City Council
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EUGENE CITY COUNCIL AGENDA

July 17, 2019

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of July 17, 2019;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Betty Taylor, President	Emily Semple, Vice President
Mike Clark	Greg Evans
Chris Pryor	Claire Syrett
Jennifer Yeh	Alan Zelenka

12:00 p.m. EUGENE CITY COUNCIL WORK SESSION

1. **WORK SESSION: Homeless Systems Implementation Plan**

2. **WORK SESSION AND POSSIBLE ACTION: An Ordinance Concerning the Downtown Riverfront Land Use Adoption Package (An Ordinance Amending the Whiteaker Plan; Repealing the EWEB Downtown Riverfront Specific Area Plan; Amending Chapter 9 of the Eugene Code; Amending the Eugene Zoning Map and Overlay Zone Map; Rescinding the Willamette Greenway Permit Approved by Ordinance No. 20513 and Approving a New Willamette Greenway Permit; Approving a Tentative Subdivision; Approving a /WR Water Resources Overlay Zone Standards Review; and Providing an Effective Date.)**

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EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session: Homeless Systems Implementation Plan

Meeting Date: July 17, 2019
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Peter Chavannes
Contact Telephone Number: 541-682-5371

ISSUE STATEMENT
The purpose of this work session is for City Council to discuss and take action on recommendations to move forward implementation of the Technical Assistance Collaborative's Shelter Feasibility Study (Attachments A and B). The recommended actions are:

- Purchase and erect a structure to function as a low-barrier emergency shelter ($836,000)
- Hire a Strategic Initiatives Manager to lead a collective impact process toward emergency shelter development, permanent supportive housing ($525,000) development, and supportive services resourcing and coordination
- Pilot a mobile street team that consolidates outreach, diversion case management, and navigation services ($200,000)
- Pilot a landlord engagement program that incentivizes private sector landlords to contribute to the supportive housing inventory ($60,000)
- Establish a reserve (contingency) fund to respond nimbly to emerging opportunities related to system transformation ($279,000)

The $1.9 million allocated by City Council for a future public shelter and pursuing services to address homelessness is the funding source identified to implement the recommended actions.

BACKGROUND
In the spring of 2018, Lane County, with the participation and additional funding support of the City of Eugene, selected the Technical Assistance Collaborative to conduct a shelter feasibility study for Lane County. An additional component of this study was to analyze the systems map, homelessness data, best practices and an understanding of local economic conditions, to produce a final report related to homeless services and public shelter options. This report set the stage for policy makers, community providers and the community at large to begin having policy discussions about how to address the recommendations provided by TAC.

Following the delivery and approval of the final Technical Assistance Collaborative Homelessness Systems Analysis Report (titled "Shelter Feasibility Study") that was presented to Lane County and City of Eugene elected officials on January 22, 2019, each elected body passed motions directing

the County Administrator and City Manager to work together to establish, by May 1, 2019, a framework for implementing the recommendations in the TAC report. The City and County determined that the appropriate next step would be for each organization to assign a manager tasked with co-leading the process of developing the implementation framework.

In consultation with a steering committee comprised of Mayor Lucy Vinis, Councilor Claire Syrett, County Commissioners Pat Farr and Heather Buch, City Manager Jon Ruiz, County Administrator Steve Mokrohisky, Poverty and Homeless Board members Pat Walsh and Kris McAlister, project leaders developed a framework for implementing the 10 recommendations delivered in the Public Shelter Feasibility Study (Attachment C).

On May 13, 2019, City and County staff charged with leading the development of the TAC implementation framework presented to elected officials at a joint work session a Homeless Service System Transformation Framework. Within that framework, the City and County identified several immediate actions to respond to and homelessness in the short term as both organizations collaborate to develop a more strategic approach. City Council and Lane County Commissioners supported the framework and directed staff to return in the appropriate amount of time with specific budget items. Specific recommendations for allocating $1.9 million in support of the City of Eugene's and Lane County's homelessness system will be presented at the work session.

PREVIOUS COUNCIL DIRECTION

January 22, 2019: Joint Work Session

Move to assign Managers from the City of Eugene and Lane County to develop recommendation implementation framework. *(Motion passed)*

May 13, 2019: Joint Work Session

Move to direct City Manager to prepare for council consideration specific action items and associated budget allocations related to TAC implementation. *(Motion passed)*

COUNCIL OPTIONS

1. Approve the attached recommendations
2. Modify the recommendations and adopt modified recommendations
3. Take no action

CITY MANAGER'S RECOMMENDATION

The City Manager recommends option 1: the Eugene City Council approves the recommendations

SUGGESTED MOTION

Move to adopt the staff recommendations as outlined in Attachment A.

ATTACHMENTS

A. TAC Implementation 1.9 Million Expenditure Recommendations
B. $1.9 Million Annual Allocations
C. Homeless Service System Transformation 3+ Year Implementation Plan

FOR MORE INFORMATION

Staff Contact: Peter Chavannes
Telephone: 541-682-5371
Staff E-Mail: pchavannes@eugene-or.gov

Attachment A

TAC Implementation $1.9 Million Recommendations

Public Low-Barrier Shelter ($836,000)

Establish a public low-barrier shelter. In exploring options for shelter development, staff prioritized security, durability, operational flexibility and speed of construction. With these factors in mind, staff recommend the acquisition of a 60 x 75 sprung structure to be erected as soon as an appropriate site can be identified.

Strategic Initiatives Manager ($525,000)

Hire a Strategic Initiatives Manager (SIM) to leverage existing public efforts related to housing and supportive services development by linking these efforts to growing concern across sectors of our community. Broadening who contributes to addressing homelessness will be a primary task for this Manager as S/he works across boundaries to conceptualize a shared vision within which organizations and people recognize a role for themselves and are empowered to act.

Mobile Outreach Team ($200,000)

Pilot a mobile outreach team that can consolidate Outreach, Diversion, Case Management and System Navigation services within small team(s) able to engage with people experiencing homelessness where they are. Learning from this pilot program can then be incorporated into *contracts* and *requests for proposals* from social service providers in implementation years 2 and 3 as appropriate.

Pilot Landlord Engagement Program ($60,000)

Pilot a Landlord Engagement program that incentivizes private sector landlords to join the community effort to reduce homelessness. Programs like sign-up and/or roll-over bonuses that complement existing mitigation funding could help entice private sector landlords to add their properties to our community's supportive housing inventory.

Reserve/Contingency Fund ($279,000)

Establish a reserve (contingency) fund to respond to emergent needs and opportunities in support of homeless shelter and services.

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Attachment B

$1.9 Million Annual Allocations

The table below distributes $1.9 million in one-time funding the Eugene City Council set aside to support implementation of recommendations provided in the Technical Assistance Collaborative's Shelter Feasibility Study across the 3-year implementation window. Each row parallels the implementation framework provided at the *Presentation of Implementation Plan for Homeless and Supportive Housing System Report Recommendations: May 13, 2019*

	Year 1		Year 2		Year 3		Total
Low Barrier Emergency Shelter	Structure Purchase and site selection	**$221,000**[a]	Construction[b] Operation[c]	**$615,000**	Operate		**$836,000**
PSH Development[d]							
People	Mobile Outreach Pilot	**$200,000**	Landlord Engagement	**$60.000**			**$260,000**
Strategic Initiatives Manager	Collective Impact	**$175,000**	Collective impact	**$175,000**	Collective Impact	**$175,000**	**$525,000**
Total		**596,000**		**850,000**		**$175,000**	**$1,621,000**[e]

[a] Structure purchase price quote from Sprung Instant Structures Inc.
[b] Figures indicative of scale and include erection, insulation, HVAC, electrical, lighting and plumbing. Actual cost will vary by design and site selection
[c] Operational costs are design dependent and cannot be estimated at this time
[d] PSH development will be a primary focus of the Strategic Initiatives Manager
[e] Remaining $279,000 held in reserve pending emerging needs/opportunities

Attachment C

Homeless Service Transformation 3+ Year Implementation Plan

From the *Presentation of Implementation Plan for Homeless and Supportive Housing System Report Recommendations: May 13, 2019*

