years.

View along Interior Lot Line
**High Wall Landscape (L-4)**

**MASONRY WALL**: 6 feet minimum height; Maximum 8 feet high. When applied along a street, must be placed farthest from street. May be placed along interior lot line when abutting an adjacent parcel.

**WIDTH VARIES**

Wall location may vary relative to property line. See code requirements noted above.

**GENERIC PLAN**

**Version A - Formal Arrangement**

- Canopy Tree
- High Screen Shrubs
- Living Plant Material

30 Linear Foot

**Version B - Informal Arrangement**

- Masonry Wall; 6 feet minimum height. Maximum 8 feet high

30 Linear Foot

**GENERIC ELEVATION**

- Canopy Tree
- High Screen Shrub

**High Wall Landscape Standards (L-4)**

- Masonry wall, 6 feet minimum height;
- 4 high shrubs or vines per 30 linear feet of wall;
- 1 canopy tree per 30 linear feet of wall; living plant material covering 70 percent of required planting area within 3 years.

Masonry wall at least 6 feet high with a maximum height of 8 feet.

**Plan Label Requirements for all required trees, shrubs and living plant material:**

- Scientific Name and Common Name
- Quantity, Size, and Spacing
Partial Screen Fence Landscape (L-5)

**GENERIC ELEVATION:**
Version A: Minimum Fence Requirement

Partial Screen Fence Landscape Standards (L-5):
Fence at least 6 feet high; minimum 50 percent site-obscuring; may be constructed of wood, metal, masonry, or other permanent materials.

6 feet minimum height
8 feet maximum height

**GENERIC ELEVATION:**
Version B: Optional Vine Screening

Partial Screen Fence Landscape Standards (L-5):
Same as noted above except that vines may be used on fence to fulfill screening requirement provided they are a minimum of 50 percent site-obscuring within 5 years.

6 feet minimum height
8 feet maximum height
Figure 9.6210(6)  
**Full Screen Fence Landscape (L-6)**

**GENERIC ELEVATION:**  
Version A: Minimum Fence Requirement

Full Screen Fence Landscape Standards (L-6): Fence at least 6 feet high; 100 percent site-obscuring; may be constructed of wood, metal, masonry, or other permanent materials.

6 feet minimum height
8 feet maximum height
Map 9.6410(4)(b)
Blair Boulevard Historic Commercial Automobile Parking Exempt Area

The parking exempt area shall coincide with the boundary of the local historic district.
Motor Vehicle Parking Dimensions

A = Parking Angles in Degrees
B = Minimum Stall Width
C = Minimum Stall Depth
D = Minimum Clear Aisle Width
E = Stall Distance at Bayside
F = Minimum Clear Bay Width
Canopy Tree: Large-scale coniferous trees may be substituted for required canopy trees at a maximum rate of 10 percent.

Low Screen Shrub

30 inches to 42 inches measured from top of curb. Maximum height of 18 inches in Public Right-of-Way Clearance Area and maximum height of 30 inches in Private Property Clearance Area. See EC 9.6780

Low Screen Landscape Standards (L-2):
- 30 inch high continuous screen within 3 years.
- 1 canopy tree per 30 linear feet of property line.
- Living plant material covering 70 percent of the required area in 3 years.

Combination of berms, lowered parking area grade, and plant materials to achieve minimum 30 inch height within 3 years; maximum 42 inch height.

Top of Curb

Paving Area

7 feet minimum width

Section at Street
Parking Area Landscaping Along a Driveway Entrance

Planting Requirements:
- 1 canopy tree, 3 feet minimum from paved area or outside of curb.
- Living plant material covering 70 percent of the required area in 3 years.

Non-required landscaped area

7 feet minimum width measured from outside edges of standard 6 inch curbs.

Low Screen Shrub

Full depth of parking stalls.

Canopy Tree

Landscape Strip 7 feet minimum width, typical.

Driveway Access

Sidewalk

Planting Strip

Driveway Apron

Street

20 ft. minimum width - two way
12 ft. minimum width - one way

8 inch curb

Living Plant Material

Low Screen Landscape (L-2) See EC 9.6210(2)

Vision Clearance Triangle See EC 9.6780
**Interior Parking Area Landscaping**

Planting required within surface parking areas for 50 or more vehicles.

The landscape strip or pedestrian path shall be a minimum of 7 feet in width, measured from the outside edge of a 6 inch wide curb.

The landscape strip must meet requirements of Low Screen Landscape L-2. See EC 9.6210(2)

Canopy trees are required at the rate of 1 per 3,000 square feet of paved area. See EC 9.6420(3)(b)
Canopy Tree:
Large-scale coniferous trees may be substituted for required canopy trees at a maximum rate of 10 percent.

Tree Spacing:
3 feet minimum from paved area or outside edge of curbs.

Equals (1) Planting Island:
Minimum size: 140 sq. ft.
Minimum plantings:
1 canopy tree and living plant material covering 70 percent of required planting area.

Full depth of parking stall

Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45 feet from a planting island.
Figure 9.6640(3)(b)

Perimeter Wall Area for Sign Standards

Building Plan View

Length G

Length F

Length E

Length D

Length C

Length B

Length A

Perimeter Wall Length for Building Example Above = Sum of A, B, C, D, E, F, G, divided by 7

Building Elevation View
Figure 9.6640(3)(d)

Sign Area Calculation

Sign area measured within dashed line at 1 foot intervals.
Figure 9.6640(3)(f)

Sign Height Calculation

Case 1

VACANCY
Ellswood
MOTEL

Grade

Less than 10 Feet

Grade Reference Datum Line

Height of Sign

5 Feet

Case 2

VACANCY
Ellswood
MOTEL

Grade

More than 10 Feet

Grade Reference Datum Line

Height of Sign

5 Feet

10 Feet
Projecting Sign Area

4'-6" maximum projection into Public Right-of-Way.

Sign shall not project within 2 feet of street (curb face), alley, or driveway.

1 foot to 5 feet projection ratio permitted on buildings at corner sites.

Street

Awnings and marquees may project 7'-0" into the public right-of-way.

30° Minimum

No sign permitted in alley clearance area.

Figure 9.6670(6)(b)
Map 9.6715(3)
Skinner Butte
Height Limitation Area

Interstate 105
Willamette River

Country Club Road

Lincoln Street
Interstate 105
Washington Street
LaFarge Street
1st Avenue
2nd Avenue
3rd Avenue
4th Avenue
5th Avenue
6th Avenue
7th Avenue
Charnon Street
Olive Street
Oak Street
Pearl Street

600 feet

U/A Urban Land Code
/UL Urban Land Code

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(This page to follow map 9.6715(3)
Skinner Butte Height Limitation Area)
Eugene-Springfield Metro Area
Ridges and Rivers

Map Produced by LCOG April 1999

Key

- Rivers & Creeks
- Urban Reserve
- Major Ridge Lines
- +392' Elevation
- UGB Area
**Map 9.8010**

**ADOPTED PLANS LEGEND**

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- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy
- Resolution No. 3885 Establishing Areas for the Application of C-4 Zoning

**City or Metropolitan Area Plans**

- Urban Growth Boundary (UGB) =  ❌❌❌
- Comprehensive Stormwater Management Plan = City Limits (not shown)
- Eugene Commercial Lands Study = UGB
- Eugene Parks & Recreation Plan = UGB
- Metro Plan = Metro Area
- TransPlan = Metro Area

This map is intended as a general reference for the boundaries of plans adopted by the Eugene City Council. For specific boundaries, please refer to the plan. Map prepared by the Eugene Planning & Development Department. (Some plans have overlapping boundaries.) — February 2001
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Exhibit B.
To
Lane County Ordinance No. 5-00

FINDINGS IN SUPPORT OF THE ADOPTION
OF THE EUGENE LAND USE CODE FOR APPLICATION IN THE EUGENE
URBANIZABLE AREA

INTRODUCTION

In the Eugene-Springfield metropolitan area, comprehensive planning begins at the regional level. The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the acknowledged comprehensive plan for the cities of Eugene and Springfield and unincorporated areas of Lane County within the Metro Plan boundary. Originally acknowledged by the Land Conservation and Development Commission in 1982, the Metro Plan is currently undergoing its second periodic review. The Metro Plan is a framework plan and is supplemented by more detailed plans, which are adopted as refinements of the Metro Plan. Refinement plans include functional plans, special area studies and neighborhood plans. Land use regulations are a primary mechanism for implementing the Metro Plan.

For the Eugene portion of the urban growth boundary, current land use regulations are primarily contained in Chapter 9 Land Use of the Eugene Code, 1971. Under the 1987 “urban transition” agreement between Lane county and the City of Eugene, Lane County amended Chapter 10 of the Lane Code to reflect adoption of the City’s Land Use Code for application within the unincorporated portion of the Eugene urban growth boundary and transferred the responsibility and authority to administer the code to the City. As a result, the new Land Use Code will need to be adopted by the Lane County Board of Commissioners as well as the Eugene City Council.

These findings are intended to demonstrate in a summary – not comprehensive – manner that the updated Land Use Code is consistent with Statewide Planning Goals and the Metro Plan. Under state law, written findings of consistency are not legally required when a local government takes a legislative action to change provisions in its land use code. Since the adoption of this ordinance is a legislative action, the findings provided are not a comprehensive statement of consistency with the Statewide Planning Goals. Rather, examples are offered to show the ways in which the City and County action is consistent with each of the Goals. For the same reason, a policy-by-policy analysis of the Metro Plan is not provided. Instead, this document contains general findings of consistency with the comprehensive plan to illustrate that the City of Eugene and Lane County have been cognizant of the policies of Metro Plan and the requirement that Eugene Land Use Code provisions be consistent with the Metro Plan.

Sections 9.0010 through 9.9900 contain some text that is different from the existing text in the Eugene Code, 1971. Some of the existing text has been retained, however, and this ordinance simply renumbers the section. The text of sections that are substantively unchanged have already
been acknowledged by the Land Conservation and Development Commission. Therefore, these findings refer only to those sections that have been changed or that are new to the Code as a result of the adoption of this ordinance.

Since the preparation of the findings in this document, the City of Eugene has adopted numerous ordinances that changed the Eugene Land Use Code. Those changes are included in the provisions adopted by the County through Ordinance No. 5-00. Findings pertaining to some of those recent changes are attached hereto and are hereby incorporated into this findings document. See attached findings for Eugene Ordinance Nos. 20263, 20269, 20270, 20271, 20275, 20267, 20280 and 20285.

The following criteria shall be applied by the elected officials to the adoption of the Eugene Land Use Code:

(a) Consistency with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and

(b) Consistency with the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

I. Findings of Consistency With the Statewide Planning Goals

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunities for citizens to be involved in all phases of the planning process.

FINDING: Goal 1 requires a program for citizen involvement that provides for widespread citizen involvement, assures effective two-way communication with citizens, provides the opportunity for citizens to be involved in all phases of the planning process, assures that technical information is available in an understandable form; assures that citizens will receive a response from policy-makers; and insures funding for the citizen involvement program.

In April 1994, the Eugene Citizen Involvement Committee approved the citizen involvement program for the Land Use Code Update, including membership categories for a Department Advisory Committee (DAC) and list of interested parties.

The Department Advisory Committee was created to provide comments to the staff team during the preparation of the updated Land Use Code. The DAC held 52 meetings and a public scoping session between February 1995 and the completion of its work on a draft code in June 1997. The interested parties list for the project grew substantially during this two-year period.

The draft Land Use Code was published in October 1997. The Lane County Planning Commission appointed two commissioners as liaisons to monitor the Land Use Code update process, but deferred participation until the second round of hearings on a revised draft Land Use Code.

Notice of the Eugene Planning Commission public hearings on the draft Land Use Code was sent to the interested parties list. At the Commission's first two public hearings on the draft code in December 1997, representatives from several community groups requested additional time to review

Exhibit B
Findings
the draft code. As part of his State of the City address in January 1998, the Mayor invited four
community groups — Eugene Chamber of Commerce, Friends of Eugene, Home Builders Association
of Lane County, and Neighborhood Leaders Council — to present their views on the draft code to a
joint meeting of the City Council and Planning Commission. The City Council supported this
initiative and the effort was launched. In addition to their review of the draft code, the four
community groups expanded their collaborative effort to jointly sponsor a series of community
forums on the draft code during April 1998.

In May 1998, the four groups presented the results of their review to a joint meeting of the Eugene
Planning Commission and City Council. The Planning Commission also held two public hearings
on the draft code in June 1998. Rather than close the record for public testimony at that time, the
Commission agreed to accept additional written comment throughout its review of the draft code.
In June 1998, the Commission also approved changes to the project work program, including the
addition of a new project objective to implement community and regional plans, especially the
Growth Management Study.

The Eugene Planning Commission began its review of the draft code in July 1998. At its first
meeting in July, the Commission established procedures and guidelines for its review. As one of its
procedures, the Commission agreed that brief public comments would be allowed, at the discretion of
the President, while the commission discussed a specific draft section of the code. The
Commission also agreed to continue to encourage written comments.

In September 1998, the Eugene Planning Commission reviewed its progress on review of the draft
Land Use Code and the schedules for review of the draft TransPlan and draft Metro Area Residential
Land and Housing Study, which also called for completion of Commission review by January 1999.
The Commission did not believe it could complete recommendations on the two Metro Area studies
and maintain the schedule for the Land Use Code Update and voted unanimously to recommend to
City Council that the timeline for submission of its recommendation to City Council be extended,
The Commission also recommended amendments to the Land Use Code Update project objectives
based on public testimony and establishment of guiding principles that reflect adopted Growth
Management policies. Finally, the Commission reviewed a list of six amendments proposed by
Councilors or community members for consideration for a “fast track” adoption outside of the Land
Use Code Update process. The Commission recommended against moving forward with any “fast
track” amendments. The Council unanimously approved all three of the Commission’s
recommendations.

Between July 6, 1998 and May 24, 1999, the Eugene Planning Commission held 39 work sessions
on the draft Land Use Code. Those work sessions resulted in a series of modifications to the draft
recommendations as the Commission considered public testimony and responses to its questions.
The Chair of the Land Use Code Update Department Advisory Committee joined the Commission
for its work sessions on the Land Use Code update.

The revised draft Land Use Code was published in November 1999. In January 2000, the Eugene
and Lane County planning commissions held a joint public hearing on the revised draft Land Use
Code. The Eugene Planning Commission held three additional public hearings in January, February and March 2000, the minutes of which were provided to the Lane County Planning Commission. Notice of the hearings was sent to the interested parties list for the project and published in the Eugene Register-Guard.

The Eugene Planning Commission held 16 work sessions on the November 1999 Revised Draft Land Use Code and completed its recommendation on April 17, 2000. The Lane County Planning Commission also held a work session and completed its recommendation on April 25, 2000.

In April 2000, Measure 56 notice of the May 31, 2000 joint public hearing of the Eugene City Council and Lane County Board of Commissioners was sent to 55,000 property owners within the Eugene urban growth boundary. Notice was also mailed to the interested parties list for the project and published in the Eugene Register-Guard.

In addition to the opportunity to speak directly to the elected officials at the May 31, 2000 joint public hearing, citizens were offered the opportunity to present their testimony before a television camera so that the elected officials could watch the testimony at a later time. The record was left open for additional public comment until June 19, 2000 at 5:00 p.m.

From July 26, 2000 through November 1, 2000, the City Council held ten work sessions. At each of these work sessions, the City Councilors responded to the public's input by considering motions to amend the draft land use code in ways that addressed concerns raised by the public.

From October 11, 2000 through December 4, 2002, the County Board of Commissioners held 10 readings of County Ordinance No. 5-00. A public hearing was held before the Commissioners on April 9, 2003.

The citizen involvement program described above exceeds local and state requirements for amendments to the Eugene Code and has provided ample opportunities for citizens to be involved throughout the process. Therefore, the Land Use Code update complies with Goal 1.

**Goal 2: Land Use Planning**

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**FINDING:** Goal 2 requires that the city implement its comprehensive plan through the adoption of a land use process and policies consistent with the plan that ensure all decisions and actions relating to land use have an adequate factual base. Sections 9.7000 through 9.7030 of the Land Use Code describe the framework and application procedures under which all land use decisions are made. Sections 9.7035 through 9.7060 identify each application type and the authority for review of each type, and Sections 9.7100 through 9.7560 establish the process applicable to each application type. Sections 9.7065 through 9.7095 explain the quasi-judicial hearings, and process Sections 9.7600 through 9.7685 outline appeals processes. Sections 9.7700 through 9.7750 describe the process for review of legislative Plan amendments. The substantive and procedural requirements within Section
9.7000 et seq. ensure that each land use decision will be based upon substantial evidence in a record established through the review process applicable to the application under consideration.

The land use policies and procedures established through new sections of the Eugene Land Use Code ensure that all land use decisions made by the City follow the Chapter 9 requirements, and assure that all land use decisions have an adequate factual base. Further, the Goal 2 coordination requirement was met since the City and County provided notice and an opportunity to engage in an exchange about the land use code to all affected governmental units. Therefore, the changes to the Eugene Land Use Code provisions are consistent with Goal 2.

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

FINDING: Goal 3 requires that agricultural lands be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700. All of the land within the city limits is designated in the Metro Plan for urban uses. Chapter 9 includes an Agricultural Zone in Section 9.2000. The purpose of that zone is to allow agricultural uses within the UGB until land is converted to urban development. The lands that have that zoning designation are not "Goal 3" agricultural lands. All agricultural uses within that zone are considered interim uses until public facilities and services can be provided in an economic manner and urban development can occur in an orderly and sequential manner. Therefore, while Chapter 9 includes an agricultural zone, the Eugene urban growth boundary does not include any lands intended for ultimate preservation and maintenance as agricultural lands under Goal 3.

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

FINDING: Under Goal 4, forest lands are those lands acknowledged as forest lands in the comprehensive plan. The city has no acknowledged forest lands; all land within the Eugene urban growth boundary are designated in the Metro Plan for urban uses. Therefore, the Eugene urban growth boundary does not include any lands intended for preservation and maintenance as forest lands under Goal 4.

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

FINDING: Goal 5 requires that programs be provided that will: (1) insure open space; (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and
visually attractive environments in harmony with the natural landscape character. The Goal requires that identified Goal 5 resources be inventoried, and conflicting uses identified and evaluated.

After the City adopted a new land use code in February 2001, the adoption was appealed to the Land Use Board of Appeals (LUBA). LUBA remanded the code, in part, due to a determination that some of the provisions in the code did affect a Goal 5 resource. In response, the City amended its land use code, either by deleting the subject provisions, or by adding language to the code to clarify that the provisions do not apply to Goal 5 resources. The City’s code revisions to address the Goal 5 issues have now been acknowledged by the state. The land use code being adopted by the County through Ordinance No. 5-00 includes the language the adopted and acknowledged language.