Homeless Service System Transformation 3+ Year Implementation Plan

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	IMPACT
Temporary Shelter/ Navigation Center	Expand Services	Maintain	Taper			Temporary expansion tapering as New Emergency Shelter/Navigation Center comes online
Durable Shelter/ Navigation Center	Design/ Site	Build	Operate			New Emergency Shelter/Navigation Center
Permanent Supportive Housing Development	50 units	50 units	75 units	75 units	100 units	350 units
People	6 FTE	7 FTE	6 FTE			19 FTE
Strategic Initiatives Manager	Initiate Collective Impact process	Secure and deploy resources	Secure and deploy resources			Broad community engagement
Impact	Collective Impact Process 50 units PSH 6 FTE	Collective Impact Resources 50 units PSH 7 FTE	75 Bed ES/Nav Center Collective Impact Resources 75 units PSH 6 FTE	75 units PSH	100 units PSH	350 units PSH 19 FTE 75 Bed ES/ Nav Center

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session and Possible Action: An Ordinance Concerning the Downtown Riverfront Land Use Adoption Package (An Ordinance Amending the Whiteaker Plan; Repealing the EWEB Downtown Riverfront Specific Area Plan; Amending Chapter 9 of the Eugene Code; Amending the Eugene Zoning Map and Overlay Zone Map; Rescinding the Willamette Greenway Permit Approved by Ordinance No. 20513 and Approving a New Willamette Greenway Permit; Approving a Tentative Subdivision; Approving a /WR Water Resources Overlay Zone Standards Review; and Providing an Effective Date.)

Meeting Date: July 17, 2019 | Agenda Item Number: 2
Department: Planning and Development | Staff Contact: Will Dowdy
www.eugene-or.gov | Contact Telephone Number: 541-682-5340

ISSUE STATEMENT
The City Council is scheduled to deliberate and possibly take action on a proposed ordinance that would approve a set of land use applications for mixed-use redevelopment of the Downtown Riverfront site, including a new park, housing and commercial uses.

BACKGROUND
The proposed ordinance would approve the land use applications that were the subject of a City Council public hearing on June 24, 2019. These applications, briefly summarized, are:

Code Amendments (City File #CA 19-1): Amends the Downtown Riverfront Special Area Zone (S-DR) regulations. Includes changes to the codified regulating plan, height standards, and other form-based zoning standards; also includes related code amendments to integrate the updated zoning with other parts the of City's land use code.

Refinement Plan Amendments (City File #RA 19-1): Repeals the Downtown Riverfront Specific Area Plan to facilitate revisions to the S-DR zone; also amends Whiteaker Plan policies to allow for removal of existing Site Review overlays on parcels zoned S-W/SR north of 4th Avenue, which are proposed to be rezoned to S-DR (see below).

Zone Changes (City File #Z 19-5): Rezones several parcels north of 4th Avenue from Whiteaker Special Area Zone with Site Review Overlay (S-W/SR) to Downtown Riverfront Special Area Zone (S-DR). Also rezones one parcel zoned Light-Medium Industrial with Transit Oriented Development and Water Resource Conservation Overlays (I-2/TD/WR) and one parcel zoned Public Land with Water Resource Conservation Overlay (PL/WR), to

the Downtown Riverfront Special Area Zone with Water Resource Conservation Overlay (S-DR/WR), within the area of the new riverfront park.

Willamette Greenway Permit (City File #WG 19-3): Allows future development within the Willamette Greenway that is consistent with the revised S-DR zone.

Tentative Subdivision (City File #ST 19-3): Approves a tentative subdivision plan to allow the creation of 17 new lots and rights-of way consistent with the revised S-DR zone; also includes conceptual designs for streets, accessways, and other infrastructure improvements necessary to serve the newly created lots.

Standards Review (City File #SDR 19-2): Approves the proposed design and construction of a new metropolitan riverfront park, including a new multi-use pathway, overlooks, riparian enhancement and a variety of other public riverfront amenities.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommends approval with four changes to the draft code language. A detailed summary of the recommended changes was provided to council in advance of the public hearing. The changes recommended by the Planning Commission are included in the ordinance at Attachment A.

CITY COUNCIL PUBLIC HEARING

At the hearing on June 24, 2019, three speakers testified in support of the proposed adoption package. Council received one letter, also in support. No opposing testimony was received.

PREVIOUS COUNCIL DIRECTION

July 9, 2018, Work Session

Council initiated the land use code amendments and related land use application components to carry out implementation of the concept plan for redevelopment of the site.

RELATED CITY POLICIES

Related City policies are addressed in the ordinance findings (see Attachment A, Exhibit D).

COUNCIL OPTIONS

The City Council may:

1. Adopt the ordinance as proposed in Attachment A to this AIS.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action on the ordinance.

CITY MANAGER'S RECOMMENDATION
The City Manager recommends adoption of the ordinance as provided in Attachment A.

SUGGESTED MOTION
Move to adopt an Ordinance Concerning the Downtown Riverfront Land Use Adoption Package.

ATTACHMENTS
A. Draft Ordinance
    Exhibit A: Code Amendments
    Exhibit B: Zoning Map Amendments
    Exhibit C: Regulatory Plan
    Exhibit D: Findings

FOR MORE INFORMATION
Staff Contact: Will Dowdy
Telephone: 541-682-5340
Staff E-Mail: wdowdy@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WHITEAKER PLAN; REPEALING THE EWEB DOWNTOWN RIVERFRONT SPECIFIC AREA PLAN; AMENDING CHAPTER 9 OF THE EUGENE CODE; AMENDING THE EUGENE ZONING MAP AND OVERLAY ZONE MAP; RESCINDING THE WILLAMETTE GREENWAY PERMIT APPROVED BY ORDINANCE NO. 20513 AND APPROVING A NEW WILLAMETTE GREENWAY PERMIT; APPROVING A TENTATIVE SUBDIVISION; APPROVING A /WR WATER RESOURCES OVERLAY ZONE STANDARDS REVIEW; AND PROVIDING AN EFFECTIVE DATE.

[Approving Applications: CA 19-1, RA 19-1, Z 19-5, WG 19-3, ST 19-3, SDR 19-2]

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Whiteaker Plan is revised as follows:

A. Add text to the Land Use Element Policy 2 under the "City Policies / Implementation Strategies" heading as shown:

Apply Site Review subdistrict zoning to properties that are zoned C-2 General Commercial, GO General Office, or I-2 Light-Medium Industrial that are adjacent, across an alley, or across a street from land zoned low-density residential since the uses on these properties are potentially incompatible with the following exception: Do not apply Site Review to C-2 zoned land within the 6th/7th Avenue Commercial Area. Also apply Site Review to properties that are across adjacent, across an alley, or across a street from land within a historic district with the following exceptions: Do not apply Site Review to property zoned PL Public Land***, S-DR Downtown Riverfront Special Area Zone*** or low-density residential. Also apply Site Review to all properties zoned MU-W Whiteaker Mixed Use and to all properties zoned R-2/20 or any other residential zoning district that allows an equal or higher residential density, excluding property in a historic district ***or in the S-DR Downtown Riverfront Special Area Zone***. For parcels zoned with the site review subdistrict as part of the Whiteaker Plan implementation rezonings, the triggering threshold for when to apply site review shall be as follows:

> Site review is required for new development, except for the expansion or alternation of single-family structures in residential use. New development is defined as the development of a new structure, excluding single-family structures, or an addition to an existing structure that expands the building footprint.

B. Add text to the Add text to the Land Use Element Policy 2 under the "Skinner Butte Mixed Use Are – Subarea 11" heading as shown:

Change the zoning in the Skinner Butte Mixed Use Area to apply the MU-W Whitaker

Mixed Use District to properties designated for Mixed Use on the Whiteaker Plan Land Use Diagram except for parcels that are zoned SD Special Development District. Apply R-3 Multiple-Family Residential zoning to properties designated Limited High-Density Residential. Allow future rezoning of parcels zoned SD as initiated by the property owner. Apply SR Site Review subdistrict zoning to all property zoned MU-W Whitaker Mixed Use***, except for property in the S-DR Downtown Riverfront Special Area Zone***.

Section 2. The EWEB Downtown Riverfront Specific Area Plan, adopted by Section 2 of Ordinance No. 20513, is repealed.

Section 3. The text, maps and figures of Chapter 9 of the Eugene Code, 1971, are amended, repealed, and/or replaced as shown on Exhibit A ("Eugene Code Chapter 9 Text, Maps and Figures Amended, Repealed or Replaced").

Section 4. The Eugene Zoning Map and Overlay Zone Map are amended as shown on the table and maps at Exhibit B ("Eugene Zoning Map and Overlay Zone Map Amendments").

Section 5. The Willamette Greenway permit approved by Ordinance No. 20513 is hereby rescinded and, pursuant to EC 9.8800 – 9.8825, the City Council hereby approves the Downtown Riverfront Willamette Greenway Permit application (WG 19-3) for the portion of the Willamette River Greenway within the boundaries of the S-DR Riverfront Special Area Zone (allowing development consistent with the applicable S-DR Downtown Riverfront Special Area Zone code provisions as amended and/or adopted by this Ordinance). The Willamette Greenway Permit approved by this Ordinance shall remain in effect for any land within the Willamette Greenway boundaries in the S-DR zone for as long as that land continues to be in the S-DR zone. A new Willamette River Greenway setback boundary is hereby established in accordance with the applicable approval criteria at Section 9.8815(5)(a) of the Eugene Code, as shown on Exhibit C ("Regulatory Plan").

Section 6. Pursuant to EC 9.8500 – 9.8515, the City Council hereby approves Downtown Riverfront Tentative Subdivision application ST 19-3.

Section 7. Pursuant to the policy adopted into the Eugene Code at Section 9.4920(5) by the City Council in Ordinance, 20352 (November 14, 2005), areas that were developed prior to November 14, 2005, were excluded from the /WR Water Resources Overlay Zone Conservation Area. By Ordinance No. 20513 (July 8, 2013), the City Council identified the portion of the Downtown Riverfront Special Area Zone that includes land subject to this exclusion from the /WR Conservation Area. For illustrative purposes, the location of that prior developed area is shown on Exhibit C ("Regulatory Plan").

Section 8. Pursuant to EC 9.8460 – 9.8472, the City Council hereby approves the Downtown Riverfront /WR Water Resources Overlay Zone Standards Review application SDR 19-2.

Section 9. In support of the actions taken by the City through this Ordinance, the City Council accepts the findings provided in Exhibit D to this Ordinance.

Section 10. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 11. This Ordinance, including the land use approvals granted herein, shall become effective 30 days from the date of its adoption by the Council and approval by the Mayor.

Passed by the City Council this

____ day of _____, 2019

_____
City Recorder

Approved by the Mayor this

____ day of _____, 2019

_____
Mayor

Eugene Code Chapter 9 Text, Maps and Figures Amended, Repealed or Replaced

- Section 9.3130 of the Eugene Code, 1971, is amended to provide as follows:

9.3130 Purpose of S-DR Downtown Riverfront Special Area Zone.

(1) Purpose. The purpose of the Downtown Riverfront Special Area Zone (S-DR) is to support the creation of an active, vibrant, people place along Eugene's downtown riverfront that achieves an appropriate balance between redevelopment certainty and flexibility; ~~to~~ further***s*** economic development; ~~to~~ incorporate***s*** educational aspects; ~~to~~ support***s*** the appropriate enhancement of riverfront habitat; and ~~to~~ promote***s*** a mix of uses that complement and support existing downtown and riverfront uses.

~~(a) The intent of the S-DR Zone is to implement the vision of the EWEB Riverfront Master Plan and the goals, principles, standards, and guidelines of the Downtown Riverfront Specific Area Plan (SAP).~~

~~(b) S-DR Zone use regulations provide for a range of residential, commercial, employment, cultural, and recreational uses; support the development and an active, vibrant, people place; and compliment and support existing downtown and riverfront uses.~~

~~(c) S-DR Zone transportation system standards implement the street hierarchy and circulation framework in Figure 4-13 Street Pattern and Circulation in the Downtown Riverfront Specific Area Plan and the "Great Street" concept in the Eugene Downtown Plan.~~

~~(d) S-DR Zone parking requirements implement the parking strategy in the Downtown Riverfront Specific Area Plan and promote the development of an attractive, pedestrian-oriented neighborhood.~~

~~(e) S-DR Zone cultural landscape and open space requirements implement the open space program, habitat zones, and cultural landscape framework in Figure 4-23 in the Downtown Riverfront Specific Area Plan.~~

~~(f) S-DR Zone view corridor requirements implement the view corridors framework in Figure 4-4 in the Downtown Riverfront Specific Area Plan.~~

~~(g) S-DR Zone specific development standards implement the urban design guidelines in the Downtown Riverfront Specific Area Plan.~~

(2) Design Objectives. The design objectives of the S-DR Zone are ***to***:

(a) Create a "people place" that is active, vibrant, accessible, and multi-use.

(b) Provide appropriate setbacks, deeper where environmental or habitat issues are critical, and shallower in other areas.

(c) Incorporate appropriate building and site design techniques that address environmental concerns.

(d) Include educational aspects that teach about the city, river, and history.

(e) Support development of an integrated network of open space, habitat enhancement, and cultural landscape areas.

~~(e) Implement Nodal Development policies in the comprehensive plan.~~

~~(f) Implement the Growth Management policies adopted by the City of Eugene.~~

~~(g) Foster the redevelopment of a pedestrian-oriented, livable riverfront district consistent with the framework, essential features, and objectives of the Downtown Riverfront Specific Area Plan.~~

- Figure 9.3135 S-DR Zone Regulating Plan is repealed and replaced as follows:

Figure 9.3135 S-DR Zone Regulating Plan.