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

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

**FINDING:** Goal 6 requires that all discharges from future development, when combined with discharges from existing development, shall not violate or threaten to violate state or federal environmental quality statutes, rules and standards. Discharges under this Goal include all waste and other process discharges. It also requires that discharges within state designated air sheds and river basins not exceed the capacity of the air, water and land resources of those areas, degrade those resources or threaten the availability of those resources. The changes to the Eugene Land Use Code provisions do not affect compliance with Goal 6.

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

**FINDING:** Goal 7 prohibits planning of developments subject to damage, or that could result in loss of life in designated natural disaster or hazard areas, without appropriate safeguards. This Goal is being implemented by the City through various existing code sections. Section 9.6710 Geological and Geotechnical Analysis is an example of a new provision of Chapter 9 that implements Goal 7. The changes to the Eugene Land Use Code provisions are consistent with Goal 7.

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

**FINDING:** Goal 8 requires planning for recreational needs by governmental agencies having responsibility for recreation areas, facilities and opportunities. The proposed changes do not have an effect on the area’s inventoried recreation areas, facilities or opportunities. Therefore, the changes to the Eugene Land Use Code provisions do not affect compliance with Goal 8.
Goal 9: Economic Development

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

FINDING: Goal 9 requires that comprehensive plans and policies contribute to a stable and healthy economy. In order to do so, the Goal requires that plans be based on inventories of areas suitable for increased economic growth and activity, taking into consideration a number of relevant variables outlined in the Goal. The Metro Plan implemented the inventory requirement of Goal 9, updated for the Eugene portion of the urban growth boundary through the Metropolitan Area Industrial Lands Study (1993) and Eugene Commercial Lands Study (1992), and has designated areas suitable and appropriate for economic development. To implement the Metro Plan, the Eugene Land Use Code identifies all zones appropriate for economic development. Sections 9.2100 through 9.2471 establish requirements for development in all commercial and industrial zones.

The changes to the Eugene Land Use Code will not diminish the inventory of land available for industrial use. After the City adopted a new land use code in February 2001, the adoption was appealed to LUBA. LUBA remanded the code, in part, due to a determination that some of the provisions in the code could result in a decrease in commercial or industrial land and that Goal 9 findings were therefore required for those provisions. In response, the City amended its land use code, deleting the subject provisions. These deletions are reflected in the land use code being adopted by the County through Ordinance No. 5-00.

A number of the new provisions implement Goal 9. Section 9.5350 will allow more home occupations. In the commercial zone and industrial zone, new code provisions will reduce the number of uses requiring a conditional use permit. In the GO General Office zone, up to 10 percent of the floor area can now be used for retail. The industrial zone will now permit a portion of an industrial site to be used for office, personal services, and restaurants when designed as a business park with an approved site plan. Therefore, the changes to the Eugene Land Use Code provisions are consistent with Goal 9.

Goal 10: Housing

To provide for the housing needs of the citizens of the state.

FINDING: Goal 10 requires that buildable lands for residential use be inventoried and that comprehensive plans encourage the availability of adequate numbers of needed housing units. The Metro Plan implemented the inventory requirement of Goal 10, updated in 1999 through the Metropolitan Area Residential Lands Study, and has designated specified areas within the City for residential development. To implement those designations, the Eugene Land Use Code includes a variety of residential zones, to ensure densities and types of development commensurate with the identified housing needs.

New code provisions establish a new R-1.5 Rowhouse Zone that will provide areas for attached rowhouse dwellings. Rowhouses are proposed to be widely permitted, based on density range, not structure type (EC 9.2705). An overlay zone has been created that, when later applied to property, will allow a specific range of residential density, different from the base zone, to help ensure
compatibility with surrounding uses. Permitted net densities for all residential zones are increased to achieve the Metro Plan density policies (EC 9.2760).

New provisions will allow an increased number of residential dwellings per acre, facilitating the development of vacant infill sites, or the creation of new small lots such as flag lots (EC 9.2760). The Residential Zone Lot Standards allow increased building heights, facilitating wider variety of design options, including additional open space for lower density residential developments (EC 9.2760). New standards increase opportunities for a second dwelling within a home or as a small detached dwelling on the same lot (EC 9.2740). A significant change to the Eugene Land Use Code is that it will now include a set of clear and objective criteria for the development of “needed housing” using the conditional use permit, partition, subdivision, planned unit development or site review processes.

In addition to these examples of the way in which new provisions implement Goal 10, other sections of the code ensure that the standards applicable to residential development will not preclude residential development from occurring on any site that has been zoned to allow residential uses.

After the City adopted a new land use code in February 2001, the adoption was appealed to LUBA. LUBA remanded the code, in part, due to a determination that some of the provisions in the code could result in a decrease in residential land and that Goal 10 findings were therefore required for those provisions. In response, the City amended its land use code, deleting the subject provisions. These deletions are reflected in the land use code being adopted by the County through Ordinance No. 5-00. Therefore, the changes to the Eugene Land Use Code provisions are consistent with Goal 10.

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

**FINDING:** Goal 11 requires that all development be guided and supported by types and levels of public facilities appropriate for the areas to be developed. The Goal requires cities to adopt a public facility plan within urban growth boundaries, which includes provision for solid waste disposal sites. The Eugene-Springfield Metropolitan Area Public Facilities Plan, adopted in 1986, is currently in the process of being updated. The Eugene Land Use Code implements the acknowledged public facility plan by requiring a demonstration of the availability of public services for all development. New standards for public improvements grant the City the authority to require the dedication of public utility easements within any new development rather than only during review of land division application. There are no changes to the Eugene Land Use Code that would affect the City's continued compliance with Goal 11.

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

**FINDING:** Goal 12 requires cities to have a Transportation Plan. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan), a refinement plan of the Metro Plan, was...
adopted in 1986 and an updated version was recently adopted by the City of Eugene and by Lane County. The Eugene Land Use Code provisions being adopted by Lane County through Ordinance No. 5-00 include the TransPlan policies that could be applied in the context of considering development proposals. The Eugene Land Use Code implements Goal 12 and its administrative rule, the Transportation Planning Rule. Many of these provisions were originally adopted through code amendments as part of the Transportation Rule Implementation Project (TRIP) in 1993, the Eugene Local Street Plan in 1996 and the Eugene Arterial and Collector Street Plan in 1999.

Alternative forms of transportation are encouraged through several new provisions. Clear minimums are set for the provision of bicycle parking. Standards relating to off-street parking spaces promote flexibility in the location of parking areas to encourage alternative transportation modes. Standards applicable to multi-family development promote more walkable streets, street connectivity and greater pedestrian access through requirements for site access, internal circulation and vehicle parking (EC 9.5500). Connectivity standards are retained and clarified to ensure the design of local streets to provide an efficient and safe transportation network. In addition, these standards are intended to promote the use of walking, bicycling and public transportation as alternative modes, provide for transit vehicles and encourage public transportation as well as provide connections to and from activity centers. Required street widths have been reduced to promote "smart" streets and efficient land use patterns (EC 9.6870).

The code adopts new approval criteria for planned unit developments and site review to strengthen the requirements for provisions for alternative transportation modes (EC 9.8300 and 9.8425). The standards for development in the commercial zone will increase opportunities for use of alternative modes of transportation through building orientation and on-site pedestrian circulation requirements (EC 9.2170). Multi-family residence standards will provide for an allowance for more on-street parking to satisfy the overall minimum parking requirements (EC 9.5500).

Standards applicable within the TD Transit Oriented Development overlay zone have been clarified and a new ND Nodal Development overlay zone has been added. New code provisions allow the City to require a Traffic Impact Analysis for projects which will generate a significant amount of traffic or will contribute to an existing traffic problem. The analysis will be the subject of discretionary review and will allow the City to require improvements to the transportation system based on the information submitted. New standards for streets, alleys, and other public ways provide the City with the authority to require dedication of new streets or alleys within a proposed development and grant the City authority to determine the safe and efficient off-set standards for intersections.

Therefore, the changes to Land Use Code provisions are consistent with Goal 12.

Goal 13: Energy Conservation
To conserve energy.

FINDING: Goal 13 requires land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The Land Use Code Update implements the Metro Plan compliance with Goal 13 through development criteria that
require solar access, and development requirements that encourage alternative forms of transportation. Section 9.2780 et seq. requires that residential development adhere to solar access and setback requirements to ensure adequate access to solar energy. Minimum lot sizes for the R-1, Low-Density Residential zone have been reduced to 4,500 square feet and a new R-1.5, Rowhouse zone is established. The TD Transit Oriented Development overlay zone and the new ND Nodal Development overlay zone foster higher-density, mixed-use, pedestrian-friendly development in areas well served by transit, promoting alternative forms of transportation and reduced reliance on the automobile. Therefore, the changes to the Eugene Land Use Code are consistent with Goal 13.

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

FINDING: Goal 14 requires the establishment of urban growth boundaries to identify and separate urbanizable land from rural land. All land within the City is within the Eugene-Springfield regional urban growth boundary. Acknowledged provisions within the Metro Plan allow urbanizable land within the urban growth boundary but outside the city limits to be annexed into the city and developed for urban uses. The Eugene Land Use Code implements these provisions through existing requirements for zoning and development of annexed land, in accordance with the Metro Plan’s acknowledged land use designations. The changes to the Eugene Land Use Code are consistent with Goal 14.

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

FINDING: The Metro Plan designates all areas adjacent to the Willamette River for Goal 15 protection. The Eugene Land Use Code requires a Willamette Greenway Permit for all lands lying within the designated Greenway boundaries. The Willamette Greenway Permit requirements in Sections 9.8800 through 9.8825 are consistent with and specifically implement the requirements of Goal 15, in order to protect all lands in the City within the Willamette River Greenway. Therefore, the Land Use Code provisions are consistent with Goal 15.

Goal 16: Estuarine Resources
Goal 17: Coastal Shorelands
Goal 18: Beaches and Dunes
Goal 19: Ocean Resources

FINDING: These Goals address requirements for lands lying within coastal or shoreline areas. These Goals do not contain any requirements for the City, which includes no such areas.

II. Findings of Consistency With the Eugene/Springfield Metro Area General Plan

Residential Land Use and Housing Element

Exhibit B
Findings
The Metro Plan Residential Land Use and Housing Element contains thirty-seven policies covering the following seven subjects: Residential Land Supply and Demand; Residential Density; Housing Type and Tenure; Design and Mixed Use; Existing Housing Supply and Neighborhoods; Affordable, Special Need, and Fair Housing; and Coordination.

The changes to the Eugene Land Use Code are consistent with each of the housing policies and clearly implement many of those policies. For example, with regard to Residential Density, Policy A.10, on page III-A-8, provides:

"Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary."

Policy A.13, on page III-A-8, provides:

"Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods."

Changes to the Eugene Land Use Code directly implement these policies by increasing the allowed density in residential areas and providing more flexibility in housing types. At the same time, standards and criteria for development of residential housing ensure that there are sufficient public services available to new residential housing and that new housing is compatible with historic properties and with neighborhoods.

Policy A.11, on page III-A-8, provides:

"Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes."

Through new provisions that allow the City to apply (through later proceedings) the Nodal Development overlay zone and to create special area zones for nodal development, the City is in a position to carry out the objectives of this Metro Plan policy.

Policy A.15, on page III-A-8, provides:

"Develop a wider range of zoning options such as new zoning districts, to fully utilize existing Metro Plan density ranges."

With the creation of the R-1.5 Rowhouse zone and the ND Nodal Development overlay zone, the City is enabling itself to carry out this policy direction.

More generally, through the Chapter 9 changes described above, the City is carrying out the directive of Metro Plan Policy A.14, on page III-A-8, which provides:

"Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options."
Housing Type and Tenure policies include one that directs the local government to “provide opportunities for a full range of choice in housing type, density, size, cost and location.” Policy A.17, on page III-A-9. Another policy under this heading directs the City to “encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.” Policy A.18, on page III-A-9. These policies are implemented through new provisions which allow rowhouses as a new type of housing and through the greater density in residential land that will now be permitted.

The three policies under the topic of Design and Mixed use pertain to making specific types of changes to the local zoning and development regulations. Page III-A-10. Each of those policies was considered and carried out in the adoption of the revised Chapter 9.

The changes to the Eugene Land Use Code are consistent with all applicable policies in the Residential Land Use and Housing Element of the Metro Plan.

**Economic Element**

The changes to the Eugene Land Use Code are consistent with applicable policies in the Metro Plan Economic Element.

For example, Policy 15, on page III-B-5, provides:

“Encourage compatibility between industrially zoned lands and adjacent areas in local planning programs.”

This policy is carried out through new provisions that require industrial developments to comply with numerous new standards that increase compatibility, such as landscaping, fencing, screening and setbacks (EC 9.2460).

Policy 22, on page III-B-6, provides:

“Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods.”

Section 9.2100 clarifies that the C-1 Neighborhood Commercial zone is usually applied to areas five acres in size or less. This small size makes it easier to establish commercial zones in predominantly residential areas.

**Environmental Resources Element**

The changes to the Eugene Land Use Code are consistent with applicable policies in the Environmental Resources element.

One example of the way in which new Land Use Code provisions implement policies in the Environmental Resources Element of the Metro Plan is at Section 9.6710, pertaining to geotechnical
analysis requirements. This implements Policy 4, on page III-C-7:

"Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas."

Policy 7, on page III-C-8, provides:

"Continued local programs supporting community gardens on public land and programs promoting urban agriculture on private land shall be encouraged. Urban agriculture includes gardens in backyards and interim use of vacant and underdeveloped measures."

Use lists in Chapter 9 have been amended to clarify that community gardens are an allowed use in numerous zones in the City.

Additional criteria have been added that require consideration of protection of open spaces, including those characterized by significant vegetation and wildlife, for development of various types. These changes to Chapter 9 are consistent with Policy 25 on page III-C-11.

**Willamette River Greenway, River Corridors, and Waterway Element**

The changes to the Eugene Land Use Code are consistent with the applicable policies in this element. Chapter 9 provisions relating to development within the Greenway have been amended to contain text directly from Statewide Planning Goal 15. By doing so, the City has implemented Metro Plan policies that require, for instance:

"New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features." Policy 5 on page III-D-4.

And:

"Within the framework of mandatory statewide planning goals, local Willamette River Greenway plans shall allow a variety of means for public enjoyment of the river, including public acquisition areas, residential areas, and commercial areas." Policy 8 on page III-D-5.

**Environmental Design Element**

The Metro Plan Environmental Design Element is concerned with the broad process that molds the components of the urban area into a "distinctive, livable form that promotes a high quality of life." The changes to the Eugene Land Use Code are consistent with the relevant policies in this element.

Policy 4, on page III-E-3, requires:

"Public and private facilities shall be designed and located in a manner that preserves
and enhances desirable features of local and neighborhood areas and promotes their sense of identity."

This policy has been implemented through the adoption of standards such as those that require electrical substations and other types of facilities to provide screening for compatibility with neighborhoods in which they are located (EC 9.2740).

Policy 8, on page III-E-4, requires:
"Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems."

A new procedure has been adopted by the City at 9.8015 - 9.8030. The Adjustment Review procedure allows for the type of flexibility called for in Policy 8.

**Transportation Element**

The changes to the Eugene Land Use Code are consistent with the applicable policies of the Metro Plan Transportation Element and the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan).

One example is the inclusion of transit-related criteria in the list of criteria applicable to the development of needed housing. Such criteria were already included in the Land Use Code for other types of developments. This implements Metro Plan Policy 5, on page III-F-6, which provides:

"New developments shall include consideration of improvements which would accommodate urban public transit and other alternative modes."

See findings for Statewide Planning Goal 12 for additional examples.

**Public Utilities, Services, and Facilities Element**

The Metro Plan Public Utilities, Services, and Facilities Element and the Metropolitan Area Public Facilities Plan include policies that direct public facilities planning and implementation. Although these policies are not directly applicable to adoption of land use regulations, there is no inconsistency between these policies and the amendments to the Eugene Land Use Code.

**Parks and Recreation Facilities Element**

The changes to the Eugene Land Use Code are consistent with policies in the Metro Plan’s Parks and Recreation Facilities Element.

For example, one policy provides:
"Encourage the development of private recreational facilities." Policy 4 on page III-H-5.
Land Use Code provisions adopted through this process include those that clarify that clubhouses are an accessory use to certain developments and, therefore do not need separate permits. Also, as an example, the new code provisions now allow athletic clubs and sports clubs in the GO, I-2 and I-1 zones.

**Historic Preservation Element**

The changes to the Eugene Land Use Code are consistent with the Metro Plan Historic Preservation Element. Policies in this element are furthered through new code provisions that consolidate the requirements for various historic property applications.

Criteria for approval of a historic landmark designation have been changed to be more consistent with the National Register criteria and to address changes in state law. These changes further Policy 1, on page III-I-2, which provides:

"Adopt and implement historic preservation policies, regulations, and incentive programs that encourage the inventory, preservation, and restoration of structures; landmarks; sites; and areas of cultural, historic, or archaeological significance, consistent with overall policies."

The changes also implement Policy 4, on page III-I-2, which provides:

"Periodically review state and federal programs intended to assist in preservation of historic and archaeological sites for possible use in connection with local implementation programs."

**Energy Element**

The changes to the Eugene Land Use Code are consistent with policies in the Metro Plan Energy Element that promote the availability of solar energy and that promote the use of alternative forms of transportation.

For example, Policy 3, on page III-J-5, provides:

"Land allocation and development patterns shall permit the highest possible current and future utilization of solar energy for space heating and cooling, in balance with the requirements of other planning policies."

Section 9.2780 et seq. requires that all residential development adhere to solar access and setback requirements to ensure adequate access to solar energy.

Energy Policy 8, on page III-J-5, provides:

"Commercial, residential, and recreational land uses shall be integrated to the greatest extent possible, balanced with all planning policies to reduce travel distances, optimize reuse of waste heat, and optimize potential on-site energy generation."

Reduction of travel distances may be accomplished through the use of the City’s /TD Transit Oriented Development overlay zone. Standards applicable within the /TD Transit Oriented
Development overlay zone have been clarified. The new ND Nodal Development overlay zone will enable the City to create nodes in which may integrate the mix of uses described in this policy.

Citizen Involvement Element

Metro Plan policies relating to citizen involvement were carried out in the process of the process for adoption of the Chapter 9 revisions. See findings for Statewide Planning Goal 1.
/UL Urban Land Code

Ordinance No. 20263
Exhibit A

Findings of Consistency of the Fall 2002 Land Use Code Amendments with Criteria for Approval of Amendments to the Eugene Code

The Fall 2002 Land Use Code amendments address many code sections and a wide variety of regulations. Findings of consistency for three ordinances are provided below. The first ordinance, concerning land use regulations, contains code amendments that primarily address errors, clarify existing code provisions or streamline procedures. The second ordinance, concerning nodal development, contains changes to the /ND Nodal Development overlay zone. The third ordinance, concerning secondary dwellings and flag lots, addresses changes to standards for residential flag lots and secondary dwellings.

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

(1) Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property. This change maintains consistency with Goal 1 requirements.

The ordinance concerning land use regulations also includes revisions that clarify the public hearings that allow for the acceptance of new evidence. These changes maintain consistency with Goal 1 and comply with State law.

The ordinance concerning land use regulations streamlines the land use process by removing the requirement of site review if the city has approved the proposed development through a planned unit development (PUD) or conditional use permit (CUP) process. The PUD and CUP process provide greater public notice and a public hearing on a pending development proposal. This change will remove an unnecessary administrative review (site review) of the same proposed development, but will not decrease the overall level of citizen involvement.

The process for adopting these amendments complied with Goal 1 since it complied with, and
surpassed the requirements of the citizen involvement provisions. Specifically, on August 30, 2002, the City provided written mailed notice of the October 1, 2002, joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to the following organizations involved in local land use regulations: 1) PRUDES (Professionals for Responsible Urban Development in Eugene-Springfield; 2) Eugene Area Chamber of Commerce; 3) Home Builders Association of Lane County; 4) Friends of Eugene; and 5) 1000 Friends of Oregon. Any party that had request notice of the draft code amendments or that provided public testimony was also added to an “interested party” list and provided written mailed notice of the public hearing. Legal notice in the local newspaper was also provided in accordance with Lane County code amendment requirements.

On October 1, 2002, Eugene and Lane County Planning Commissions held a joint public hearing on the draft amendments. The Eugene Planning Commission held work sessions on October 7 and October 8 and forwarded recommendations to the Eugene City Council. On October 17, 2002, written mailed notice was provided regarding the Eugene City Council public hearing of October 28, 2002. The notice was mailed to all interested parties. The public hearing notice and a copy of all three ordinances were provided on the City website.

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

The record shows that there is an adequate factual base for the amendments. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the amendments with all affected governmental units. Specifically, the City provided written mailed notice of the proposed amendments to the City of Springfield and Lane County. The City of Springfield provided no comments on the pending amendments. Lane County Planning Commission held a joint public hearing with the Eugene Planning Commission and will forward recommendations to the Lane County Board of Commissioners for application in the urban transition area. In addition, EWEB and School District 4J were provided written notice due to the nature of some of the proposed amendments. There are no Goal 2 Exceptions required for these amendments.

Goal 3 - Agricultural Lands. To Preserve Agricultural Lands.

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 4 - Forest Lands. To conserve forest lands.

The amendments do not affect any land designated for forest use. Therefore, Goal 4 is not applicable
or relevant to the amendments.

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

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

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

The amendments do not affect the City's compliance with Goal 6.

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

The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Therefore, Goal 7 does not apply.

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

The plan amendments do not affect the City’s provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 8 does not apply.

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

The ordinance concerning land use regulations amendments include revisions that increase the allowable uses in the C-4 zone by permitted uses in the "trade" category. This provides greater flexibility for proposed projects in that zone. The revisions also add an additional use to the I-2 zone. While the ordinance concerning nodal development contains a size limitation of 50,000 square feet for new retail uses in the nodal development overlay zone, that limitation will not render any commercial or industrial sites unbuildable. The ND overlay zone has not been applied to any properties. The amendments do not diminish the supply of commercial or industrial lands. Therefore, they are consistent with Goal 9.

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

The ordinance concerning land use regulations includes a change that makes it possible to establish
a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. Ordinance No. 1 also amends the code to clarify that greater residential lot density is allowed when the cluster subdivision process is used.

The ordinance concerning nodal development includes a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It also sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre.

The ordinance concerning secondary dwellings and flag lots amends the code to permit secondary dwellings on flag lots and to provide specific lot dimensions necessary for locating secondary dwellings. It revises provisions for the R-1 zone to allow home occupations and secondary dwellings on flag lots of 13,500 square feet or more. It reduces the setback for residential flag and alley lots to make them easier to develop. None of these provisions would render residential lands unbuildable. In fact, they increase the potential for residential development in the City. The amendments have no impact on the supply of residential lands and are therefore consistent with Goal 10.

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

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

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

The amendments do not significantly affect a transportation facility. Therefore, Goal 12 does not apply.

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

The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

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

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Goal 14 does not apply.
Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The amendments to not contain any changes that affect the regulation of areas within the Willamette River Greenway. The ordinance concerning land use regulations adds a cross reference that was mistakenly left out of the code, reiterating in an additional section that the City processes requests for modification of a Willamette Greenway Permit using a Type II process.

Goals 16-19. Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean resources.

These Statewide Planning Goals do not apply to the actions taken.

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

Metro Plan Policies

Residential Land Use and Housing Element, Policy A.13. Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

The ordinance concerning land use regulations includes a change to make it possible to establish a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. This is consistent with the intent of Policy A.13 since it promotes the mixing of commercial and residential uses.

The ordinance concerning nodal development includes in the purpose of the ND Nodal Development overlay zone a statement that each node is intended to achieve an average overall residential density of 12 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This is consistent with Policy A.13 to increase overall residential densities.

The ordinance concerning secondary dwellings and flag lots will create additional opportunities for residential in-fill development by decreasing required setbacks for flag lots and increasing the allowance of detached secondary dwellings. To promote compatibility with existing neighborhoods, new buildings on flag lots will still have greater setbacks than a standard lot and special design standards remain in place for detached secondary dwellings.

Economic Element, Policy 23. Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and
which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

Ordinance No. 1 amendments include a change to make it possible to establish a one-family dwelling or two-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. These residences are also subject to the limitations in EC 9.2161(6). These limitations on residential uses preserve the suitability of the C-1 and C-2 zones for commercial uses and take into account compatibility and traffic issues.

Ordinance No. 1 amendments include revisions that increase the allowable uses in the C-4 zone by adding permitted uses in the “trade” category. Two of the uses added, book store and drug store, lend themselves to “neighborhood commercial” developments.

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

The ordinance concerning nodal development includes a change to clarify the City’s intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This requirement for higher intensity of development will promote transit use and is consistent with the requirement of Policy F.3.

*Citizen Involvement Element, Policy 3. Improve and maintain local mechanisms that provide the opportunity for residents and property owners in existing residential areas to participate in the implementation of policies in the Plan that may affect the character of those areas.*

The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property and is consistent with Policy 3.

*Refinement Plan Policies*

The amendments do not address a specific area of the city or a specific public facility. Therefore, no refinement plan is particularly applicable.
Findings of Consistency of the Fall 2002 Land Use Code Amendments with Criteria for Approval of Amendments to the Eugene Code

The Fall 2002 Land Use Code amendments address many code sections and a wide variety of regulations. Findings of consistency for these ordinances are provided below. The first ordinance concerning land use regulations contains code amendments that primarily address errors, clarify existing code provisions or streamline procedures. The second ordinance concerning nodal development contains changes to the ND Nodal Development overlay zone. The third ordinance concerning secondary dwellings and flag lots addresses changes to standards for residential flag lots and secondary dwellings.

The Eugene City Council will apply the following criteria from ORC 3.035 to the proposed code amendment:

(i) Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission

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

The City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot free-standing sign on development sites that have certain types of land use decisions pending. This size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property. This change maintains consistency with Goal 1 requirements.

The ordinance concerning land use regulations also includes revisions that clarify the public hearings that allow for the acceptance of new evidence. These changes maintain consistency with Goal 1 and comply with State law.

The ordinance concerning land use regulations streamlines the land use process by removing the requirement of site review if the city has approved the proposed development through a planned unit development (PUD) or conditional use permit (CUP) process. The PUD and CUP process provide greater public notice and a public hearing on a pending development proposal. This change will remove an unnecessary administrative review (site review) of the same proposed development, but will not decrease the overall level of citizen involvement.

The process for adopting these amendments complied with Goal 1 since it complied with...
surpassed the requirements of the other involvement provisions. Specifically, on August 30, 2002, the City provided written mailed notice of the October 1, 2002, Joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to the following organizations involved in local land use regulations: 1) PRIDES (Professional for Responsible Urban Development in Eugene-Springfield), 2) Eugene Area Chamber of Commerce, 3) Home Builders Association of Lane County, 4) Friends of Eugene, and 5) 1,000 Friends of Oregon. Any party that had requested notice of the draft code amendments or that provided public testimony was also added to an "interested party" list and provided written mailed notice of the public hearing. Legal notices in the local newspapers were also provided in accordance with Lane County code amendment requirements.

On October 1, 2002, Eugene and Lane County Planning Commissions held a joint public hearing on the draft amendments. The Eugene Planning Commission held work sessions on October 7 and October 8 and forwarded recommendations to the Eugene City Council. On October 17, 2002, written mailed notice was provided regarding the Eugene City Council public hearing on October 28, 2002. The notice was mailed to all interested parties. The public hearing notice and a copy of all three ordinances were provided on the City web site.

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

The record shows that there is an adequate factual basis for the amendments. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the amendments with all affected governmental units. Specifically, the City provided written mailed notice of the proposed amendments to the City of Springfield and Lane County. The City of Springfield provided no comments on the pending amendments. Lane County Planning Commission held a joint public hearing with the Eugene Planning Commission and will forward recommendations to the Lane County Board of Commissioners for application in the urban transition area. In addition, EWEB and School District 4j were provided written notices due to the nature of some of the proposed amendments. There are no Goal 2 Exceptions required for these amendments.

Goal 3: Agricultural Land. To Preserve Agricultural Land.

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 4: Forest Land. To conserve forest land.

The amendments do not affect any land designated for forest use. Therefore, Goal 4 is not applicable.
or relevant to the amendments.

Goal 2: Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

These amendments do not create or amend the city's list of Goal 2 resources, do not amend a code provision adopted in order to protect a significant Goal 2 resource, or to address specific requirements of Goal 2. If they do not allow new uses that could be conflicting uses with a significant Goal 2 resource site and do not amend the acknowledged UDR, therefore, Goal 2 does not apply.

Goal 3: Air, Water, and Land Resource Quality. To maintain and improve the quality of the air, water, and land resources of the state.

The amendments do not affect the City's compliance with Goal 3.

Goal 4: Areas Susceptible to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Therefore, Goal 4 does not apply.

Goal 5: Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.

The plan amendments do not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 5 does not apply.

Goal 6: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The ordinance concerning land use regulations amendments include revisions that increase the allowable uses in the C-4 zone by permitted uses in the “trade” category. This provides greater flexibility for permitted projects in that zone. The revisions also add an additional use to the I-2 zone. While the ordinance concerning nodal development contains a size limitation of 50,000 square feet for new retail uses in the nodal development specialty zone, the limitation will not render any commercial or industrial sites unbuildable. The IND overlay zone has not been applied to any properties. The amendments do not diminish the supply of commercial or industrial lands. Therefore, they are consistent with Goal 6.

Goal 7: Housing. To provide for the housing needs of citizens of the state.

The ordinance concerning land use regulations includes a change that makes it possible to establish
a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. However, Ordinance No. 8 also amends the code to clarify that greater residential lot density is allowed when the cluster subdivision process is used.

The ordinance concerning nodal development includes a change to clarify the City’s intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It also sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments to this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre.

The ordinance concerning secondary dwellings and flag lots extends the code to permit secondary dwellings on flag lots and to provide specific lot dimensions necessary for locating secondary dwellings. It also provides a provision for the R-1 zone to allow home occupations and secondary dwellings on flag lots 13, 500 square feet or more. It reduces the setback for residential flag and alley lots to make them easier to develop. None of these provisions would render residential lands unbuildable. In fact, they increase the potential for residential development in the City. The amendments have no impact on the supply of residential lands and are therefore consistent with Goal 10.

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

The amendments do not concern the City’s provision of public facilities and services. Therefore, Goal 11 does not apply.

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

The amendments do not significantly affect transportation facilities. Therefore, Goal 12 does not apply.

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

The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

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

The amendments do not affect the City’s provisions regarding the transition of land from rural to urban uses. Therefore, Goal 14 does not apply.
Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The amendments do not contain any changes that affect the regulation of areas within the Willamette River Greenway. The ordinance concerning land use regulations adds a cross reference that was mistakenly left out of the code, reflecting in an additional section that the City processes requests for modification of a Willamette Greenway Permit using a Type II process.

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

These Statewide Planning Goals do not apply to the actions taken.

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

Metro Plan Policies:

Residential Land Use and Housing Element, Policy A.13. Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed, infill, redevelopment and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

The ordinance concerning land use regulations include a change to make it possible to establish a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. This is consistent with the intent of Policy A.13 since it promotes the mixing of commercial and residential uses.

The ordinance concerning mixed development includes, in the purpose of the Zone Mixed Development overlay zone a statement that such nodes intended to achieve an average overall residential density of 12 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the land use Code. This is consistent with the intent to achieve an average of 12 units per net residential acre. This is consistent with Policy A.13 to increase overall residential densities.

The ordinance concerning secondary dwellings and flag lots will create additional opportunities for residential in-fill development by decreasing required setbacks for flag lots and increasing the allowance of detached secondary dwellings. To promote compatibility with existing neighborhoods, new buildings on flag lots will still have greater setbacks than a standard lot and special design standards remain in place for detached secondary dwellings.

Economic Element, Policy 28. Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and
which: (a) preserve the suitability of the affected areas for their primary use; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

Ordinance No. 1 amendments include a change to make it possible to establish a one-family dwelling or two-family dwelling in the C-1 or C-2 ULC if it shares a nonresidential use on the ground floor. These residences are also subject to the limitations in BC 92.15.1(g). These limitations re: nonresidential uses preserve the suitability of the C-1 and C-2 zones for commercial uses and take into account compatibility and traffic issues.

Ordinance No. 1 amendments include revisions that increase the allowable uses in the C-4 zone by adding permitted uses in the "trade" category. Two of the uses added, book stores and drugstores, lend themselves to "neighborhood commercial" development.

Transportation Element Policy F.1. Apply the modal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.

The ordinance concerning modal development includes a change to clarify the City's intent that residential development in the modal development areas achieve an average density of 12 units per net residential acre. It sets the minimum density requirement for modal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments to this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This requirement for higher intensity of development will promote urban living and is consistent with the requirement of Policy F.3.

Citizen Involvement Element Policy 2. Improve and maintain local mechanism that provide the opportunity for residents and property owners in existing residential areas to participate in the implementation of policies in the Plan that may affect the character of these areas.

The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12-square-foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property and is consistent with Policy 3.

Refinement Plan Policies

The amendments do not address a specific area of the city or a specific public facility. Therefore, no refinement plan is particularly applicable.
Findings of Consistency of the Fall 2002 Land Use Code Amendments with Criteria for Approval of Amendments to the Eugene Code

The Fall 2002 Land Use Code amendments address many code numbers and a wide variety of regulations. Findings of consistency for these ordinances are provided below. The first ordinance, concerning land use regulations, contains code amendments that primarily address errors, clarity of existing code provisions, and streamline procedures. The second ordinance, concerning nodal development, contains changes to the IND Nodal Development Overlay zone. The third ordinance, concerning secondary dwellings and flag lots, addresses changes to standards for residential flag lots and secondary dwellings.

The Eugene City Council will apply the following criteria from EC 8.3805 to the proposed code amendments:

1. Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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

The City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property. This change maintains consistency with Goal 1 requirements.

The ordinance concerning land use regulations also includes revisions that clarify the public hearings that allow for the acceptance of new evidence. These changes maintain consistency with Goal 1 and comply with State law.

The ordinance concerning land use regulations streamlines the land use process by removing the requirement of site review if the city has approved the proposed development through a planned unit development (PUD) or conditional use permit (CUP) process. The PUD and CUP process provide greater public notice and a public hearing on a pending development proposal. This change will remove an unnecessary administrative review (site review) of the same proposed development, but will not decrease the overall level of citizen involvement.

The process for adopting these amendments complied with Goal 1 since it complied with, and
surpassed the requirements of the citizen involvement provisions. Specifically, on August 30, 2002, the City provided written mailed notice of the October 1, 2002, joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to the following organizations involved in local land use regulations: 1) PRODES (Professionals for Responsible Urban Development in Eugene-Springfield), 2) Eugene Area Chamber of Commerce, 3) Home Builders Association of Lane County, 4) Friends of Eugene, and 5) 1000 Friends of Oregon. Any party that had request notice of the draft code amendments or that provided public testimony was also added to an "interested party" list and provided written mailed notice of the public hearing. Legal notice in the local newspaper was also provided in accordance with Lane County code amendment requirements.

On October 1, 2002, Eugene and Lane County Planning Commissions held a joint public hearing on the draft amendments. The Eugene Planning Commission held work sessions on October 1 and October 3 and forwarded recommendations to the Eugene City Council. On October 17, 2002, written mailed notice was provided regarding the Eugene City Council public hearing of October 22, 2002. The notice was mailed to all interested parties. The public hearing notice and a copy of all three ordinances were provided on the City website.

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

The record shows that there is an adequate factual basis for the amendments. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the amendments with all affected governmental units. Specifically, the City provided written mailed notice of the proposed amendments to the City of Springfield and Lane County. The City of Springfield provided comments on the pending amendments. Lane County Planning Commission held a joint public hearing with the Eugene Planning Commission and will forward recommendations to the Lane County Board of Commissioners for application in the urban transition area. In addition, BWBE and School District 4J were provided written notice due to the nature of some of the proposed amendments. There are no Goal 2 Exceptions required for these amendments.

Goal 3: Agricultural Lands. To Preserve Agricultural Lands.

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 4: Forest Lands. To preserve forest lands.

The amendments do not affect any land designated for forest use. Therefore, Goal 4 is not applicable.
/UL Urban Land Code

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

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

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

The amendments do not affect the City's compliance with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards. Therefore, Goal 7 does not apply.

Goal 8 - Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the supply of necessary recreational facilities including recreational resources.

The plan amendments do not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 8 does not apply.

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

The ordinance concerning land use regulations amendments include revisions that increase the allowable uses in the C-4 zone by permitted uses in the "trade" category. This provides greater flexibility for proposed projects in that zone. The revisions also add an additional use to the I-2 zone. While the ordinance concerning model development contains a size limitation of 50,000 square feet for new retail uses in the model development overlay zone, that limitation will not reduce any commercial or industrial sites unbuildable. The "ND" overlay zone has not been applied to any properties. The amendments do not diminish the supply of commercial or industrial lands. Therefore, they are consistent with Goal 9.

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

The ordinance concerning land use regulations includes a change that makes it possible to establish
a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor.