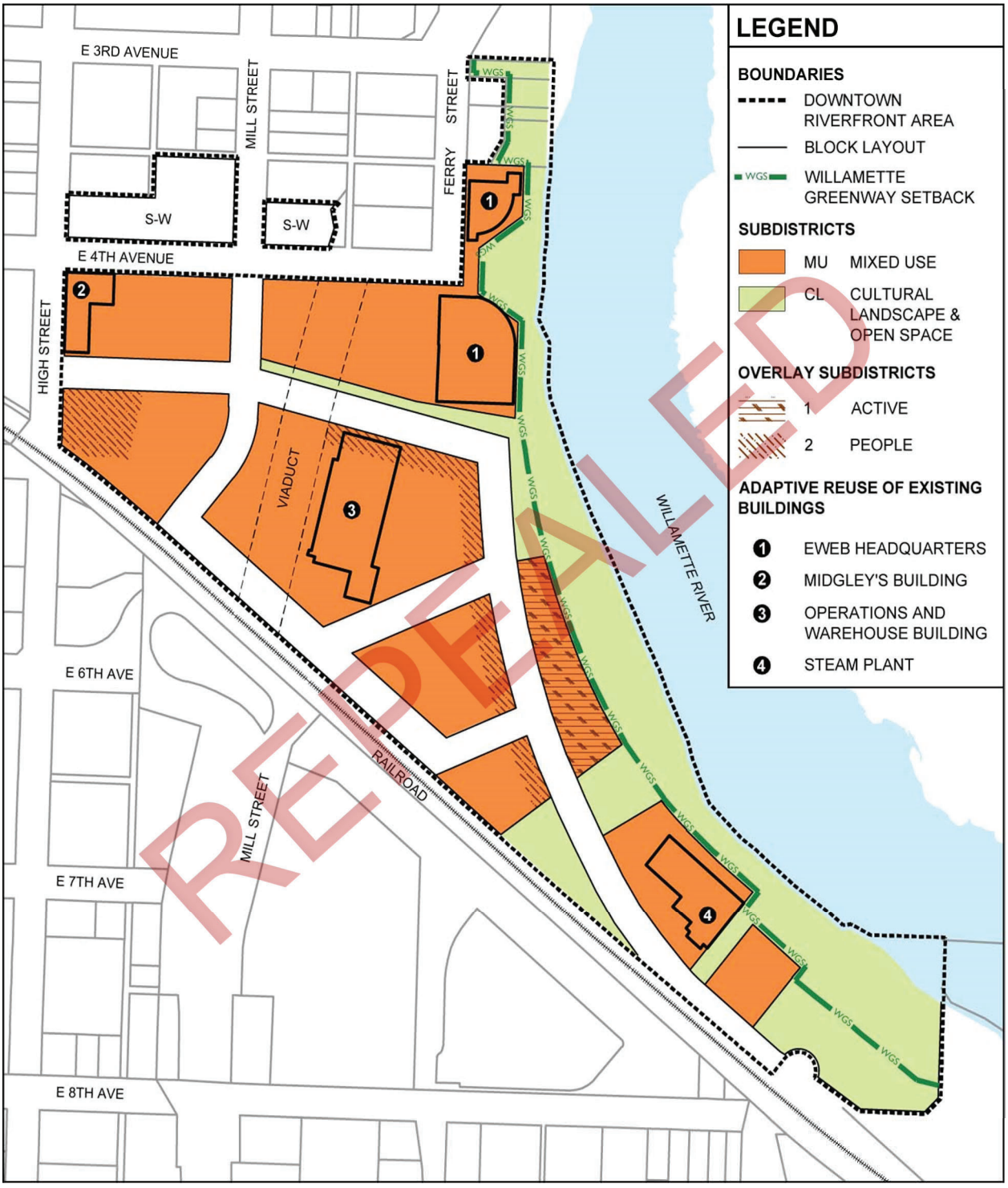
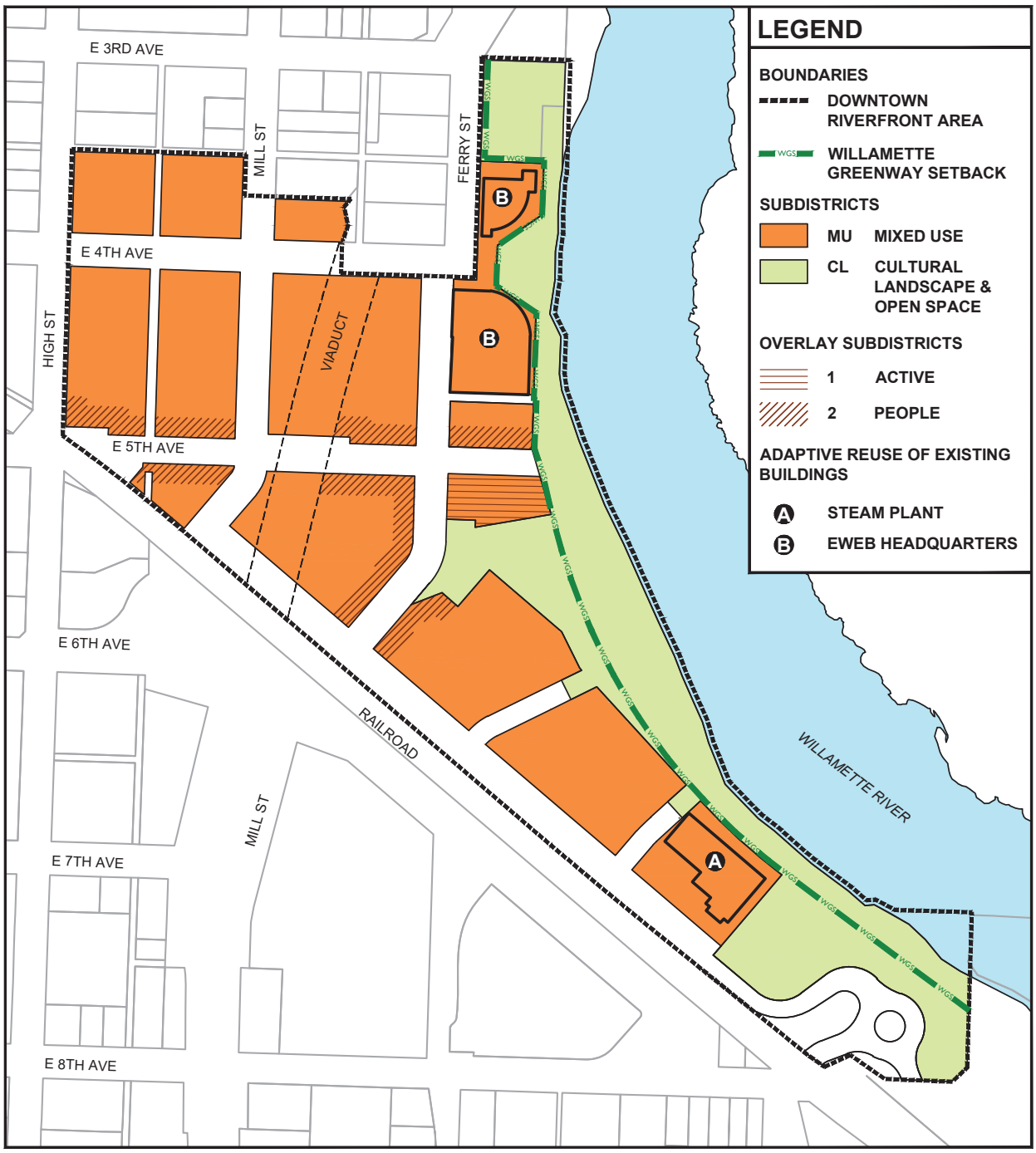


Figure 9.3135 S-DR Zone Regulating Plan.



- Section 9.3140 of the Eugene Code, 1971, is amended to provide as follows:

9.3140 **S-DR Downtown Riverfront 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 Downtown Riverfront area depicted on Figure 9.3135 S-DR Zone Regulating Plan. ~~When a property is rezoned to S-DR as part of the rezoning process, the City shall identify t~~***T***he subdistrict ***and overlay subdistrict*** designation***s*** applicable to the property~~, in accordance with EC~~ ***are shown on Figure*** 9.3135 S-DR ~~Downtown Riverfront Special Area Zone Subdistricts and Overlay Subdistricts~~ ***Zone Regulating Plan and may be more precisely located on individual lots upon land division approval.***

- Section 9.3145 of the Eugene Code, 1971, is amended to provide as follows:

9.3145 **S-DR Downtown Riverfront Special Area Zone Permitted Uses.** The uses listed at EC 9.3145(1) through (8) are permitted in the S-DR Zone as specified below, except as limited at EC 9.3146 S-DR Downtown Riverfront Special Area Zone Prohibited Uses and EC 9.3147 S-DR Downtown Riverfront Special Area Zone Willamette Greenway Setback. Accessory uses as defined at EC 9.0500 are permitted.

(1) **Retail Sales and Service Uses**. Permitted as specified in (a) through (c) below. This category of uses refers to the sale, lease, or rent of products to the general public; personal services; entertainment; product repair; or services for consumer and business goods.

(a) Retail Sales-Oriented. Permitted in S-DR/MU, S-DR/MU/1, and S-DR/MU/2. Examples include, but are not limited to:

1. Consumer home and business goods stores;
2. Consumer vehicle stores (including passenger vehicles, motorcycles, light and medium trucks, boat and watercraft, bicycles, and other recreational vehicles) provided the activity is within a building;
3. General merchandise stores (including supermarket and department stores).

(b) Personal Service-Oriented. Permitted in S-DR/MU, S-DR/MU/1 (above ground floor only), and S-DR/MU/2. Examples include, but are not limited to:

1. Banks and credit unions;
2. Business, arts, and other trade schools;
3. Dance or music studios;
4. Mail, photo, copy, and package services;
5. Personal care services;
6. Urgent medical care~~.~~***;***
7. ***Daycare, preschools, and nursery schools.***

(c) Entertainment-Oriented. Permitted in S-DR/MU, S-DR/MU/1, and S-DR/MU/2. Examples include, but are not limited to:

1. Artist galleries and studios;
2. Health clubs, gyms, membership clubs, and lodges;
3. Hotels, motels, and other temporary lodging;

4. Indoor or outdoor entertainment activities (including pool halls, bowling alleys, ice rinks, and game arcades);
5. Restaurants, cafes, delicatessens, ***brewpubs,*** taverns, and bars;
6. Theaters.

(2) Office Uses. Permitted in S-DR/MU, S-DR/MU/1 (above ground floor only), and S-DR/MU/2 ~~(above ground floor only)~~. This category of uses refers to activities conducted in an office setting generally focused on business, professional, medical, or financial services. Examples include, but are not limited to:

(a) Financial businesses (including lenders, brokerage houses, bank headquarters, and real estate agents);
(b) Medical***,*** ~~and~~ dental***, and veterinarian*** clinics and laboratories;
(c) Professional services (including lawyers, accountants, engineers, architects, and planners);
(d) Sales offices;
(e) TV and radio studios~~.~~***;***
(f) Live/work units (where there is an office on the ground floor with residential above in an interconnected unit).