Ordinance No. 1 also amends the code to clarify that greater residential lot density is allowed when the cluster subdivision process is used.

The ordinance concerning nodal development includes a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It also sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 6 units per net residential area. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre.

The ordinance concerning secondary dwellings and flag lots amends the code to permit secondary dwellings on flag lots and to provide specific lot dimensions necessary for locating secondary dwellings. It revises provisions for the R-1 zone to allow home occupations and secondary dwellings on flag lots of 12,500 square feet or more. It reduces the setback for residential flag and alley lots to make them easier to develop. None of these provisions would render residential lands unbuildable. In fact, they increase the potential for residential development in the City. The amendments have no impact on the supply of residential lands and are therefore consistent with Goal 10.

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

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

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

The amendments do not significantly affect a transportation facility. Therefore, Goal 12 does not apply.


The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

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

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Goal 14 does not apply.
Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River on the Willamette River Greenway.

The ordinance does not contain any changes that affect the regulation of areas within the Willamette River Greenway. The ordinance concerning land use regulations adds a cross reference that was mistakenly left out of the code, relocating an additional section that was previously entitled "Amendment to a Willamette River Greenway Permit" using a Type II process.

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

These Statewide Planning Goals do not apply to the actions taken.

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

Metro Plan Policies:

Residential Zoning, Use and Housing Element, Policy A13: Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, re-development, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

The ordinance concerning land use regulations includes a change to make it possible to establish a one-family dwelling in U-1 or U-2 if it is above a nonresidential use on the ground floor. This is consistent with the intent of Policy A13 since it promotes the mixing of commercial and residential uses.

The ordinance concerning nodal development includes, in the purpose of the AND Nodal Development overlay zone, a statement that each node is intended to achieve an average overall residential density of 12 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This is consistent with Policy A13 to increase overall residential densities.

The ordinance concerning secondary dwellings and flag lots will create additional opportunities for residential in-fill development by decreasing required setbacks for flag lots and increasing the allowance of detached secondary dwellings. To promote compatibility with existing neighborhoods, new buildings on flag lots will still have greater setbacks than a standard lot and special design standards remain in place for detached secondary dwellings.

Economic Element: Policy 23. Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and
which: (a) preserve the suitability of the affected areas for their primary use; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

Ordinance No. 1 amendments include changes to make it possible to establish a one-family dwelling or two-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. These residences are also subject to the limitations in RC 4115.15(6). These limitations on residential uses preserve the suitability of the C-1 and C-2 zones for commercial uses and take into account compatibility and traffic issues.

Ordinance No. 1 amendments include revisions that increase the allowable uses in the C-4 zone by adding permitted uses in the “basic” category. Two of the uses added, book store and drug store, lend themselves to “neighborhood commercial” development.

Transportation Element, Policy 1: Apply the nodal development strategy to areas selected by local jurisdiction that have identified potential for this type of transportation-efficient land use pattern.

The ordinance concerning nodal development indicates a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 6 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This requirement for higher intensity of development will promote transit use and is consistent with the requirement of Policy F.3.

Citizen Involvement Element, Policy 3: Improve and maintain local mechanisms that provide the opportunity for residents and property owners in existing residential areas to participate in the implementation of policies in the Plan that may affect the character of those areas.

The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 8 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property and is consistent with Policy 3.

Refinement Plan Policies

The amendments do not address a specific area of the city, or a specific public facility. Therefore, an refinement plan is particularly applicable.
Findings of Consistency of Broadway Overlay Zone Amendments with Criteria for Approval of Amendments to the Eugene Code and the Eugene Zoning Map.

The Eugene City Council will apply the following criteria from EC 9.500 to its proposed code amendment:

1. Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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

   Creation of the Broadway Overlay Zone was accomplished through two workshops that reflected public involvement and exchange of information. The process was specially designed for this neighborhood. The city and consultant team interviewed key owners of affected properties and offered the opportunity for individual meetings. Information was also available via the city’s internet website. Notification was provided of all public hearings as required by local statutes. Therefore, the amendments are consistent with Goal 1.

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

   The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was adopted by the State in 1983 to be in compliance with statewide planning goals. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the ordinance with the State Department of Land Conservation and Development. There are no Goal 2 exceptions, for the adoption of these amendments. Therefore, the amendments are consistent with Goal 2.

3. **Goal 3 – Agricultural Lands.**
   To preserve Agricultural Lands.

   The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.
Goal 4: Forest Lands
To conserve forest lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

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

The area affected by these actions is located within the City's urban core and contains no resources from the City's Goal 5 inventory of significant resources. Therefore, Goal 5 is not applicable or relevant to the amendments.

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

The regulations for the Broadway Overlay zone encourage alternatives to automobile travel, especially walking and transit, and reduced demand for automobile-related transportation facilities. Increasing the use of alternative modes of transportation will help to improve regional and local air quality. Therefore, the amendments are consistent with Goal 6.

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

The areas affected by these plan amendments do not include any known areas of natural disasters or hazards. Therefore, the amendments are consistent with Goal 7.

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

The plan amendments do not affect any inventoried or designated recreation areas, facilities or recreational opportunities. Therefore, the amendments are consistent with Goal 8.

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

The proposed amendments will encourage a healthy retail and commercial environment in the core of Eugene's downtown. The amendments will strengthen commerce, pedestrian activity, office and residential supporting services, and transit oriented development. The proposed
amendments affect 39 properties within a three block section of West Broadway, thereby leaving adequate urban area to locate the few automobile-serving commercial uses prohibited by the proposed ordinance. Adequate provisions are included in the amendments to avoid undue hardship to existing nonconforming businesses and structures.

Therefore, the amendments are consistent with Goal 9.

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

The proposed amendments will not restrict housing. Therefore, the amendments are consistent with Goal 10.

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

Basic urban and rural services are provided in the area by the City of Eugene and are adequate to serve the buildings in the affected area. Therefore, these amendments are consistent with Goal 11.

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

The amendments affect building design and encourage uses within the buildings that promote pedestrian travel within the downtown area.

Transportation Planning Rules (OAR 350-012-0060) contains the following requirement:

1. Amendments to functional plans in the local comprehensive plan, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

2. A plan or land use regulation amendment significantly affects a transportation facility if

   (a) Changes the functional classification of an existing or planned transportation facility;

   (b) Changes standards implementing a functional classification system;

   (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility, or
UL Urban Land Code

(a) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

The street and transit system will not be affected by these amendments. No street classifications will be amended. Therefore, the amendments comply with Goal 13 and the Transportation Planning Rule:


Goal 13 does not apply to the actions taken.

Goal 14: Urbanization.

To provide for an orderly and efficient transition from rural to urban land use.

The affected area wholly within the City limits. Therefore, Goal 14 is not applicable or relevant to the amendments.

Goals 15-19.

These Statewide Planning Goals do not apply to the actions taken.

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

Metro Plan Policies

1. Policy A.10. (Residential Land Use and Housing Element Page III-4.3) "Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary."

Any.

2. Policy A.13. (Residential Land Use and Housing Element Page III-4.3) "Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed infill, redevelopment, and mixed-use, while considering impacts of increased residential density on historic, existing, and future neighborhoods.

The proposed amendments will not diminish the ability to provide high-density
residential dwellings or mixed use development within the affected area.

3. Policy A.12 (Residential Land Use and Housing Element Page III-A.10) "Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities."

The proposed amendments would contribute to a more convenient, safer environment for residents in the affected area, as well as encourage more retail and food establishments, which will better serve downtown residents.

4. Policy A.22 (Residential Land Use and Housing Element Page III-A.10) "Reduce impacts of higher density residential and mixed use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.

The design standards for new development and redevelopment in the affected area are intended to promote the construction of high quality, high density residential, commercial, and mixed use development in the plan area. The amendments provide architectural and site planning standards that promote traditional, compatible design within the traditional market area of Eugene's downtown.

5. Policy A.24 (Residential Land Use and Housing Element Page III-A.10) "Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns.

The proposed amendments provide clear and objective design standards while also utilizing the existing adjustment review process to allow alternative designs that may be more compatible within the context of the proposed structure.

6. Policy 3 (Environmental Design Element Page III-E.3) "The development of urban design elements as part of local and refinement plans shall be encouraged."

Although not part of a refinement plan, the proposed amendments provide design standards based on a set of guiding design principles. These principles encourage retail activity, pedestrian comfort, area identification ("Districting"), Design standards for built environment are also incorporated into the land use code. Municipal Code Chapter 9.

7. Policy 8 (Environmental Design Element Page III-E.3) "Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site..."
planning objectives while allowing for creative solutions to design problems.

The Broadway Overlay Zone was developed to use clear and quantifiable standards as much as possible to avoid the need for time-consuming secondary discretionary reviews, such as site review, planned unit developments, or new design review procedures. However, the new Eugene land use code includes provisions for an “adjustment review” process that allows a development proposal to be evaluated using a set of Design Guidelines rather than design standards. The guidelines are intended to promote flexibility and allow for creative design solutions while adhering to the nodal development design principles.


The Broadway Overlay Zone will affect an area in the traditional core market area of Eugene’s downtown. This area is served by local and regional transit, and is located one block from the Lane Transit District Station and five blocks from the Amtrak station. The standards promote more intensive uses within this transit-oriented area, as well as decreased reliance on automotive travel.

Eugene Downtown Plan Policies

1. Promote intensity of development and use.

   The amendments restrict less intensive and automobile-serving uses from this core commercial area. Other intensive uses and mix of uses are not restricted.

2. Recognize the need for the mall to remain a people-oriented place while providing an attractive environment for business.

   The pedestrian mall has been opened for vehicular traffic (through separate sections), but these proposed amendments will encourage higher quality and more economically viable retail, more pedestrian amenities, and an attractive business environment. The regulations were crafted to have minimal impact on current businesses and to avoid
3. Encourage developments with visually stimulating activity on the ground floor.

AND

4. Enhance existing nodes of nighttime activity and improve the pedestrian routes used between such centers.

Implementation of these policies is a primary purpose of the proposed amendments. The amendments will require windows, nighttime lighting, and activity on the ground floor, while prohibiting uses and (non) activity that remove visual stimulation along the ground floor. The proposed overall effect will be one of a "Great Street," that is a route preferred for pedestrians because of relative comfort, interest, and perceived safety.

5. Promote the concentration of retail activities for identity and marketability.

Broadway was chosen as a primary retail destination because of its history as a key market street in the downtown area. The amendments will promote this concept through retail-friendly first floor design and prohibition of uses that are not compatible with retail or pedestrian activity.

ZONE CHANGES

The Eugene City Council will apply the following criteria from EC 2.3826 to proposals to rezone properties:

1. The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The proposed Broadway Overlay zone would implement the Metro Plan's policies for more intensive, transit-supportive development, as discussed above.

2. The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The proposed Broadway Overlay Zone implements the retail-supportive policies in the Eugene Downtown Plan, as discussed above.
(3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban services are already in place and are sufficient for future intensification of uses.
Ordinance No. 20275

Exhibit A

Findings of Consistency of Royal Nodal Development Amendments with Criteria for Approval of Amendments to the Eugene Code

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

(1) Is with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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

The Eugene Citizen Involvement Committee reviewed and approved a citizen involvement program and interested parties list for the project. The citizen involvement program proposed for the project was fully executed. Consideration of the Royal Node provisions began with a joint public hearing on July 11, 2000. Department of Land Conservation and Development notice, notice to property owners and interested parties and newspaper publication was provided for that hearing. Between June and November 2000, the Eugene Planning Commission held four work sessions and the Lane County Planning Commission held one work session. With a revised proposal for the node, notification of a joint Planning Commission work session and hearing on the project was mailed to the interested parties list on February 1, 2002; that mailing list contained more than 250 names. Notification of the joint City Council / Board of County Commissioners hearing on the project was mailed to the interested parties list and published in the Register-Guard on August 28, 2002. Staff presented information on the project to numerous neighborhood and special interest groups throughout the course of this project. Therefore, the amendments are consistent with Goal 1.

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

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for the measures to establish the Royal Avenue Node. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the ordinances with Lane County, the Oregon Department of Land Conservation and Development, the Oregon Department of Transportation, the Oregon Division of State Lands, the US Army Corps of Engineers, Bethel School District 52, the US Department of the Interior - Bureau of Land Management, the US Department of Commerce - National Marine Fisheries Service, the Oregon Department of
Environmental Quality, the US Environmental Protection Agency, the US Fish and Wildlife Service, and the Oregon Department of Fish and Wildlife. Specifically, the City provided copies of the plan and implementing measures to these agencies as well as notice of public hearings on the project. There are no Goal 2 Exceptions required for the adoption. Therefore, the amendments are consistent with Goal 2.

**Goal 3 - Agricultural Lands.**
To preserve and maintain agricultural land.

The change in Metro Plan designation is for property located within the urban growth boundary and does not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

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

The change in Metro Plan designation is for property located within the urban growth boundary and does not affect any land designated for forest use. Therefore, Goal 4 is not applicable or relevant to the amendments.

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

To the extent that there are any resource sites from the City’s acknowledged Goal 5 inventory in the Royal Node area, the change in Metro Plan designation has no effect on the level of protection provided for those resource sites. The uses allowed on the properties will not change as a result of the actions, as the properties are not being rezoned as a part of these actions and no new regulations are being applied to the properties as a result of these actions. Therefore, the amendments are consistent with Goal 5.

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

The addition of the ND Nodal Development Metro Plan designation to property within the area furthers implementation of the nodal development, an approach to integration of land use and transportation planning that seeks to increase the use of alternative modes of transportation, reduce per-person vehicle miles of travel, and reduce demand for automobile-related transportation facilities. Increasing the use of alternative modes of transportation will help to improve regional and local air quality. Therefore, the amendments are consistent with Goal 6.

**Goal 7 - Areas Subject to Natural Disasters and Hazards.**
To protect life and property from natural disasters and hazards.
The areas affected by these ordinances do not include any known areas of natural disasters or hazards. Therefore, the amendments are consistent with Goal 7.

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

The actions do not affect any inventoried/designated recreation areas, facilities or recreational opportunities since the uses allowed on the redesignated properties will not change as a result of the actions. Therefore, the amendments are consistent with Goal 8.

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

The addition of the ND Nodal Development Metro Plan designation does not change the underlying Metro Plan designation and land currently designated for commercial use will continue to be designated for commercial use. There is no land designated for industrial use within the area. Therefore, the amendments are consistent with Goal 9.

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

The addition of the ND Nodal Development Metro Plan designation does not change the underlying Metro Plan designation and land currently designated for housing will continue to be designated for housing. Therefore, the amendments are consistent with Goal 10.

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

The properties affected by addition of the ND Nodal Development Metro Plan designation are outside the City limits and within the urban growth boundary of the City of Eugene. The properties are currently provided with adequate public facilities and the actions taken by these amendments do not affect the jurisdictions' ability to provide those facilities. Should the properties be annexed in the future and be rezoned, provision of public facilities will be considered at that time. For planning purposes, as demonstrated in the Royal Area Specific Plan, the City has considered and confirmed that it will be able to provide the necessary public facilities if the area were to be rezoned to the City's Royal Node Special Area Zone. Therefore, the amendments are consistent with Goal 11.

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

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

1. Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . . .

2. A plan or land use regulation amendment significantly affects a transportation facility if it:
   (a) Changes the functional classification of an existing or planned transportation facility;

The functional classifications of major streets in the planning area were not changed from the designations shown on the adopted Street Classification Map.

(b) Changes standards implementing a functional classification system:

The standards implementing the street functional classification system would not be changed by any of the proposed actions to implement the draft Royal Avenue Specific Plan.

(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classifications of a transportation facility; or

The planned uses and levels of service for all streets within the planning area are consistent with classifications of transportation facilities in the area.

(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

TransPlan sets a Level of Service "D" as the acceptable threshold in Eugene, outside of the Central Area Transportation Study area. The proposed actions would not result in reduction of performance standards below minimum acceptable levels.

The proposed amendments implement TransPlan and do not significantly affect a transportation facility. Therefore, the amendments are consistent with Goal 12 and the Transportation Planning Rule (OAR 660-012-0600).

Goal 13 does not apply to the actions taken.

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

The area subject to the addition of the “ND—Nodal Development” Metro Plan designation is in the urbanizable area — outside the City’s limits, but within the urban growth boundary. The actions taken do not affect the status of the area. The actions do not include any timeline for the conversion of the area to urban uses. Therefore, the amendments are consistent with Goal 14.

Goals 15 - 19.
These Statewide Planning Goals do not apply to the actions taken.

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

Metro Plan policies relevant to this proposal include the following:

1. Policy 8 (Growth Management and the Urban Service Area Element Page II-B-4) “Land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city when it is found that:
   a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
   b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metropolitan Plan.”

Development of the draft plan included an investigation into the availability of key urban services to the site. A full complement of urban services can be provided upon annexation of the site to the City of Eugene. Voters in Bethel School District 52 have recently passed a bond measure which allows the district to proceed with planning new school facilities to serve the area. Two new schools are under construction on property abutting the node to the east. The Bethel-Danebo Plan requires that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for paved streets that drain stormwater runoff and accommodate relatively high levels of pedestrian travel along the streets.

2. Policy 9 (Growth Management and the Urban Service Area Element Page II-B-5) “A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities.”
Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. In addition to key urban services, the Royal Avenue Specific Plan provides for extension of transit service to the site, provision of natural gas service, storm drainage, street lighting, local parks, and local recreation facilities. A branch library has recently been opened for the first time in the Bethel neighborhood, approximately 1.5 miles from the Royal Avenue site. The amendment to the Eugene Code that implements the Royal Plan also provides for the location of a future branch library or other government services in several of its proposed zoning districts, and for the provision of clinics and other health facilities within the Main Street Commercial zoning district.

3. **Policy 16 (Growth Management and the Urban Services Area Element Page II-B-6)**
   "Ultimately, land within the urban growth boundary shall be annexed to a city and provided with the required minimum level of urban services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for the urbanization of urbanizable land within the urban growth boundary. The plan also provides for eventual annexation of land within the planning area to the City of Eugene and provides for the required minimum level of urban services.

4. **Policy 17 (Growth Management and the Urban Services Area Element Page II-B-6)**
   "Eugene and Springfield and their respective utility branches, Eugene Water and Electric Board and Springfield Utility Board, shall be the water and electrical service providers within the urban growth boundary."

Water and electric service within the plan area will be provided by the Eugene Water and Electric Board.

5. **Policy A.2 (Residential Land Use and Housing Element Page III-A-6)**
   "Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies, however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses."

This action does not apply the proposed zoning designations to the plan area. Rezoning will occur following annexation of the area to the City of Eugene. Until annexation and rezoning occur, the land will retain its existing zoning. Most of the land in the planning area is currently zoned AG/UL Agricultural/Urbanizable Land.

   "Require developers to pay the cost, as determined by the local jurisdiction, of extending public services and infrastructure. The cities shall examine ways to provide subsidies or incentives for providing infrastructure that support affordable housing and/or higher density housing."
New development in the area will be required to pay the cost of extending public services and infrastructure to the site. The city has provided an incentive through the preparation of the specific area plan that identifies necessary infrastructure to serve the plan area. Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area.

7. Policy A.10 (Residential Land Use and Housing Element Page III-A-8) "Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for the utilization of existing infrastructure (drainage, schools, community park, and Royal Avenue), improves the efficiency of transit service to the area, improves the efficiency of drainage and wastewater facilities in the area, and conserves rural resource lands by providing for higher-density development inside the urban growth boundary.

8. Policy A.11 (Residential Land Use and Housing Element Page III-A-8) "Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan implements the nodal development concept in the Bethel-Danebo neighborhood. The proposed site plan for the area includes provisions for more than 8 acres of commercial and commercial-mixed use development within the plan boundaries. Higher-density development will occur in proximity to commercial services and the employment generated by those services. The plan recommends the improvement of Royal Avenue and the construction of Roosevelt Boulevard within the node; both facilities are major streets and, as such, are part of the "major transportation system" in the region. Transportation efficiency is a guiding principle of the nodal development concept. Many elements of the plan focus on improving transportation-efficiencies of new development.

9. Policy A.12 (Residential Land Use and Housing Element Page III-A-8) "Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The specific plan coordinates higher density development with infrastructure, open space and other amenities necessary to support the recommended densities.
10. **Policy A.13 (Residential Land Use and Housing Element Page III-A-8)** "Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use, while considering impacts of increased residential density on historic, existing and future neighborhoods."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for an increase in land available for medium-density residential development through inclusion of three proposed new zoning districts. Two of the new zoning districts (Residential Mixed Use and Commercial Mixed Use,) provide for the addition of almost 20 acres of land designated for higher density development. The third new district (Main Street Commercial) provides for additional opportunities to provide higher-density housing above ground floor commercial uses. The specific plan proposes that development in these areas occur at a minimum density level of 18 dwelling units per net acre.

There are no identified historic neighborhoods within or in proximity to the plan area. Design standards and design guidelines in the amendments to the Eugene Code that implement the Royal Plan are intended to reduce the negative impacts of increased residential density on existing and future neighborhoods.

11. **Policy A.14 (Residential Land Use and Housing Element Page III-A-8)** "Review local zoning and development regulations periodically to remove barriers to higher density housing and make provision for a full range of housing options."

Cost factors and regulatory inefficiencies are often cited as a barrier to higher-density and mixed-use development. The amendments to the Eugene Code that implement the specific plan include new standards for smaller lot development that will reduce the per-unit cost of land for new development. The code amendments also includes standards for narrow residential streets, and include provisions for an open drainage system that is expected to cost significantly less to build than a piped drainage system for the same area. The street standards and drainage provisions should reduce the per-unit cost for street construction and for construction of a drainage system for the area thereby reducing one of the perceived barriers.

The code amendments propose adjustments to minimum lot size requirements in the Eugene Code that will actually allow the levels of density prescribed for Low-Density and Medium-Density residential development in the Metro Plan. The code amendments promote development of a broad mixture of housing types within the node and allow attached and detached single family dwellings, apartments, rowhouses, duplexes, triplexes, four-plexes, and accessory units.

12. **Policy A.15 (Residential Land Use and Housing Element Page III-A-8)** "Develop a wider range of zoning options such as new zoning districts, to fully utilize Metro Plan density ranges."
The amendments to the Eugene Code that implement the Royal Avenue Specific Plan provide for the adoption of three new mixed use zoning districts (See # 10, above). The code amendments also provide for minimum density levels in areas designated for Low Density Residential uses to fully utilize the upper range of the Low Density Residential designation (8 to 14 du/net acre).

13. Policy A.17 (Residential Land Use and Housing Element Page III-A-9) “Provide opportunities for a full range of choice in housing type, density, size, cost, and location.”

The amendments to the Eugene Code that implement the Royal Avenue Specific Plan provide for a full range of housing types, size, and cost. (See #11, above). The code amendments also provide for choice in housing density by allowing for averaging of densities in low density areas. By requiring an average minimum density, developers are afforded some flexibility in providing a variety of lot sizes; some lots can be larger and some smaller than the average.

The code amendments encourage housing within the node for all income groups with provisions for small lot development, which will encourage development of smaller, less expensive homes; and with allowances for small accessory units to be built on single family lots. Construction of accessory units will increase the city’s stock of affordable housing.


The code amendments include new residential land development regulations that are specific to the planning area. The proposed development regulations allow a mix of all structure types within the node and encourage higher density development through the application of minimum density standards for all zones, reduced lot sizes, and increased lot coverage allowances for some housing types.

15. Policy A.21 (Residential Land Use and Housing Element Page III-A-9) “Allow manufactured dwelling parks as an outright use in low-density residential zones if the local jurisdiction’s prescribed standards are met.”

The code amendments provide for manufactured home parks as a permitted use in both the Low-Density Residential and Medium-Density Residential zoning districts.

16. Policy A.22 (Residential Land Use and Housing Element Page III-A-10) “Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.”

The code amendments propose adoption of three new mixed-use zoning districts within the nodal development area. These districts are named the Residential Mixed-Use, Commercial Mixed-Use, and Main Street Commercial districts. Each of the proposed new districts would permit development
of either vertical mixed use buildings or a horizontal mixed-use development pattern. Within these areas, a range of residential, retail, office, and civic uses could co-mingle.

17. Policy A.23 (Residential Land Use and Housing Element Page III-A-10) “Reduce impacts of higher density residential and mixed use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.”

The code amendments include design standards and design guidelines for new development in the plan area that are intended to promote the construction of high quality, higher-density residential and mixed-use development. The standards and guidelines address site planning, landscape and open space, and architectural considerations in an attempt to reduce the impacts of higher-density, mixed-use development on surrounding uses.

18. Policy A.24 (Residential Land Use and Housing Element Page III-A-10) “Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns.”

The code amendments provide for both clear and objective design standards and a discretionary design review process using design guidelines. The design standards and design guidelines developed for the plan area will promote compatibility between various uses in the node, and between uses within the nodal development area and adjacent uses outside of the node. Both the standards and the guidelines address compatibility, aesthetics, open space and other concerns related to higher-density, mixed-use development.

19. Policy 22 (Economic Element Page III-B-6) “Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods.”

See other discussion above. The proposed Residential Mixed Use district would permit appropriately scaled, neighborhood-serving commercial development in an area that is otherwise designated for residential uses.

20. Policy 28 (Economic Element Page III-B-6) “Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.”

The proposed Main Street Commercial zoning district will allow a full complement of neighborhood-scale commercial uses within the node. Smaller scale, neighborhood-commercial uses would also be allowed in the proposed Residential Mixed-Use and Commercial Mixed-Use zoning districts.

21. Policy 19 (Environmental Resources Element Page III-C-10) “Local governments shall
develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan update."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan proposes a unique approach to wetland protection and management within the plan area. The recommended approach is applicable only to the Royal node area and is not suggested for areas outside of the node.

22. Policy 20 (Environmental Resources Element Page III-C-10) "In order to improve water quality and quantity in the metropolitan area, local governments shall consider developing regulations or instituting programs to:
   a. Increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems;
   b. Improve management of industrial and commercial operations to reduce negative water quality and quantity impacts;
   c. Regulate site planning for new development and construction to better control drainage and erosion and to manage storm runoff;
   d. Increase storage and retention of storm runoff to lower and delay peak storm flows;
   e. Utilize natural and simple mechanical treatment systems to provide treatment for contaminated runoff waters;
   f. Reduce street-related water quality and quantity problems;
   g. Minimize use of toxic substances; and
   h. Minimize the effects of chemical and petroleum spills.

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for implementation of various water quality treatment measures including drainage swales along streets, median bioswales and other stormwater infiltration devices to improve the quality of stormwater runoff from streets and other impervious surfaces.

23. Policy 25 (Environmental Resources Element Page III-C-11) "When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for retention of approximately 44 acres of open space within the planning area. Open space is provided within the linear drainage corridors, in several
areas designated for wetland mitigation and natural resources, and within the Bonneville Power Administration powerline corridor right-of-way, The Royal planning area abuts the 400 acre 1135 wetland restoration area and is visually and functionally integrated with that open space feature.

24. Policy 2 (Willamette River Greenway, River Corridors, and Waterway Element Page III-D-4) “Land use regulations and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection, enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; adjoining uses; and other compatible uses.”

Amendments to the Bethel-Danbo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for an open drainage system that preserves much of the existing waterways and creates one new waterway. The drainage corridors are planned as a linked open space system that provides for numerous recreational and resource values. The drainage corridors will provide space for wetland protection, enhancement, and mitigation; for plant and animal habitat; and for a 1.5 mile bicycle and pedestrian route. The drainage corridors will also provide a development amenity for adjacent low-density residential, medium-density residential and commercial development.

25. Policy 5 (Willamette River Greenway, River Corridors, and Waterway Element Page III-D-4) “New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features.”

Uses adjacent to waterways in the draft plan include low- and medium-density housing, neighborhood-scale commercial development, wetland mitigation and natural resources areas, bicycle and pedestrian trails, parks, and streets. Design and development standards in the amendments to the Eugene Code that implement the Royal Plan attempt to insure compatibility by eliminating the potential for the edges of waterways to be lined with fences, thereby reducing physical and visual access to the channels.

26. Policy 2 (Environmental Design Element Page III-E-3) “Natural vegetation, natural water features, and drainage ways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental, and energy consequences in the design and construction of urban developments. Landscaping shall be utilized to enhance distinctive natural features.”

The site has been extensively disturbed through agricultural activity; little natural vegetation remains on the site. The site plan protects two areas with natural vegetation (trees); one in the extreme northwest corner of the site and one in the southwest corner of the site. Both stands of trees are in
areas designated Wetland Mitigation and Natural Resource.

Drainageways on the site are, primarily, man-made, or have been widened and deepened to promote positive drainage. The Royal Area Specific Plan proposes construction of a system of drainageways (drainage corridors) utilizing existing drainageways. These drainage corridors will be fully landscaped with native vegetation to enhance natural features of the corridors.

27. Policy 3 (Environmental Design Element Page III-E-3) “The planting of street trees shall be strongly encouraged, especially for all new developments and redeveloping areas (where feasible) and new streets and reconstruction of major arterials within the urban growth boundary.”

Street standards in the code amendments that implement the Royal Avenue Specific Plan require planting of street trees on all new streets constructed within the planning area. Street standards that will be used for the reconstruction of Royal Avenue also include requirements for the planting of street trees within the reconstruction project area.

28. Policy 5 (Environmental Design Element Page III-E-3) “Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. Drainage corridors have been incorporated in the Royal Avenue site plan. These corridors will be designed to convey stormwater; provide areas for wetland mitigation and enhancement; provide plant and animal habitat, and provide an attractive development amenity. The corridors will provide visual diversity on an otherwise undistinguished, flat site. Eighty (80) percent of the homes within the proposed nodal development area will be located within 2 blocks of the drainage corridors or protected wetland mitigation and natural resource areas. Street layouts in the Royal Avenue site plan protect visual access to both the drainage corridors and wetland mitigation/natural resource areas. Physical access is provided to all of the proposed drainage corridors.

29. Policy 7 (Environmental Design Element Page III-E-3) “The development of urban design elements as part of local and refinement plans shall be encouraged.”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The draft plan is based on a set of guiding principles, most of which are, essentially, design principles. The plan proposes the use of both design standards and design guidelines for built elements of the nodal development area.

30. Policy 8 (Environmental Design Element Page III-E-3) “Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site
planning objectives while allowing for creative solutions to design problems.”

The code amendments that implement the Royal Avenue Specific Plan include provisions for an “adjustment” process that allows the development proposal to be evaluated using a set of Design Guidelines rather than design standards. The guidelines are intended to promote flexibility and allow for creative design solutions while adhering to the nodal development design principles.

31. **Policy F-1 (Transportation Element)** “Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient pattern.”

The Royal Node is included on the Nodal Development Areas map adopted as part of TransPlan. The Royal area is identified as Node 4-F on the map.

32. **Policy F-2 (Transportation Element)** “Support the application of the nodal development strategy in designated areas through information, technical assistance, or incentives.”

The planning process for the Royal node has generated a significant amount of information about the node and about the nodal development concept. Plan preparation was assisted by staff and consultants who produced a wide array of technical information on transportation, street design, park design, housing design, economics, stormwater design, wetlands preservation and mitigation, and other plan elements. The City has assumed considerable cost in preparing wetland plans and information that would otherwise have been borne by individual property owners. The City has also assumed the cost of preparing the Royal Avenue Specific Plan, a general incentive for appropriate development in the area.

33. **Policy F-3 (Transportation Element)** “Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations, and high-density residential development within 1/4 mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be served by existing or planned transit.”

Code amendments that implement the Royal Avenue Specific Plan proposes a transit-supportive land use and development pattern in which development must occur at an overall density of 12 dwelling units per net acre; a level of density approximately twice that of development in the surrounding area. Commercial uses within the node would be required to develop at a minimum floor-area-ratio of 0.5; a level of intensity approximately twice that of typical suburban, auto-oriented commercial development found throughout the city. Proposed design standards for the node will provide for development that is compatible with increased transit service to the area. The draft plan proposes extending transit service to and through the site. Transit service is proposed to extend west on Royal Avenue to Roosevelt Boulevard, then north on Roosevelt Boulevard to Barger Drive.
34. Policy F-4 (*Transportation Element*) "Require improvements that encourage transit, bicycles and pedestrians in new commercial, public, mixed-use, and multi-unit residential development."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan fully accommodates transit, bicycle and pedestrian travel.

Transit service will be extended into the node as development occurs. Design standards for new buildings and streets will result in transit-oriented development. Higher density development is located adjacent to or in close proximity to the proposed transit route.

Striped bicycle lanes will be provided on minor arterial and major collector streets in the area. An off-street bicycle path is proposed to extend for 1.5 miles along drainage corridors within the node. Bike route connections are provided to the proposed Fern Ridge Bike path, and to existing bike facilities on Terry Street, Royal Avenue, and Roosevelt Boulevard, and to future bike facilities on Legacy Street.

All streets within the development area will be constructed with setback sidewalks and are proposed to be constructed so as to slow traffic as it passes through the neighborhood, and to discourage the use of the local streets system for short-cuts by out-of-area traffic. The specific plan includes a map entitled Traffic Calming Elements on Major Streets that identifies locations of roundabouts, traffic circles, continuous and intermittent on-street parking, landscaped medians, and raised speed tables that will discourage speeding on the major street system. The specific plan also contains standards for local streets that incorporate various traffic calming devices such as narrower street cross-sections, on-street parking, interrupted through-movements, and narrowed street entrances (curb extensions), to reduce speeding in residential areas and reduce the tendency for automobiles to cut through the neighborhood by avoiding arterial and collector streets. Traffic calming measures will be employed in the design of new and reconstructed streets to reduce traffic speeds and increase pedestrian safety in the area.

The street pattern for the Royal Node is highly interconnected, a factor which stimulates the use of alternative modes of travel of all kinds.

35. Policy F-5 (*Transportation Element*) "Within three years of TransPlan adoption, apply the ND, Nodal Development, designation to areas selected by each jurisdiction, adopt and apply measures to protect designated nodes from incompatible development and adopt a schedule for completion of nodal plans and implementing ordinances."

Adoption of the Royal nodal development implementation measures is one of the actions required to comply with this policy.
36. Policy F-13 (Transportation Element) "Support transportation strategies that enhance neighborhood livability."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for (1) extension of transit service and expansion of the bikeway system to the area, expanding the range of alternative modes choices for area residents; (2) areawide traffic calming and narrower street cross-sections to reduce traffic speeds and minimize cut-through traffic in the neighborhood; (3) an off-street bicycle and pedestrian trail along drainage corridors for the recreational enjoyment of area residents; and (4) a highly-interconnected pedestrian network utilizing setback sidewalks and off-street pedestrian paths that provide for separation from motor vehicle traffic. All of these factors will enhance neighborhood livability.

37. Policy F-14 (Transportation Element) "Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements."

See #34 above.

38. Policy F-17 (Transportation Element) "Manage the roadway system to preserve safety and operational efficiency by adopting regulations to manage access to roadways and applying these regulations to decisions related to approving new or modified access to the roadway system."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for a development pattern that uses alleys to provide automobile access to development fronting on collector and arterial streets. The use of alleys will result in the creation of a limited number of street intersections that provide access to major streets; individual driveway accesses would be prohibited.

39. Policy F-18 (Transportation Element) "Improve transit service and facilities to increase the system's accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population."

See #34, above.

40. Policy F-22 (Transportation Element) "Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion."

See #34, above.
41. Policy F-23 (Transportation Element) "Require bikeways along new and reconstructed arterial and major collector streets."

Striped bicycle lanes will be included in the design for the reconstruction of Royal Avenue (Minor Arterial) and the construction of Roosevelt Boulevard (Major Collector). All other streets will be designed to accommodate bicycle traffic.

42. Policy F-24 (Transportation Element) " Require bikeways to connect new development with nearby neighborhood activity centers and major destinations."

On-street and off-street bikeways will provide direct connections from residential areas to the commercial core. The bikeway system will link to the existing regional bikeway system on Royal Avenue, and on Roosevelt Boulevard, and with a connection to the Amazon corridor bike path. The Amazon path is planned to ultimately extend west to connect the city to Fern Ridge Reservoir. Specific accommodations have also been made to provide bicycle connections to existing and future school sites within the Bethel School District.

43. Policy F-26 (Transportation Element) "Provide for a pedestrian environment that is well integrated with adjacent land uses and designed to enhance the safety, comfort, and convenience of walking."

See #34, above.

44. Policy F-27 (Transportation Element) "Provide for a continuous pedestrian network with reasonably direct travel routes between destination points."

See #34, above.

45. Policy F-28 (Transportation Element) "Construct sidewalks along urban area arterial and collector roadways, except freeways."

The amendment to the Eugene Code that implements the Royal Avenue Specific Plan provides for construction of setback sidewalks on all streets constructed or reconstructed within the nodal development area.

46. Policy G-1 (Public Facilities and Services Element) "Extend the minimum level and range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II-B, relevant policies in this chapter, and other Metro Plan policies."

Key urban services, including sanitary sewers, solid waste management, water service, fire and emergency medical services, police protection, parks and recreation programs, electric service, land use controls, communication facilities, and public schools, will be provided to this area. The
Infrastructure Element of the plan, and Appendix D (Infrastructure Implementation) provide information on sequencing and timing of infrastructure provision to insure that services are provided in an orderly and efficient manner.