(3) Residential Uses. Permitted in S-DR/MU, S-DR/MU/1 (above ground floor only), and S-DR/MU/2. This category of uses refers to the residential occupancy of a dwelling unit by one family. Tenancy is arranged for a minimum of 30 days or longer. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of temporary lodging and are listed under "Retail Sales and Service". Examples of residential uses include, but are not limited to:

(a) Apartments and retirement center apartments (including those with accessory services such as food service, dining rooms, and housekeeping);
(b) Condominiums;
(c) Rowhouses.

(4) Institutional Uses. Permitted in S-DR/MU and S-DR/MU/2 (above ground floor only). This category of uses refers to***:***

(a) ~~a~~***A***ctivities of a public, nonprofit, or charitable entity, which provide a local service to the community. Generally, they provide the service on the site or have employees at the site on a regular basis. Examples include, but are not limited to:

~~(a)~~***1.*** Community centers;
~~(b)~~***2.*** Daycare, preschools, and nursery schools;
~~(c)~~***3.*** Government services;
~~(d)~~***4.*** Libraries, museums, and interpretive centers;
~~(e)~~***5.*** Municipal services (including drive-through facilities);
~~(f)~~***6.*** Public and private schools, colleges, and universities;
~~(g)~~***7.*** Religious institutions;
~~(h)~~***8.*** Senior centers;
~~(i)~~***9.*** Transit stations~~.~~***;***
10. Surface parking owned or operated by a public agency.

(b) Special events sponsored or operated by a public agency (notwithstanding the standards for Temporary Activities at EC 9.5800).

(5) Manufacturing and Production Uses. Permitted in S-DR/MU. This category of uses refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include, but are not limited to:
(a) Breweries, distilleries, and wineries;
(b) Catering establishments;
(c) Processing of food and related products;
(d) Production of energy;
(e) Weaving or production of textiles or apparel;
(f) Woodworking (including cabinet makers).

(6) Industrial Service Uses. Permitted in S-DR/MU. This category of uses refers to the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include, but are not limited to:
(a) Electric motor repair;
(b) Printing, publishing, and lithography;
(c) Research and development laboratories;
(d) Repair of scientific or professional instruments;
(e) Sales, repair, or storage for building, heating, plumbing***,*** or electrical contractors;

(7) Parks and Open Space Uses. Permitted in S-DR/MU, S-DR/MU/1, ~~and~~ S-DR/MU/2***, and S-DR/CL***. ~~Permitted in S-DR/CL subject to EC 9.3190 S-DR Downtown Riverfront Special Area Zone Design Review.~~ This category of uses refers to ~~natural areas; large areas consisting mostly of vegetative landscaping; outdoor recreation features or facilities; community gardens; public squares, plazas, or boardwalks~~ ***areas*** used for public recreational activities~~;~~ and areas having scenic, biological, or ecological significance identified for preservation or enhancement. Examples include, but are not limited to:
(a) Parks, public squares, plazas, boardwalks, fountains, arboretums, trails, multi-use paths, gardens, and natural areas;
(b) Park furnishings (including play equipment, picnic tables, benches, bicycle racks, and interpretive signage);
(c) Park structures (including kiosks, gazebos, pavilions, picnic shelters, pergola, arbors, and restrooms);
(d) Green infrastructure (including infiltration planters, rain gardens, flow-through planters, vegetated swales, vegetated filter strips, and water quality ponds, basins, and wetlands).

(8) Utilities and Communications Uses. Permitted in S-DR/CL and S-DR/MU. This category of uses refers to ***above ground*** infrastructure services that include, but are not limited to:
(a) Water, gas, sanitary sewer, storm***water treatment and drainage*** ~~sewer~~, electric, telephone, and cable service infrastructure;
(b) Pumping stations, underground transmission facilities, and substations;
(c) District heating and cooling systems (including geothermal wells);
(d) Related physical facilities that do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment, or material storage areas.

- Section 9.3146 of the Eugene Code, 1971, is amended to provide as follows:

9.3146 **S-DR Downtown Riverfront Special Area Zone Prohibited Uses.** The following uses are not permitted in the S-DR Zone.

(1) The following "Retail Sales and Service Uses" are not permitted.
- (a) Agricultural Machinery Rental;
- (b) Casinos;
- (c) Drive-through facilities, except as permitted at EC 9.3145(4)(e);
- (d) Indoor firing ranges;
- (e) Heavy Equipment Sales;
- (f) Kennels;
- (g) Mortuaries;
- (h) Outdoor sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boat and watercraft, and other recreational vehicles;
- (i) Recreational vehicle parks;
- (j) Recycling or transfer stations (with the exception of small recycling centers as defined at EC 9.0500);
- (k) Taxidermists;
- (l) Vehicle service such as motor vehicle repair, tires sales and service, gas station, or car wash.
- (m) A retail marijuana use that is located within 1,000 feet of another retail marijuana use.
  1. "Premises" means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.
  2. "Retail Marijuana Use" means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.
  3. "Within 1,000 Feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.

(2) The following "Residential Uses" are not permitted.
- (a) Detached single-family dwellings;
- (b) Duplexes;
- (c) Manufactured housing.

(3) The following "Institutional Uses" are not permitted.
- (a) Cemeteries;
- (b) Correctional facility.

(4) The following "Manufacturing and Production Uses" are not permitted.
- (a) Concrete batching and asphalt mixing;
- (b) Feed lots;
- (c) Lumber mills, pulp and paper mills, and other wood products manufacturing;
- (d) Production of pre-fabricated structures (including manufactured homes*)*;
- (e) Slaughterhouses and meatpacking~~)~~.

(5) The following "Industrial Service Uses" are not permitted.
- (a) Auto and truck salvage and wrecking;
- (b) Exterminators;
- (c) Fuel oil distributors;

(d) Heavy truck servicing and repair;
(e) Machine shops;
(f) Salvage or wrecking of heavy machinery, metal, and building materials;
(g) Solid fuel yards;
(h) Tire re-treading or recapping;
(i) Towing and vehicle storage;
(j) Truck stops;
(k) Welding shops.

(6) The following "Parks and Open Space Uses" are not permitted.
(a) Camping;
(b) Community and neighborhood centers within ~~with~~ ***the*** S-DR/CL subdistrict (permitted in the S-DR/MU subdistrict);
(c) Golf course (including driving range);
(d) Dwellings.

(7) The following "Utilities and Communications Uses" are not permitted. Telecommunications facilities, except for telecommunications collocation and antenna, as defined at EC 9.0500 and in accordance with EC 9.5750, where applicable.

- Section 9.3147 of the Eugene Code, 1971, is amended to provide as follows:

9.3147 S-DR Downtown Riverfront Special Area Zone Willamette Greenway Setback.

(1) In accordance with the requirements at EC 9.8815(5)(a), a setback line is established 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 as shown in Figure 9.3135 S-DR Zone Regulating Plan and on Exhibit ~~9~~ ***D to*** ~~(~~Ordinance No. ~~20513~~ ~~)~~.

(2) Uses permitted in the S-DR/CL subdistrict listed at EC 9.3145(7) have been determined to be consistent with the establishment of the setback, are permitted within the setback, and are considered water-related or water-dependent activities.

- Section 9.3148 of the Eugene Code, 1971, is amended to provide as follows:

9.3148 S-DR Downtown Riverfront Special Area Zone Special Use Standards for Adaptive Reuse of Existing Buildings.

(1) For any alterations, expansions, or changes of use of the EWEB Headquarters~~,~~ ***and*** Steam Plant~~, Midgely's Building, and Operations Building/Warehouse,~~ as identified on Figure ~~EC~~ 9.3135 S-DR Zone Regulating Plan, the General Standards for All Development at EC 9.6200 through EC 9.6255, EC 9.6400 through EC 9.6440, EC 9.6500 through EC 9.6505, EC 9.6700 through EC 9.6797, and EC 9.6800 through EC 9.6875 do not apply.

(2) Alterations and expansion ***of the EWEB Headquarters or Steam Plant*** are limited to three additional stories, shall not exceed applicable maximum building height standards at EC 9.3155(3), shall not increase the existing building footprint more than 30 percent, and ~~in no case~~ shall ***not*** encroach

within the Willamette Greenway Setback for a use that is not water-related or water-dependent.