47. **Policy G-2 (Public Facilities and Services Element)** “Use the Planned Facilities Maps of the Public Facilities and Services Plan to guide the general location of water, wastewater, stormwater, and electrical projects in the metropolitan area. Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation.”

Key facilities are consistent with those identified in the Public Facilities and Services Plan.

48. **Policy G-7 (Public Facilities and Services Element)** “Service providers shall coordinate the provision of facilities and services to areas targeted by the cities for higher densities, infill, mixed uses, and nodal development.”

Primary service providers were included in development of the plan.

49. **Policy G-13 (Public Facilities and Services Element)** “Improve surface and ground water quality and quantity in the metropolitan area by developing regulations or instituting programs for stormwater to:

(a) Increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems,”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The specific plan and supporting documents prepared for the Royal Avenue nodal development work provide information on techniques and practices that can be employed to help ensure improved water quality and reduced quantities of stormwater runoff:

(d) “Increase storage and retention and natural filtration of storm runoff to lower and delay peak storm flows and to settle out pollutants prior to discharge into regulated waterways;”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The specific plan proposes the use of roadside drainage swales, median bioswales and other stormwater runoff retention and filtration techniques to delay peak storm flows and provide for settling of sediments.

(g) “Reduce street-related water quality and quantity problems”
Reduction of street paving widths, and allowances for roadside drainage swales and inverted curbs are among those street design elements that should result in reduced street-related water quality and quantity problems.

50. Policy G-14 (Public Facilities and Services Element) “Implement changes to stormwater facilities and management practices to reduce the presence of pollutants regulated under the Clean Water Act and to address the requirements of the Endangered Species Act.”

51. Policy G-16 (Public Facilities and Services Element) “Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. A key element of the Royal Avenue Specific Plan is development of network of open drainage channels that will provide for stormwater conveyance and for wetland protection and mitigation. This open system will be designed to reduce water quality impacts from new development in the area.

52. Policy 2 (Energy Element Page III-J-5) “Carefully control, through the use of operating techniques and other methods, energy-related actions, such as automobile use, in order to minimize adverse air quality impacts. Trade-offs between air quality and energy actions shall be made with the best possible understanding of how one process affects the other.”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The specific plan promotes the use of alternative modes of transportation (transit, bicycles and walking) by providing for an attractive and interconnected pedestrian system, on-street and off-street bicycle facilities, and provisions for extension of transit service to the site. The need to use an automobile for all trips will be reduced due to the proximity of services to Royal Node residential areas, and the availability of facilities that promote alternative mode use. Increased use of alternative modes should result in reductions in adverse air quality impacts from automobile use.

53. Policy 7 (Energy Element Page III-J-5) “Encourage medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths.”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The site plan for the Royal Node proposes the inclusion of approximately 34 acres of land
designated for medium-density residential and residential mixed-use development. Areas designated for higher-density development are generally located close to proposed transit routes and bicycle routes. The proposed street network provides direct pedestrian linkages from the higher density areas to proposed transit routes.

**Bethel-Danebo refinement plan policies relevant to this proposal include the following:**

Policies in the Land Use Element of the Bethel-Danebo Refinement Plan are very general, calling for (1) maintaining a low-density residential development pattern in most of the plan area; (2) a commercial node on Highway 99 north and three commercial/residential nodes in the plan area; and (3) medium-density residential development around the Highway 99 North commercial node and the three development nodes. The proposed amendments are consistent with the remaining portions of the Bethel-Danebo Refinement Plan.

Policies in the Urban Services and Urban Growth Boundary element of the plan address parks, schools, fire protection, and electric power and water.

Parks policies related to the Royal Avenue planning area include the following:

- "Acquisition and development of park land and acquisition of open space in the Bethel-Danebo area shall receive a city-wide priority which will move it toward equity with other parts of the city."

The proposed amendments to the Bethel-Danebo Refinement Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. Park and open space uses in the draft Royal Avenue Specific Plan area are recommended for acquisition and development. The specific plan recommends including the acquisition and development of these parks through the city's Capital Improvements Program. Some of the open space in the plan area associated with the 1135 project has already been acquired. Additional open space areas are recommended for acquisition as part of the open drainage system. These areas are also recommended for inclusion in the city's Capital Improvements Program. The proposed amendments to the Bethel-Danebo Refinement Plan are consistent with this policy.

- "Private developers shall be encouraged to set aside land for parks."

Proposed amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The site plan for the Royal Node identifies two areas designated for neighborhood park use. If the Bethel-Danebo amendment is adopted, developers would be required to conform to the site plan for the area.

- "Landscape buffer shall be provided in conjunction with new public improvements, such as highways, freeways, power substations, etc."
Landscaping is included in proposed new streets within the plan area.

Transportation policies related to the Royal Avenue planning area include the following:

- "In newly developing portions of Bethel-Danebo, street network design should ensure that through traffic movements are adequately served by higher level streets (i.e., arterials and collectors) and that local traffic alone is encouraged to use the local streets, thereby enhancing the local character of the streets in residential areas."

The proposed amendments to the Bethel-Danebo Plan provide for an arterial street and two collector streets for through traffic movements. Local streets will be designed for local area traffic.

- "Where vacant parcels contain frontage on other than a local street (i.e. on an arterial or collector), development of the parcel should include provision for controlled access onto the higher level street, or where possible, from an adjacent local street."

The proposed amendments to the Bethel-Danebo Plan provide for alleys to provide access to parcels that front on arterial and collector streets.

- "Through movements should continue to be discouraged on local streets."

The proposed amendments to the Bethel-Danebo Refinement Plan provide for street layouts that discourage through traffic movements on local streets through provisions for traffic calming, and by designing major streets for the most direct and convenient travel.

- "On local streets, the predominant function of land access and service should encourage the retention of on-street parking privileges."

The proposed amendments to the Bethel-Danebo Refinement Plan provide for on-street parking on all local streets.

- "Lane Transit District should continue to be informed of major development proposals so that, among other things, transportation corridors which are suitable for mass transit service are provided."

Lane Transit District was involved in planning for the extension of transit service to the Royal Avenue nodal development site.

- "Wherever possible, development of vacant parcels in the Bethel-Danebo area should be designed with attention to providing adequate bike-pedestrian connections to schools and park sites, as well as to existing and proposed bike-pedestrian ways."
The proposed amendments to the Bethel-Danebo Refinement Plan provide for bicycle-pedestrian connections to existing and planned schools and to existing and planned bike-pedestrian ways.

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

The criteria in EC 9.3020 are:

(1) The area to which the S Special Area Zone is being applied meet at least one of the following:
   (a) Is identified in the Metro Plan or a refinement plan as a location appropriate for a special range of uses or development that can best be achieved with the use of a special area zone.
   (b) Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or rehabilitation. To meet this criterion, it must be determined that:
       1. The area is characterized by buildings that merit preservation to protect their special features; or
       2. The area contains natural features that have been identified by the city as worthy of special treatment, or preservation.

Criterion (1)(a) is met. The Special Area Zone is consistent with the proposed Metro Plan Nodal Development designation and proposed policy amendments to the Bethel-Area Refinement Plan. An unadopted advisory map, “Nodal Development Areas Proposed for the Eugene-Springfield Metro Area,” included in the adopted TransPlan (the transportation element of the Metro Plan), depicts the Royal node area as a potential nodal development area (Area 4F on the map). The “Opportunity Areas” are identified as appropriate for a coordinated mix of higher intensity uses and creation of pedestrian and transit-friendly development. The Metro Plan and Bethel-Danebo Refinement Plan amendments proposed as part of this package of amendments, define the Royal Avenue site as a nodal development area.

(2) An analysis of the area demonstrates how the uses and development standards of the S Special Area zone ordinance will facilitate implementation of the planned use of the property or the preservation or rehabilitation of distinctive buildings or natural features of benefit to the community.

The area proposed as a Special Area Zone was analyzed as part of the planning process for the draft Royal Avenue Specific Plan. The Special Area Zone would facilitate implementation of nodal development principles as identified in the adopted TransPlan. The Special Area Zone will also facilitate the preservation of drainage features and wetlands that benefit the community.
(3) Except for areas zoned S-H Historic Special Area zone, the area to be classified S Special Area includes at least ½ acre in area.

The area identified for application of the Special Area zoning is approximately 191 acres in size.

(4) The application of the zone to the properties proposed for inclusion in the S Special Area zone and the required provisions of the special area zone ordinance are consistent with the criteria required for approval of a zone change, according to EC 9.8865 Zone Change Approval Criteria.

Although this ordinance does not include the application of the zone to any properties, findings of compliance with EC 9.8865 are provided below:

(1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The proposed Royal Node Special Area Zone would implement the Metro Plan nodal development policies, as discussed above. If the Nodal Development designation is added to the Metro Plan Land Use Diagram as proposed, then the proposed zone change would be consistent with the Metro Plan diagram as well.

(2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The proposed Royal Node Special Area Zone, as analyzed in the draft Royal Avenue Specific Plan and other documents prepared through the Royal Node planning process, implements the nodal development policy proposed for inclusion in the Bethel-Danebo Refinement Plan. If the amendment to the Bethel-Danebo Refinement Plan is approved as proposed, then the proposed zone change will be consistent with the adopted refinement plan. In addition, if the Nodal Development designation is added to the Metro Plan Land Use Diagram as proposed, then the proposed zone change would also be consistent with the Metro Plan, identified as the governing document.

(3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban services can be provided to the site as explained above.
Exhibit A
To Ordinance 20267

Findings of Consistency of Chase Gardens Nodal Development Area Amendments with Criteria for Approval of Amendments to the Eugene Code and the Eugene Zoning Map

The Eugene City Council will apply the following criteria from EC12.065 to the proposed code amendment:

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

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

Creation of the Chase Gardens Nodal Development Plan was accomplished through a series of workshops that relied on public involvement and exchange of information. The process was specifically designed for this neighborhood, accounting for the large number of area residents, differences in development interests, and local place to need. The City and consultant team interviewed key owners of affected properties and offered the opportunity for individual meetings with all owners and residents. Area residents, property owners, and affected neighborhood organizations were directly notified several times of workshops, work sessions, neighborhood meetings, and other opportunities to gain information and affect the project outcomes. Information was presented via the city's internet website. This project was the subject of at least two television news broadcasts. Notification of the Planning Commission work session and hearing on the project was mailed to more than 3,800 property owners and area residents as required by local statutes. Draft action items and the nodal development plan were available in the Eugene Main and Sheldon branch libraries. Notice of the public hearing by the City Council and Lane County Board of Commissioners was mailed to affected and interested parties and published as required by statute. Therefore, the amendment is consistent with Goal 1.

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

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision making in this area. The Metro Plan was acknowledged by the State in 1995 to be in compliance with statewide planning goals. The Metro Plan's transportation element was updated in 2001. The Chase Gardens Nodal Development Plan and all implementing actions are consistent with policies of the Metro Plan and transportation element.
These findings and the record show that there is an adequate factual base for the measures to establish the Class Node. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the ordinances with the State Department of Land Conservation and Development, Oregon Department of Transportation, Eugene Water and Electric Board, Lane County, and City of Eugene service providers. Specifically, the City involved each of these entities as part of the Technical Advisory Team, which met over twelve times and reviewed all draft written materials and through separate consultations. There are no Goal 2 Exceptions required for the adoption of these amendments. Therefore, the amendments are consistent with Goal 2.

Goal 3 - Agricultural Lands
To Preserve Agricultural Lands

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 4 - Forest Lands
To preserve forest lands

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 4 is not applicable or relevant to the amendments.

Goal 5 - Open Spaces, Scenic and Historical Areas, and Natural Resources
To conserve open space and protect natural and cultural resources

The area affected by these actions contains only one resource from the City’s Goal 5 inventory of significant resources. That area referred to as the “Q Street Channel” is currently designated Parks and Open Space on the Metro Plan diagram and designated Park/Open Space on the Willakenzie Area Plan land use diagram. These Metro Plan and refinement plan amendments do not change the underlying designation for the Q Street Channel and do not change the level of protection for this resource. The area includes some buildings that have value as historic resources. However, none of those buildings have been added to the City’s Goal 5 inventory. Therefore, the amendments are consistent with Goal 5.

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

The regulations for the Class Node implement the model development concepts, an approach to integration of land use and transportation planning that seeks to increase the use of alternative modes of transportation, reduce per-person vehicle miles of travel, and reduce demand for automobile-related transportation facilities. Increasing the use of alternative modes of transportation will help to improve regional and local air quality. Therefore, the amendments are consistent with Goal 6.
Goal 7 - Areas Subject to Natural Disasters and Hazards
To protect life and property from natural disasters and hazards.

The areas affected by these plan amendments do not include any known areas of natural disasters or hazards. Therefore, the amendments are consistent with Goal 7.

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

The plan amendments do not effect any inventoried or designated recreation areas, facilities or recreational opportunities. Therefore, the amendments are consistent with Goal 8.

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

The previously adopted and acknowledged comprehensive and refinement plans for the Chase Gardens subarea designate no more than ten acres for Neighborhood Commercial use on the east side only of the future alignment of Garden Way, a designated Major Collector street. Neighborhood Commercial zoning limits retail areas to less than three acres in total and individual businesses to no more than 5,000 square feet in area unless they are developed with a floor area ratio (FAR) of .55, in which case they could be up to 10,000 square feet in area. Other properties designated for commercial use were to be rezoned for General Office. Studies performed for the Chase Gardens nodal development area by Crandall Arambula, a general planning firm, and Mohon-Farrarini, a market analysis firm, indicated that the area is under served by retail, and that the designated commercial area was not conducive for pedestrian-oriented development patterns or healthy retail environment. The market study also found that limiting the size of retail in a high density retail area would more likely result in insufficient services, higher prices, and/or specialty stores that would attract customers from outside the neighborhood.

The proposed nodal development plan proposes to move the designated commercial center to a location that gains advantage of higher visibility to traffic and easier access, is closer to existing high density residential areas, and creates a more pedestrian-friendly, neighborhood-centered environment. This plan allows a broader range and more competitive size of commercial uses (up to 50,000 square feet for an anchor grocery) than existing policies, and restricts automobile-serving and street-side activities that would detract from development of surrounding residences or overload the local street network (consistent with Transportation Planning Rule recommendations for "mixed-use, pedestrian-friendly center or neighborhood"). The proposed nodal development plan and implementing ordinances create new mixed-use opportunities that allow limited commercial activities within specified residential areas. The mixed-use regulations provides more flexibility for developing properties in the vicinity of the I-5 freeway but that have no freeway access.

The proposed plan results in approximately 2.5 fewer acres designated as Commercial, not including a .6 acre residential-designated property that is already developed for commercial
purposes. Development in the Commercial-designated areas would be more economically viable and allow a wider range of uses within larger buildings than the acknowledged plan. The proposed plan also adds over 14 acres of potential mixed-use areas within High-Density Residential-designated areas without loss of potential residential yield. The allowance of smaller neighborhood-serving retail and services in the new Mixed Use area more than compensates for the slight reduction in purely commercially designated acreage.

Therefore, the amendments are consistent with Goal 9.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

The previously adopted and acknowledged Willamette Area Plan had approximately 137 acres designated for residential use, as High Density Residential. The proposed plan has about 114 acres as High Density Residential and High Density Residential-Mixed Use. The 23 acre difference in land available for residential development between the acknowledged plan and the proposed plan is the result of the proposed plan recognizing recently purchased park land, existing government-owned utility facilities, and an existing commercial building, none of which would have contributed to the residential yield of the plan area.

The Eugene-Springfield Metro Area Residential Land Survey assumes that 12 percent of all residential land would be used for nonresidential purposes such as for streets, churches, and other support services and infrastructure based on past development trends. Four acres of vacant R-1 zone land has been purchased by the City of Eugene to provide a neighborhood park in this high density living environment after an approved housing development on this site failed to secure adequate funding to proceed. Neighborhood parks are a permitted use in the R-1 zone. Park acquisitions of less than 5 acres are automatically found to be consistent with the Metro Area Residential Land Study. The most recent Eugene/Springfield Metro Area Residential Land Monitoring Annual Report (June 2003) found that "the land remaining is within the low-to-middle range of land demand for the 2006-2015 period in all categories." Goal 9. The use of this four acres for park purposes is not a consequence of the proposed land use; it was purchased rather, the proposed changes reflect a change in ownership and proposed use that has already occurred prior to the adoption of this proposed change. Acquisition of land for park purposes is consistent with the Oregon Transportation Planning Rule definition of "mixed use, pedestrian-oriented center or neighborhood."

Approximately 17 acres of land designated for High Density Residential in acknowledged plans are currently developed with Eugene Water and Electric Board (EW&EB) electric substation, storage, training facility, and transmission lines. Publicly owned land does not contribute to the Metro Area's residential land supply. The proposed Public Land designation and sublease owning reflect the site's current use and do not practically reduce the buildable land supply. The proposed Willamette Area Plan policies will set future use of this property should EW&EB cease to own use of the site for public purposes, for high density housing.

A. acre site (Parcel II) designated for High Density Residential has been developed as a commercial building and parking pursuant to a Planned Unit Development plan for University Commons. The overall University Commons development plan maintained at least minimum
densities of 2.5 units per net acre as required by the site's R-3 zone. The construction of the commercial building will not adversely affect the created residential land supply. The property now needs a zone designation that will allow a wider range of commercial uses so that it may remain competitive with the larger commercial center proposed near it to the south. Redesignating and zoning the property for commercial use, which recognizes its existing commercial status, will not adversely affect the available residential land supply.

The remaining changes to the residential land supply in Chase Gardens result from the shifting of a Commercial designation from properties located easterly of Garden Way (the Wyllie properties) to a location (the Simpson property) that is more accessible, visible, economically viable, and more centrally located within the high-density residences. Land-losing Commercial designation will gain a High-Density Residential/Mixed-Use designation. This shift will result in a net increase of approximately 2 acres of additional residential designated land. The proposed Mixed-Use zone regulations would retain minimum residential densities equivalent to the R-4 zone.

The Historic Ensemble that is on the National Register of Historic Places will gain a Mixed-Use designation and subarea zone. The Ensemble will retain its High-Density Residential designation. The proposed Mixed-Use zone regulations would retain minimum residential densities equivalent to the R-4 zone.

Therefore, the amendments are consistent with Goal 10:

Goal 10: Public Facilities and Services.
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Basic urban services are provided to the general area and will be extended through improvement to Garden Way, with its affiliated extension of sanitary sewer services. Garden Way improvements are in the Capital Improvement Plan and scheduled to occur in 2002. Further, extension of streets and sanitary facilities to complete the area network will occur pursuant to existing code requirements. Other urban services, such as police, fire/EMS, parks, planning and administrative services are already provided to this area by the City of Eugene. The area is also well served by two public transit lines and is on a proposed Bus Rapid Transit route. The proposed plan includes transit improvements that will be installed by a combination of public and private action pursuant to existing regulations. Therefore, these amendments are consistent with Goal 10.

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

The nodal development plan resulted in a design that balances pedestrian, cyclist and vehicle safety, the need to accommodate through traffic, and convenient access to local commercial and residential properties. Garden Way improvements will utilize "Smart Growth" design to create a pedestrian-friendly environment and transit-oriented district that result in reduced vehicle miles traveled. Current City code requires street connections, bicycle and transit improvements with
new development. The illustrative plan associated with the Willakenzie Area Plan shows how the code requirements can be satisfied in a manner that meets nodal development objectives.

The plan includes a map identifying the proposed street network within the plan area; the street network includes major streets (minor arterial, major collector, neighborhood collector) and local streets (medium volume residential, low volume residential, access lanes and alleys). The plan also includes design standards for each identified street type; these standards are intended to promote safe, efficient and economic transportation for all modes of travel.

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

(i): Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified functional capacity and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

(ii): A plan or land use regulation amendment significantly affects a transportation facility if it

(b): Changes the functional classification of an existing or planned transportation facility;

The functional classification of the Chase Gardens streets was not changed. Garden Way was designated as a major collector in the Arterial and Collector Street Plan adopted November 1999.

(b): Changes standards implementing a functional classification system;

The street functional classifications are: Garden Way - Major Collector; Centennial - Minor Arterial; Commons Drive - Neighborhood Collector; Kinsrow - Neighborhood Collector; Marche - Collector; Harlow - Minor Arterial; and all others - Local. The proposed amendments and the required associated land use changes that implement nodal development do not affect the standards implementing the functional classification system.

(c): Adds types of uses or levels of land use which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility or

Many of the trips both begin and end outside of the study area. The planned uses and levels of use within the study area are consistent with the street classifications; and proposed transportation facilities. The planned uses and levels of use within the study area are roughly equivalent to what was acknowledged in the Willakenzie Area Plan (see findings for Statewide Planning Goals 9 & 10). The uses are rearranged within the nodal development area to facilitate non-automobile travel within the node. Proposed amendments to the land use code are based on Transportation Planning Rule recommendations for mixed-use, pedestrian-oriented centers or neighborhood.

(d): Would reduce the performance standards of the facility below the minimum.
The amendment itself is not responsible for the increased trips. The proposed amendments modify the location of future uses within the node, but do not significantly change the allowed uses, development yield, number or types of trips. The street system will require improvements in the future years irrespective of the proposed amendments. The need is attributed primarily to the locations of the major collector, Garden Way, and its role in the regional transportation network.

The plan sets Level of Service 'D' as the acceptable threshold in Eugene, outside of the Central Area Transportation Study area, but also states "in some cases, the Level of Service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements in bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service." The street network planned for Garden Way at the busiest intersection will provide Level of Service (LOS) E, and LOS F, at the southernmost driveway to the commercial center, at peak demand after improvements. Improvements to alleviate this LOS would lessen pedestrian accessibility throughout the node, thus broader community goals are served by allowing this substandard level of service. (Reference Memorandum dated March 7, 2001, from Kittelson & Associates, Inc.)

Therefore, the amendments comply with Goal 12 and the Transportation Planning Rule:

**Goal 13: Energy Conservation**

Goal 13 does not apply to the actions taken.

**Goal 14: Urbanization**

To provide for orderly and efficient transition from rural to urban land use.

Some of the area subject to the Metro Plan amendment is in the urbanizable area - land outside the City’s limits, but within the urban growth boundary. The actions taken do not annex the urbanizable area and do not include any time line for the conversion of the area to urban uses. Therefore, the amendments comply with Goal 14:

**Goal 15-19**

These statewide Planning Goals do not apply to the actions taken.

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

1. **Policy B** (Growth Management and the Urban Service Area Element Page II-B-1) "Land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city when it is found that:
   a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
   b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metropolitan Plan.

Development of this area can progress incrementally, as is typical throughout the Eugene Urban Growth Boundary. Property owners can sell and sell lots in development tracts for City services are desired. After the property is annexed, urban services are provided to accommodate new development. A full complement of urban services can be provided within two years of a site in the study area. Street improvements to Greenway are scheduled to commence in 2002, will provide the utilities sewer, storm drainage, water, gas, and bicycle and pedestrian circulation system needed to develop the remaining vacant land within the study area. Extensions of infrastructure to serve new development sites will typically be provided by the developer. The Q Street Channel drains storm water runoff. The City has recently purchased 4.5 acres adjacent to the Q Street Channel for a new public park. Eugene School District #4 maintains Washington Elementary, Monroe Middle School, and Sheldon High School nearby. The area is already served by public transit.

2. **Policy B** (Growth Management and the Urban Service Area Element Page II-B-2) "A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities.

In addition to key urban services, the plan provides for continued transit service to the site, provision of natural gas service, and storm drainage. City code provides for street lighting. Local park land has been purchased; park improvements have yet to be funded. A branch library has been opened in the Sheldon neighborhood.

3. **Policy B** (Growth Management and the Urban Services Area Element Page II-B-3) "Ultimately, land within the urban growth boundary shall be annexed to a city and provided with the required minimum level of urban services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban."

Standard City procedures, which will remain effective in this nodal development area, provide for the urbanization of urbanizable land within the urban growth boundary. The plan also provides for eventual annexation of land within the planning area to the City of Eugene and provides for the required minimum level of urban services.
4. **Policy 4.1:** (Growth Management and the Urban Services Area Element Page II-A-6) "Eugene and Springfield and their respective utility branches, Eugene Water and Electric Board and Springfield Utility Board, shall be the water and electrical service providers within the urban growth boundary.

Water and electric service within the plan area, which is inside the Eugene Urban Growth Boundary, will be provided by the Eugene Water and Electric Board.

5. **Policy A.2:** (Residential Land Use and Housing Element Page III-A-4-D) "Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and the UGB until revised for urban use.

Adoption of the zoning amendments affects only properties inside the city limits. Rezoning urbanizable properties will occur following annexation to the City of Eugene. Until annexation and rezoning occur, urbanizable land will remain in its existing zoning, some of which is zoned A-3 Agriculture/UL. The A-3 zoning may remain until the owner requests to be rezoned for development. This is consistent with this policy.

6. **Policy A.6:** (Residential Land Use and Housing Element Page III-A-4-D) "Require developers to pay the cost, as determined by the City, of extending public services and infrastructure. The city shall examine ways to provide subsidies or incentives for providing infrastructure that supports walkable housing and/or higher density housing.

The City is providing an incentive for higher density housing by extending infrastructure in advance of development through Garden Way. New development in the area will be required to pay the cost of extending public services and infrastructure to individual sites pursuant to existing formula that distributes costs equitably and allows credits for extraordinary infrastructure installation. The city has provided an incentive through the preparation of the special development plan that identifies means of developing the area in a manner that satisfies Metro Plan and refinement plan policies.

7. **Policy A.10:** (Residential Land Use and Housing Element Page III-A-2) "Prohibits higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary.

The plan amendments utilize existing infrastructure (e.g., drainage, schools, community parks, Garden Way and surrounding street network), improves the efficiency of transit service in the area and conserves rural resource lands by providing for higher density and mixed-use development inside the urban growth boundary. Residential areas are proposed to remain within the High Density Metro Plan and refinement plan designation and zoning. Use will be arranged to maximize non-automobile modes of travel within the plan area, given the constraints of previous development patterns.
8. Policy A.11 (Residential Land Use and Housing Element Page 257) "Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation efficient nodes."

The plan amendments implement the nodal development concept in the Chase Gardens neighborhood. The proposed land use plan for the area retains provisions for about 11 acres of commercial development, but shifts the location to be more centrally located. Higher density residential development will occur in proximity to commercial services and the employment generated by those services. Improvement of Garden Way, a major collector and part of the "Major Transportation System" of the region is already included in the City Capital Improvement Plan for 2002. Transportation efficiency is a guiding principle of the nodal development concept. The nodal development plan focuses on improving transportation efficiencies of new development through use of alternative modes of travel, land use arrangements that encourage pedestrian and public transit usage, and strategic placement of uses and transit facilities, and use of design standards.

9. Policy A.12 (Residential Land Use and Housing Element Page 258) "Coordinate higher density residential development with the provision of adequate infrastructure and services, open spaces, and other urban amenities."

The Willamette Area Plan amendments for the Chase Gardens nodal development area and the proposed land use code coordinate higher density residential development with infrastructure, commercial services, street improvements, open space and other amenities necessary to support the recommended densities. Improvements to Garden Way, including water sanitary sewers, and storm drain facilities are budgeted for 2002. The proposed plan and zoning amendments provide for adequate commercial services, employment opportunities, open spaces, and transit services to accommodate the proposed high density residential environment.

10. Policy A.13 (Residential Land Use and Housing Element Page 258) "Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed infill, redevelopment, and mixed use, while considering impacts of increased residential density on historic and existing and future neighborhoods."

The vacant residential designated land within Chase Gardens nodal development area is zoned R4 High Density Residential, which allows 20-112 dwelling units per net acre. The draft plan retains the dwelling yield of these lands, while restructuring the residential development in a more efficient and marketable manner. The proposed amendments create new mixed-use areas. The draft plan allows the five property historic ensemble to remain in its historic low density state, yet retains options for future development. Design standards in the proposed amendments reduce the negative impacts of increased residential density on existing and future neighborhoods.

11. Policy A.14 (Residential Land Use and Housing Element Page 258) "Review local zoning and development regulations periodically to remove barriers to higher density housing and make provision for a full range of housing options."

Cost factors and regulatory inefficiencies are often cited as a barrier to higher density and mixed-
use development. A broad mix of higher density housing types and commercial uses are allowed within the zone to provide flexibility for the developer, smart financing options, and employment opportunities for future residents. The amendments remove the Site Review requirement from future development. The plan relies on existing design standards to a great extent and attempts to simplify the development review process with use of quantifiable, nondiscretionary standards.

12. Policy A.15 (Residential Land Use and Housing Element Page III-4-2) "Develop a wide range of zoning options such as new zoning districts, to fully utilize Metro Plan density ranges."

The new mixed-use zoning district retains residential yields pursuant to the R4 zoning standards (See #10 above). The plan also provides minimum density levels and fully utilizes the upper range of the residential designations.

13. Policy A.17 (Residential Land Use and Housing Element Page III-4-2) "Provide opportunities for a full range of choice in housing type, density, size, cost, and location."

The Chase Gardens plan area is designated as a primarily high-density residential area surrounded by an abundance of lower-density residential development. Taken together, there is a full range of housing choices. The higher-density residential designation must be retained in Chase Gardens to retain that variety of housing types in the greater region. The draft plan provides for a full range of housing types, size, and cost (See #11 above) by retaining historic properties and allowing mixed-use development in a variety of settings.

14. Policy A.18 (Residential Land Use and Housing Element Page III-4-2) "Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary amending local zoning and development regulations."

The Willamette Area Plan amendments include direction to create new residential land development regulations that are specific to the planning area, while retaining the intent of the acknowledged Willamette Area Plan. The proposed development regulations allow a mix of all structure types, mixed uses, and high-density development.

15. Policy A.22 (Residential Land Use and Housing Element Page III-4-10) "Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations."

The plan amendments and land use code amendments allow new mixed-use opportunities within the nodal development area. The new district would permit development of either vertical mixed use buildings or a mix of uses within a development site.

16. Policy A.23 (Residential Land Use and Housing Element Page III-4-10) "Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations."

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The design standards for new development in the plan area are intended to promote the construction of high-quality, higher-density residential and mixed-use development in the plan area, while relying on new Eugene Land Use Code provisions as much as possible. The standards and guidelines address site planning, landscape, and open space, proximity to historic properties, and architectural considerations to reduce the impacts of higher-density, mixed-use development on surrounding uses.

17. Policy 3.01 (Residential Land Use and Housing Element Page 134-135): "Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns."

The land use regulations provide clear and objective design standards. The design standards developed for the plan area promote compatibility between various uses in the node and create special spaces, aesthetics, open space, and other concerns related to higher-density, mixed-use, and commercial development.

18. Policy 3.11 (Economic Element Page 135-136): "Revise local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods." The High-Density Residential Mixed Use district would permit appropriately scaled neighborhood-serving commercial development in an area that is otherwise designated for residential uses. The commercial subarea zone would allow a broader range of commercial uses than recommended in the pre-amended Willamette Area Plan, but restricts automobile-serving uses that would not be compatible with a residential neighborhood. Large commercial uses over 20,000 square feet in floor area, with the single exception of an anchor grocery store, are prohibited because of the potential impact on regional traffic. Mixed use areas are also proposed to allow greater flexibility for appropriately scaled commercial services.

19. Policy 3.16 (Economic Element Page 136-137): "Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood."

The Commercial zoning district will allow a full complement of neighborhood-scale commercial uses within the node. Smaller-scale, neighborhood-commercial uses would also be allowed in the proposed Mixed-Use zoning district.

20. Policy 3.21 (Environmental Resources Element Page 136-137): "When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax-deferrals, donations to the public and performance zoning."

The draft plan provides for retention of open spaces within drainage corridors (e.g., the Q Street Channel) and in a publicly owned 4-acre park. Additional habitat and recreational open spaces...
are contained within several privately-owned apartment complexes.

21. Policy 2 (Willamette River Greenway, River Corridors, and Waterway Element Page III-3) Land-use regulations and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection, enhancement of river corridors and waterways, potential for supporting nonautomobile transportation; opportunities for residential development; adorning uses; and other compatible uses.

The proposed plan preserves the existing Q Street Channel and related flood drainage system within the nodal development area. The drainage corridors are planned as a linked open-space system that provides for numerous recreational and resource values, including bike path connections between residences, public parks, and surrounding neighborhoods, which supports nonautomobile transportation. The drainage corridors provide a development amenity for adjacent high-density residential development.

22. Policy 3 (Willamette River Greenway, River Corridors, and Waterway Element Page III-3) New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural scenic and environmental qualities of those water features.

Uses proposed along waterways in the nodal development concept plan include high-density housing, natural resources areas, bicycle and pedestrian trails, a park, and streets. The proposed uses adjacent to the waterways are the same as those approved under the Willamette Area Plan. The proposed amendments recognize the public ownership of these areas and do not change, in any practical manner, the future use of the waterways. The waterways will be a natural amenity for adjacent uses, while these uses allow more people to enjoy these amenities. These uses are relatively non-polluting compared to most commercial and industrial uses.

23. Policy 2 (Environmental Design Element Page III-6) Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental, and energy consequences of the design and construction of urban developments. Landscaping shall be utilized to enhance distinctively natural features.

The site has been extensively disturbed through agricultural activity; little natural vegetation remains on the site. The Willamette Area Plan land use diagram and policies protect the Q Street drainage channel and the second of large trees along I-5 freeway, respectively. Street improvements to Garden Way have been designed to extend the right-of-way eastery, away from the historic ensemble, to avoid mature trees near the street. Drainages ways on the site are artificially made or have already been widened and deepened to promote positive drainage. The plan allows these areas to revegetate naturally, within the constraints that they continue to function for regional drainage.

24. Policy 3 (Environmental Design Element Page III-6) The planting of street trees...
shall be strongly encouraged, especially for all new developments and redeveloping areas (where feasible) and new streets and reconstruction of major arterial within the urban growth boundary."

Existing street standards require planting of street trees on all new streets constructed within the planning area, including Garden Way.

25. Policy 3. (Environmental Design Element Page III-3-E) "Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents."

The Q Street drainage corridor and tributaries, a new park, and protection of a large window along the 9th Freeway have been incorporated into the proposed amendment to provide greenery in a high density residential area. Physical access is provided to all of the proposed green corridors. The plan also strives to create a traditional "main street" commercial center — an identifiable pedestrian-oriented central location and gathering area — in the residential neighborhood. The design will create visual diversity from the set of apartments that is currently spreading throughout the area. The design standards also attempt to assure aesthetic compatibility in areas proximate to the historic ensemble.

26. Policy 5. (Environmental Design Element Page III-5-E) "The development of urban design elements as part of local and regional plans shall be encouraged."

The Special Area Zone is based on a set of guiding design principles. Design standards for built environment are also incorporated into the land use code. Municipal Code Chapter 19.

27. Policy 8. (Environmental Design Element Page III-8-E) "Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems."

The Special Area Zone was developed to use clear and quantifiable standards as much as possible to avoid the need for time consuming discretionary review, such as site review, planned unit developments, or new design review procedures. However, the new Eugene land use code includes provisions for an "adjustment review" process that allows a development proposal to be evaluated using a set of Design Guidelines rather than design standards. The guidelines are intended to promote flexibility and allow for creative design solutions while adhering to the nodal development design principles. The code applicable to Chase Gardens includes new mixed use provisions that allow additional flexibility in site use and design.

28. Policy F1. (Transportation Element) "Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation efficient land use pattern."

The Chase Gardens Area was identified in the Willamette Area Plan as an "opportunity area" for higher density, transportation efficient development. This recommendation was carried through in TriMet Plan's finding of this area as a potential nodal development area (F-5.4). The proposed amendments act on this potential by providing a template for build-out according to nodal development strategies. The area will provide a pedestrian friendly, transit compatible...
neighborhood center. Aesthetic and recreational amenities will be provided for area residents in this high density setting. Good transit connections to downtown, shopping, and the University will be retained.

29. Policy E.2. (Transportation Element) "Support application of the nodal development strategy in designated areas through information, technical assistance, or incentives." There are no traditional mechanisms existing in the Chase Gardens Area to provide financial incentives to support nodal development. This is not an urban renewal district, nor is there limited amount of growth in this area support an urban renewal district. Current policies do not provide tax incentives. The area is already designated for high density growth. The City attempts to support nodal development through rezoning a master plan that is consistent with the strategy, initiating and taking the lead in processing plan and zoning amendments, working cooperatively with property owners and market analysts to ensure a feasible plan and reducing the amount of secondary approvals necessary for development applications by structuring the regulations to be clear, objective, and quantifiable.

30. Policy E.3. (Transportation Element) "Encourage transit-supportive land use patterns and development, including higher intensity transit-oriented development along major transit corridors and near transit stations, medium and high density residential development within one-fourth mile of transit stations, major transit corridors, employment centers, and downtown areas, and development and redevelopment in designated areas that are or could be well served by existing or planned transit." The Chase Gardens area was planned based upon these principles. It provides transit supportive land use patterns and higher intensity development along Garden Way, a major transit corridor. Two transit stations are planned in the new neighborhood center and a third on the perimeter. Approximately half of the existing medium and high density residential development is located within one-fourth mile of the primary transit stations, with more dwelling planned. The interconnected street network provides ample flexibility for buses to be routed throughout the residential area. Transit service ties Chase Gardens to downtown and other shopping areas and the University.