(3) Minimum ground floor height standards at ~~EC~~***Figures*** 9.3155(3)***(a) through (g)*** and outdoor storage standards at EC 9.3155(~~10~~***9***) do not apply.

- Section 9.3150 of the Eugene Code, 1971, is repealed.

~~**9.3150 S-DR Downtown Riverfront Special Area Zone Lot Standards.**~~

~~**(1) Lot Frontage Minimum**. Except for rowhouse lots, all lots within the S-DR Zone shall have a minimum lot frontage of 40 feet. Lot frontage minimums do not apply to rowhouse lots.~~

~~**(2) Lot Depth Minimum**. Lots within the S-DR/MU/1 overlay subdistrict must have frontage on a public street and extend the full lot depth from the street to the property line.~~

~~**(3) Design Review**. As an alternative to compliance with (1) and (2) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.~~

- Section 9.3155 of the Eugene Code, 1971, is amended to provide as follows:

9.3155 S-DR Downtown Riverfront Special Area Zone General Development Standards (applicable to all property).

(1) Application of Standards. The Special Development Standards for Certain Uses at EC 9.5000 through 9.5350 and the General Standards for All Development at EC 9.6000 through 9.6885 apply within the S-DR Zone, except as provided ~~in (9) and (14) below, and, except as provided~~ at EC 9.3148 through EC 9.3185. In the event of a conflict, the provisions of EC 9.3148 to EC 9.3185 shall control.

(2) Setbacks (Building and Yard). Unless otherwise specified at EC 9.3180 through EC 9.3185, there are no minimum front or interior yard setbacks for a building or structure.

(3) Building Height. Minimum and maximum building heights shall be determined using Figure ~~EC~~ 9.3155(~~2~~***3***) S-DR Zone Height Regulating Plan and Figures ~~EC~~ 9.3155(3)(a) through (g)***.*** In the event of a conflict between the written text and the figures, the figures shall control. ***Notwithstanding the provisions in EC 9.6715 and EC 9.6720, trellises, structures providing weather protection, architectural features, and other devices may be erected no more than 12 feet above the height limits established in this land use code, whether such structure is attached to it or freestanding.***

(4) Building Stepbacks. Required building stepbacks in the S-DR Zone are shown on Figures ~~EC~~ 9.3155(3)(a) through (g) ~~and on Figure 4-3 of the Downtown Riverfront Specific Area Plan~~. Stepbacks are measured from the front of the building facing a primary street***, from the side of the building adjacent to an alley*** ~~and~~***or***, where applicable, from the side of the building when abutting the S-DR/CL subdistrict.

~~**(5) Building Orientation**. All buildings within the S-DR Zone shall be oriented to a public street, except when buildings cannot be oriented to the street due to less than required lot frontage, as specified at EC 9.3150(1). In this case,~~

~~buildings may be oriented to a private street, which shall be developed in accordance with EC 9.3160.~~

(~~6~~*5*) **Building Entrances**. Buildings fronting on a street shown in Figure 9.3160(~~14~~) S-DR Zone Street Network must provide a main entrance on the facade of the building 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. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect.

(~~7~~*6*) **Building Projections**. Building projections such as bay windows and articulated balconies are permitted for no more than 50 percent of the length of the affected floor. No projection shall extend to more than 5 feet over the public right-of-way***. All projections shall be a minimum of 8 feet above grade.***

(~~8~~*7*) **Weather Protection**. Weather protection features such as canopies, awnings, or arcades shall be provided over at least the full width of all building entrances to a depth of at least 3 feet beyond the face of the building.

(~~9~~*8*) **Multiple-Family Standards**. The Multiple-Family Standards at EC 9.5500(1) through (14) are not applicable in the S-DR Zone, except for the following. The requirements at EC 9.5500(9)(a), (b), and (d) apply within the S-DR Zone.

(~~10~~*9*) **Outdoor Storage**. For non-residential development, no outdoor storage is permitted except for equipment used by an outdoor restaurant or cafe.

(1~~1~~*0*) **Outdoor Lighting**. Outdoor lighting shall conform to standards specified at EC 9.6725 as indicated below:

(a) Notwithstanding any other provisions of this code, outdoor lighting of a building facade is permitted ***for buildings within the S-DR/MU/2 subdistrict*** if provided in accordance with the standards for a building of exceptional symbolic or historic significance (refer to EC 9.6725(13)).

(b) Outdoor lighting in the S-DR/MU subdistrict shall conform to standards specified at EC 9.6725(8)(c) – Medium Ambient.

(c) Outdoor lighting in the S-DR/CL subdistrict shall conform to standards specified at EC 9.6725(8)(~~a~~***b***) – Low Ambient***, except that plazas and multi-use paths shall be illuminated to a minimum average maintained luminance of .9 foot-candle and not to exceed a maximum average maintained luminance of 3.5 foot-candle***.

(1~~2~~*1*) **Delivery and Loading Areas**. All delivery and loading areas in the S-DR/MU subdistrict shall meet the following standards.

(a) Maneuvering and circulation related to delivery and loading is not permitted between the street and the portion of a building used to comply with building setback requirements.

(b) All loading spaces shall be off the street, shall be in addition to required motor vehicle parking spaces, and shall be served by service drives, alleys, private accessways, or maneuvering areas so that no backward movement or other vehicle maneuvering within a street will be required.

(c) All off-street loading spaces shall be on interior service courts, alleys, or screened from view from all adjacent property lines according to EC 9.6210(4) High Wall Landscape Standards (L-4).

(d) The above standards do not apply to development in the S-DR/MU/1 overlay subdistrict.

(~~13~~2) Signs. Signs shall conform to standards specified at EC 9.6670 Central Commercial ***except as identified at EC 9.3185(3)(f) for the S-DR/CL subdistrict***.

(~~14~~3) Pedestrian Circulation. The provisions of EC 9.6730(3)(c) do not apply within the S-DR Zone.

(~~15~~4) *Public* Structured Parking. One percent of the total cost of ~~the~~ ***a public parking*** structure must be used to include public art as a component of the parking structure. Public art used to comply with this standard shall be located on the exterior of the parking structure. Compliance with this standard shall be demonstrated at the time of building permit.

(~~16~~5) View Corridor Requirements. ~~To ensure that development provides v~~***View*** corridors ***shall be provided*** in those areas identified on Figure ~~4.4~~ ***9.3155(3)*** ~~of the Downtown Riverfront Specific Area Plan~~, in addition to compliance with other applicable standards of the S-DR Zone~~,~~. ***View corridors shall be a minimum 40 feet in width, shall be in alignment with public rights-of-way, and shall be unobstructed by buildings or structures except a permitted at EC 3155(6).*** ~~development shall comply with the following:~~

~~(a) Sky-bridges, pedestrian walkways, and similar elements that connect buildings are permitted encroachments within view corridors.~~

~~(b) Permitted encroachments shall be consistent with the minimum dimensions shown in Figure 9.3155(1) S-DR Zone Encroachments.~~

(~~17~~6) Prior Developed Areas. The standards and requirements at EC 9.4900 through EC 9.4980 do not apply to prior developed areas pursuant to EC 9.4920(5) as identified on Exhibit ~~9~~***D*** ~~(~~***to*** Ordinance No. ~~20513)~~ _____ ~~that remain consistent with the Downtown Riverfront Specific Area Plan~~.

(17) Stormwater Quality Control Standards. The Stormwater Quality Control standards at EC 9.6792(3) are not applicable in the S-DR Zone. The following standards apply, instead:

(a) For land use applications proposing the construction of a public or private street, stormwater facilities shall be selected from the Stormwater Management Manual and may be sized to also treat some or all the stormwater runoff from future development on lots adjoining the street.

(b) Applications for a development permit shall comply with subsection (c) below at the time of development permit application unless the applicant has entered into an agreement with the City of Eugene demonstrating that a stormwater facility approved pursuant to (a) will treat all of the stormwater runoff from the development being proposed by the applicant.

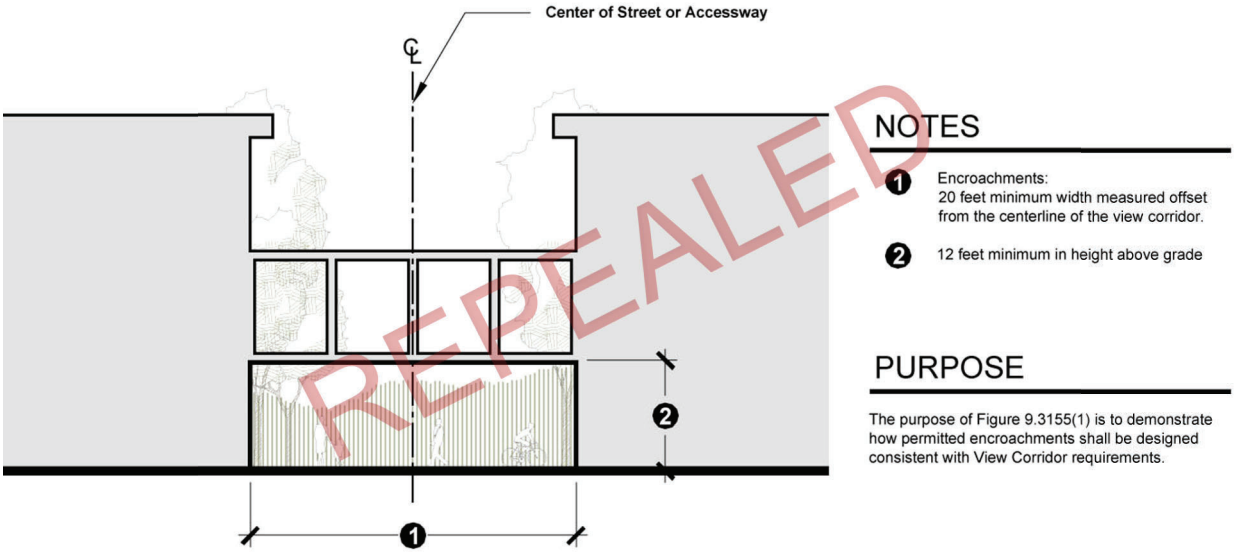
(c) An application for a development permit that is not exempt under subsection (b) above including an application pertaining to a development that is subject to an agreement with the City of Eugene demonstrating that a stormwater facility approved pursuant to subsection (a) above will treat some, but not all, of the stormwater runoff from the proposed development:

1. Shall include stormwater quality facilities selected from the Stormwater Management Manual based on the following priority order: infiltration, filtration, off-site stormwater quality management.

2. *If selecting a filtration treatment facility, shall include a report that demonstrates at least one of the following development site conditions exist:*
   a. *Infiltration rates are less than 2 inches per hour;*
   b. *Bedrock is less than 5 feet below the ground surface;*
   c. *Groundwater elevations are less than 6 feet; or,*
   d. *Ground surface slopes are greater than 10%.*
3. *If selecting off-site stormwater quality management by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the city's system development charge methodology, shall include a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards.*
4. *Shall design the selected stormwater quality facilities to treat all stormwater runoff from all new or replaced impervious surface areas, or an equivalent on-site area, that will result from the water quality design storm, in combination with any agreement with the city for off-site treatment of some stormwater runoff from the proposed development site. The selected stormwater quality facility does not need to treat the stormwater runoff from new or replaced impervious surface that is 500 sq. feet or less and does not gravity-feed into the selected treatment facility.*
5. *Shall site, design, and construct all stormwater quality facilities according to the water quality provisions and the facility design requirements set forth in the Stormwater Management Manual.*
6. *The standards in EC 9.3155(17)(c) may be adjusted based on the criteria set out at EC 9.8030(24)(a) and (b).*

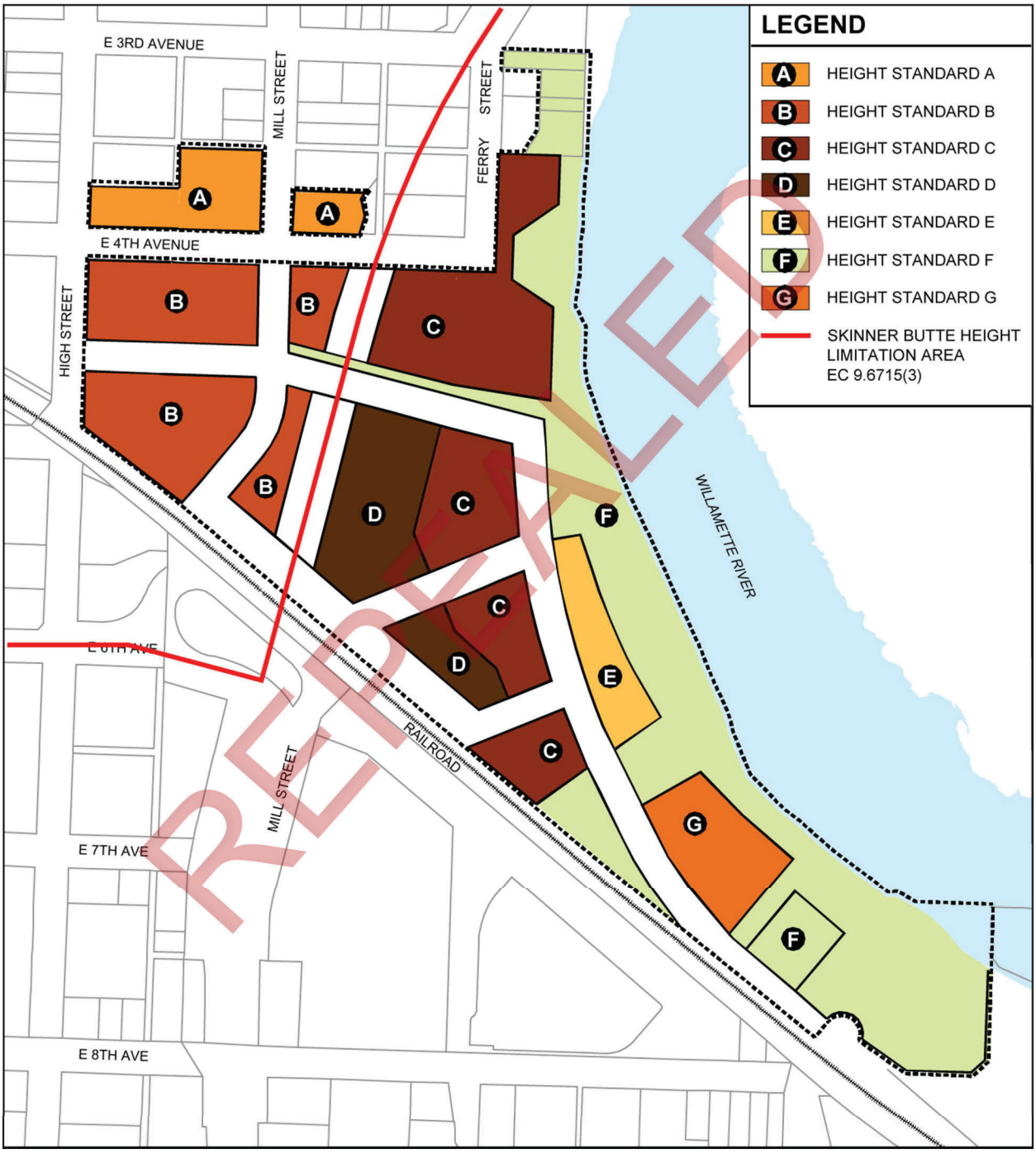
- Figure 9.3155(1) S-DR Zone Encroachments is repealed.