31. Policy E.4. (Transportation Element) "Provide improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.

The Chase Gardens nodal development plan requires a "main street" pedestrian orientation for commercial and residential development along Garden Way. Bike lanes will be added to Garden Way. A street network will be provided throughout the residential area and pedestrian amenities are required in the commercial shopping center.

32. Policy E.5 (Transportation Element) "Within three years of TransPlan adoption, apply the ND, Nodal Development, designation to areas selected by each jurisdiction, adopt and apply measures to protect designated nodes from incompatible development and adopt a schedule for completion of nodal plans and implementing ordinances."
Adoption of the Class Gardens nodal development implementation measures is one of the actions required to comply with this policy.

33. **Policy P.13 (Transportation Element)** "Support transportation strategies that enhance neighborhood livability.

The proposed improvements to Garden Way, the area’s primary collector road, is to utilize traffic calming features, landscaped medians, access management and on-street parking to maintain traffic functions and retail viability while increasing pedestrian comfort and safety. Street improvements also include bike lanes and bus stops. The result will be a livable, walkable neighborhood center.

34. **Policy P.15.2 (Transportation Element)** "Acceptable and reliable performance is defined as...** Level of Service B** [outside the downtown area]. In some cases, the Level of Service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service.

Garden Way is a major collector that is already substandard and projected to get much worse as the area grows. The street network planned for Garden Way at the busiest intersection will provide Level of Service (LOS) C and LOS D at the southern most roadway to the commercial center, at peak demand after improvement. Improvements in alignment that lower LOS would lessen pedestrian accessibility through the node, thus broader community goals are served by allowing this substandard level of service. (Reference: Memorandum dated March 7, 2001, from Kittelson & Associates, Inc.)

35. **Policy P.16 (Transportation Element)** "Promote and develop a regional roadway system that meets combined travel needs within and outside the Region.

Garden Way, which travels the study area, is the only direct connection east Highway 1-105 between Caper Road and Pioneer Parkway. Its ability to accommodate regional through traffic is critical to the overall function of the street network. Garden Way has been designed to accommodate the large amounts of projected traffic in a manner that accommodates other modes of transportation; supports the proposed neighborhood retail center, would not encourage traffic to cut-through residential areas, and discourages speeding.

36. **Policy P.23 (Transportation Element)** "Require bike lanes along all new and reconstructed arterial and major collector streets.

Bike lanes are proposed along the reconstructed Garden Way, a major collector street.

37. **Policy P.27 (Transportation Element)** "Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.

Pedestrian connections are proposed throughout the newly developing portions of the node, other
areas are already built with varying degrees of pedestrian access between properties. The proposed street network and standards requirements for commercial parking lots will ensure pedestrian connections between the old and new portions of the node.

38. Policy F.28 (Transportation Element) "Construct sidewalks along urban area arterials and collector roadways, except freeway." Gaden Way will be improved with sidewalks and other pedestrian amenities.

39. Policy F.37 (Transportation Element) "Consider and include among short-term project priorities, those facilities and improvements that support mixed-use, pedestrian-friendly nodal development, and increased use of alternative modes.

Improvements to Gaden Way are included in the Capital Improvement Plan. These improvements are necessary for the successful completion of the Chase Garden nodal development area, a proposed mixed-use, pedestrian-friendly area. The improvements will be funded through traditional sources, such as assessments and developer contributions.

40. Policy 2 (Energy Element, Page III-L-5) "Carefully control through the use of operating techniques and other methods, energy-related actions, such as automobile use, in order to minimize adverse environmental tradeoffs between air quality and energy actions shall be made with the best possible understanding of how one process affects the other."

The plan promotes the use of alternative modes of transportation (transit, bicycles, and walking) by providing an attractive and intermodal pedestrian system, on-street and off-street bicycle facilities, and transit enhancements at several places on the site. The need to use an automobile for all trips will be reduced due to the proximity of residential, commercial, and recreational areas and the availability of facilities that promote alternative mode use. Increased use of alternative modes should result in reductions in adverse air quality impacts from automobile use.

41. Policy 7 (Energy Element, Page III-L-5) "Encourages medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, pedestrian, and bike connections."

The proposed amendments retain the Willardson Area Plan, yield for high density housing in the Chase Garden area. All areas designated for higher density development and the commercial center are located close to proposed transit routes and bicycle routes. The proposed street and path network provides direct pedestrian linkages from the higher density areas to proposed transit routes.
Willakenzie Area Plan Policies:

The Willakenzie Area Plan designated the Chase Gardens area as an "Opportunity Area" that was suitable for high density residential development, neighborhood commercial facilities, and improvements to Garden Way. The Willakenzie Area Plan recommended that a master plan be prepared to coordinate future development and capitalize on what are essentially nodal development principles (though not using the term "nodal" at the time). By master planning the remaining undeveloped land in the Chase Gardens area according to nodal development principles, the proposed amendments to the Willakenzie Area Plan implement the directives of the Willakenzie Area Plan and are therefore consistent with the original plan. The proposed amendments retain the development yield proposed in the Willakenzie Area Plan, recognize government-owned land and natural resource areas, and retain Garden Way as the primary collector street for the area. The proposed amendments to the Willakenzie Area Plan update the Chase Gardens Opportunity Area section's text and land use diagrams to reflect current conditions and to apply nodal development design principles to the original Plan's use of land uses.

(3) In the case of establishment of a special area zone as consistent with EC 9.3620 Criteria for Establishment of a S Special Area Zone, the criteria in EC 9.3620 are:

(1) The area to which the S Special Area Zone is being applied meets at least one of the following:

(a) Is identified in the Metro Plan or a refinement plan as a location appropriate for a special range of uses or development that can best be achieved with the use of a special area zone.

(b) Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or rehabilitation. To meet this criterion, it must be demonstrated that:

1. The area is characterized by buildings that merit preservation to protect their special features; or

2. The area contains natural features that have been identified by the city as worthy of special treatment or preservation.

Criteria: (a) is met. The Special Area Zone proposed for the Chase node is consistent with Metro Plan and Willakenzie Area Plan designations before and after these proposed amendments, an unadopted advisory map, "Nodal Development Areas Proposed for the Eugene–Springfield Metro Area," in the Metro Plan, the development element of the Metro Plan, depicted Chase Gardens as probable nodal development area no.4. The Willakenzie Area Plan, 1992, depicted Chase Gardens as an "Opportunity Area" appropriate for a coordinated mix of higher intensity uses and recreation pedestrian and transit friendly environment. The Metro Plan and Willakenzie Area Plan amendments proposed as part of this package of amendments further define the Chase Gardens area as a nodal development area according to previous Growth Management, Metro Plan, and Willakenzie Area Plan policies. [Note: The proposed zoning text amendments would amend this...
/UL Urban Land Code

criterion to read: "(a) is identified in the Metro Plan or a refinement plan as appropriate for nodal
development or for a special range of uses or development that can best be achieved with the use
of a special area zone, or"

(2) An analysis of the area demonstrates how the uses and development standards
of the S Special Area zone ordinance will facilitate implementation of the
planned use of the property or the preservation or rehabilitation of distinctive
buildings or natural features of benefit to the community.

The proposed Special Area Zone for Chase Gardens, as analyzed in the report "Chase Gardens
Nodal Development Area" by Sear Associates, July 26, 2001, facilitates implementation of nodal
development principles as planned by the Metro Plan and Willamette Area Plan. The proposed
zone allows preservation of the five property Chase Gardens historic ensemble.

(3) Except for areas zoned S-H Historic Special Area zone, the area to be
classified S Special Area includes at least 1.5 acre in area.

The area to which the Special Area Zone would be applied is approximately 170 acres.

(4) The application of the zone to the properties proposed for inclusion in the S
Special Area zone and the required provisions of a special area zone
ordinance are consistent with the criteria required for approval of a zone
change, according to RC 9.8865 Zone Change Approval Criteria.

An evaluation of consistency with the criteria for approval of a zone change are provided in the
section below for those properties which are proposed for rezoning to S-CN.
ZONE CHANGES

The Eugene City Council will apply the following criteria from EC 2.3.85.6 to proposals to rezone properties:

1. The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The proposed Chase Gardens Node Special Area zone would implement the Metro Plan's nodal development policies, as discussed above. Following the adoption of the Nodal Development Metro Plan diagram designation to the property through a separate action by the City Council and the Board of County Commissioners, the proposed zone changes are consistent with the Metro Plan diagram as well.

2. The proposed zone change is consistent with applicable adopted retirement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The proposed Special Area Zone for Chase Gardens, as analyzed in the report "Chase Gardens: Nodal Development Area" by Starks Associates, July 22, 2001, implements the nodal development principles as planned in the Willamette Area Plan. The proposed zone allows preservation of the five property Chase Gardens historic ensemble.

3. The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban services that are already in place for at least all the incorporated properties and portions study area include water, electricity, telephones, sanitary sewer, storm drainage, natural gas, recreation, library, police, fire, EMS, streets, and administration. Those services not yet available to unincorporated properties (e.g., sanitary sewer and natural gas) will be extended to those properties with the improvements to Garden Way. These street improvements are scheduled to commence in Year 2002.

4. The proposed zone change is consistent with the applicable siting requirements set out for the specific zone, i.e.

(a) EC 2.2.150 Commercial Zone Siting Requirements.
(1) EC 9.8815 /WB. Wetland Buffer Overlay Zone Siting Requirements.

Although not listed in EC 9.8836(d), the siting requirements for the S. Special Area Zone applicable to the proposed Chase Gardens Node zone were addressed above.
Ordinance No. 20280

Exhibit A

Findings of Consistency of Land Use Code Amendments with Criteria for Approval of Amendments to the Eugene Code

The Fall 2002 Land Use Code amendments address many code sections and a wide variety of regulations. Findings of consistency for ordinances 4 and 5 are provided below. The ordinance concerning amendments to parking requirements primarily addresses parking standards for schools and shared off-street parking. The ordinance concerning amendments to entertainment and recreation uses, parking area landscaping, and other provisions primarily addresses errors, clarifies existing code provisions, and streamlines procedures.

The Eugene City Council will apply the following criteria from EC 9.305 to the proposed code amendment:

1. Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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

The City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 since it complied with and surpassed the requirements of the citizen involvement provisions.

Specifically, the City provided written mailed notice of the October 3, 2002 joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to all the organizations involved in local land use regulations: 1) RUDEA (Professionals for Responsible Urban Development in Eugene-Springfield), 2) Eugene Area Chamber of Commerce, 3) Home Builders Association of Lane County, 4) Friends of Eugene, and 5) 1000 Friends of Oregon. Any party that had request notice of the draft code amendments or that provided public testimony was also added to an "interested party" list and provided written mailed notice of the public hearing. Local notice in the local newspaper was also provided in accordance with Lane County code amendment requirements.

On October 1, 2002, Eugene and Lane County Planning Commissions held a joint public hearing on the draft amendments. The Eugene Planning Commission held work sessions on October 7, October
8, October 21, October 28, November 18, and December 16, 2002 and forwarded recommendations to the Eugene City Council. By February 14, 2003, written mailed notice was provided regarding the Eugene City Council public hearing on February 27, 2003. The notice was mailed to all interested parties. The public hearing notice and a copy of the two ordinances was provided on the City website. Therefore, the process followed is consistent with Goal 1.

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

The record shows that there is a adequate factual base to support this ordinance as Goal 2 requires. Further, the Goal 2 coordination requirement is met. Goal 2 requires that plans be coordinated with the plans of other governmental units and that opportunities for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of these amendments with Lane County, City of Springfield, Eugene Water and Electric Board, and the local school districts. There are no Goal 2 exceptions required for this ordinance. Therefore, the amendments are consistent with Goal 2.

**Goal 3 - Agricultural Lands**: To preserve Agricultural Lands.

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

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

The amendments do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

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

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

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

The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Goal 6 does not apply.

**Goal 7 - Areas Subject to Natural Disasters and Hazards**: To protect life and property from natural disasters and hazards.
The amendments do not affect the city's restrictions on development in areas subject to natural disasters and hazards. Therefore, Goal 7 does not apply.

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

The amendments provide a clearer list of all of its park uses that are allowed in the AG, C-2, C-3, GO, R-1, R-2, R-3, R-4, S-DW and S-W zones. These amendments assist the City in providing for recreation areas, facilities or recreational opportunities. Therefore, the amendments are consistent with Goal 8.

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

The amendments do not diminish the supply of commercial or industrial lands. Therefore, the amendments are consistent with Goal 9.

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

The amendments have no impact on the supply of residential lands. Therefore the amendments are consistent with Goal 10.

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

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

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

The amendments do not significantly affect transportation facilities. Therefore, Goal 12 does not apply.

Goal 13 - Energy Conservation: To conserve energy.

The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

Goal 14 - Urbanisation: To provide for an orderly and efficient transition from rural to urban land use.
The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Goal 14 does not apply.

Goal 13 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The amendments do not contain any changes that affect the regulation of areas within the Willamette River Greenway. Therefore, Goal 13 does not apply.

Goals 16-19: Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources. These Statewide Planning Goals do not apply to the actions taken.

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

Metro Plan Policies

Transportation Element, Policy E.5. Within three years of TransPlan adoption, apply the ND, Nodal Development, designation to areas selected by each jurisdiction, adopt and apply measures to protect designated nodes from incompatible development and adopt a schedule for completion of nodal plans and implementing ordinances.

The amendments that streamline the process for applying the ND overlay zone provide an incentive for this development strategy and help address the targeted time frame for designating areas within the Eugene urban growth boundary.

Public Facilities and Services Element, Policy G.21. The cities shall initiate a process with school districts within the urban growth boundary for coordinating land use and school planning activities. The cities and school districts shall examine the following in their coordination efforts:

- The impact of building and land use codes on the development and redevelopment of school facilities.

The two ordinances contain changes to parking standards for schools and related parking area landscape requirements. The ordinances demonstrate the coordination of local land use regulations with school planning activities. In general, the changes will reduce the amount of land required for off-street parking areas and allow greater use of school sites. The changes also provide additional opportunities for the schools to provide off-street parking, including incentives for shared off-street parking.
Refinement Plan Policies

The amendments do not address a specific area of the city or a specific public facility. Therefore, no refinement plan is particularly applicable.
Ordinance No. 20285
Exhibit A

Findings of Consistency of Land Use Code Amendments with Criteria for Approval of Amendments to the Eugene Code

The Fall 2002 Land Use Code amendments address many code sections and a wide variety of regulations. Findings of consistency for ordinances 4 and 5 are provided below. The ordinance concerning amendments to parking requirements primarily addresses parking standards for schools and shared off-street parking. The ordinance concerning amendments to entertainment and recreation uses, parking area landscaping and other provisions primarily addresses errors, clarifies existing code provisions, and streamlines procedures.

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

(1) Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 since it complied with, and surpassed the requirements of, the citizen involvement provisions.

Specifically, on August 30, 2002, the City provided written mailed notice of the October 1, 2002, joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to the following organizations involved in local land use regulations: 1) PRUDES (Professionals for Responsible Urban Development in Eugene-Springfield; 2) Eugene Area Chamber of Commerce; 3) Home Builders Association of Lane County; 4) Friends of Eugene; and 5) 1000 Friends of Oregon. Any party that had request notice of the draft code amendments or that provided public testimony was also added to an "interested party" list and provided written mailed notice of the public hearing. Legal notice in the local newspaper was also provided in accordance with Lane County code amendment requirements.

On October 1, 2002, Eugene and Lane County Planning Commissions held a joint public hearing on the draft amendments. The Eugene Planning Commission held work sessions on October 7, October 8, October 21, October 28, November 18, and December 16, 2002 and forwarded recommendations to the Eugene City Council. By February 4, 2003, written mailed notice was provided regarding the Eugene City Council public hearing of February 10, 2003. The notice was mailed to all interested
parties. The public hearing notice and a copy of the two ordinances was provided on the City website. Therefore, the process followed is consistent with Goal 1.

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

The record shows that there is a adequate factual base to support this ordinance as Goal 2 requires. Further, the Goal 2 coordination requirement is met. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of these amendments with Lane County, City of Springfield, Eugene Water and Electric Board, and the local school districts. There are no Goal 2 Exceptions required for this ordinance. Therefore, the amendments are consistent with Goal 2.

**Goal 3 - Agricultural Lands.** To Preserve Agricultural Lands.

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

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

The amendments do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

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

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

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

The amendments do not affect the City’s ability to provide for clean air, water or land resources. Therefore Goal 6 does not apply.

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

The amendments do not affect the City’s restrictions on development in areas subject to natural disasters and hazards. Therefore, Goal 7 does not apply.

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

The amendments provide a clearer list of all of the park uses that are allowed in the AG, C-2, C-3, GO, R-1, R-2, R-3, R-4, S-DW and S-W zones. These amendments assist the City in providing for recreation areas, facilities or recreational opportunities. Therefore, the amendments are consistent with Goal 8.

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

The amendments do not diminish the supply of commercial or industrial lands. Therefore, the amendments are consistent with Goal 9.

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

The amendments have no impact on the supply of residential lands. Therefore the amendments are consistent with Goal 10.

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

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

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

The amendments do not significantly affect a transportation facility. Therefore, Goal 12 does not apply.

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

The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

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

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

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

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

**Goals 16 - 19. Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean resources.**

These Statewide Planning Goals do not apply to the actions taken.

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

**Metro Plan Policies**

**Transportation Element, Policy F.5.** Within three years of TransPlan adoption, apply the ND, Nodal Development, designation to areas selected by each jurisdiction, adopt and apply measures to protect designated nodes from incompatible development and adopt a schedule for completion of nodal plans and implementing ordinances.

The amendments that streamline the process for applying the /ND overlay zone provide an incentive for this development strategy and help address the targeted time frame for designating areas within the Eugene urban growth boundary.

**Public Facilities and Services Element, Policy G.21.** The cities shall initiate a process with school districts within the urban growth boundary for coordinating land use and school planning activities. The cities and school districts shall examine the following in their coordination efforts:...

- The impact of building and land use codes on the development and redevelopment of school facilities.

The two ordinances contain changes to parking standards for schools and related parking area landscape requirements. The ordinances demonstrate the coordination of local land use regulations with school planning activities. In general, the changes will reduce the amount of land required for off-street parking areas and allow greater use of school sites. The changes also provide additional opportunities for the schools to provide off-street parking, including incentives for shared off-street parking.

**Refinement Plan Policies**

The amendments do not address a specific area of the city or a specific public facility. Therefore, no refinement plan is particularly applicable.