~~Figure 9.3155(1) S-DR Zone Encroachments.~~



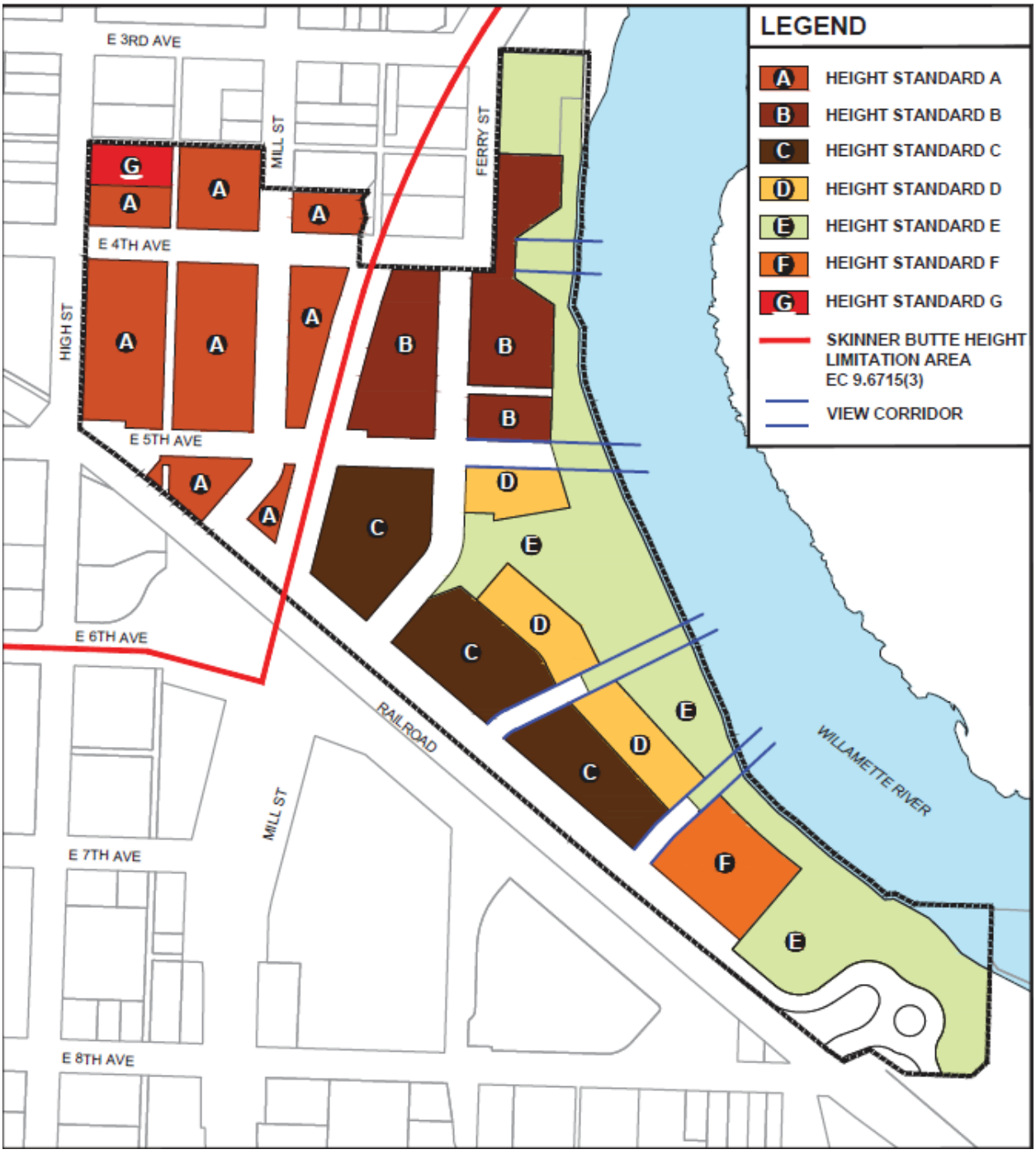
- Figure 9.3155(2) S-DR Zone Height Regulating Plan is repealed and replaced with Figure 9.3155(3) S-DR Zone Height Regulating Plan as follows:

~~**Figure EC 9.3155(2) S-DR Zone Height Regulating Plan.**~~



~~Figure 9.3155(3)(a) S-DR Zone Height Standard "A".~~
~~The height limitations in EC 9.3915(7) apply~~

Figure 9.3155(3) S-DR Zone Height Regulating Plan.



- Figure 9.3155(3)(b) S-DR Zone Height Standard “B” is repealed and replaced with Figure 9.3155(3)(a) S-DR Zone Height Standard “A” as follows:

~~**Figure 9.3155(3)(b) S-DR Zone Height Standard “B”.**~~

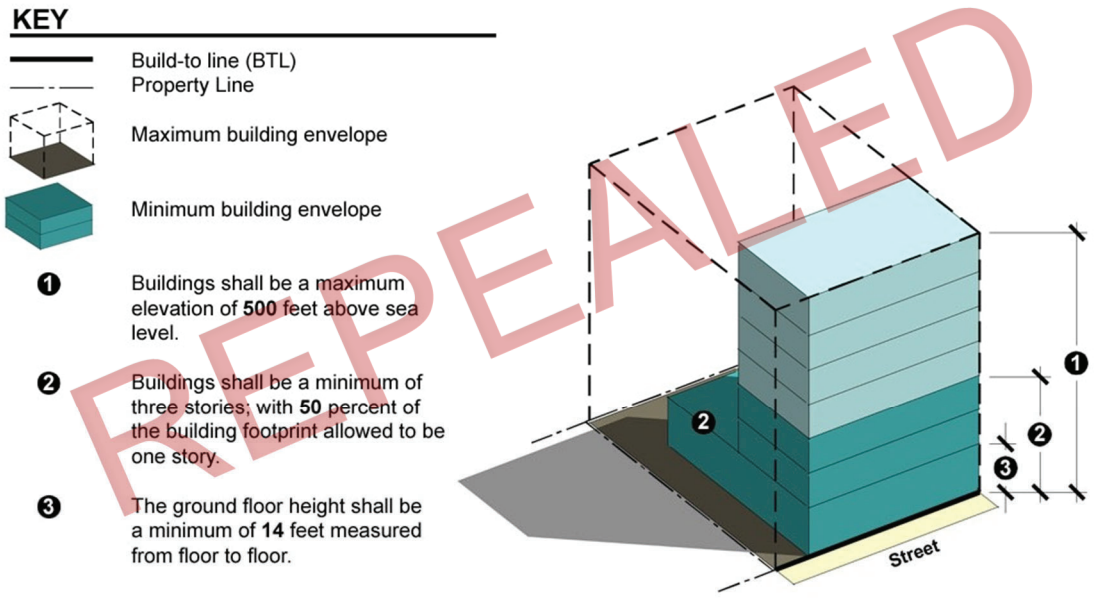
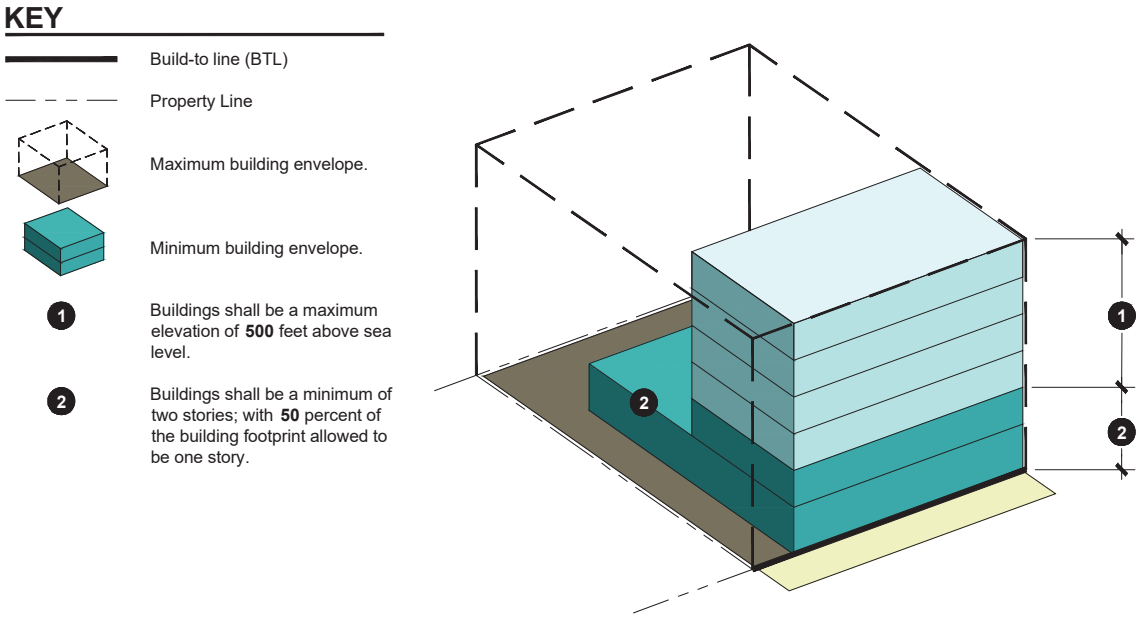


Figure 9.3155(3)(a) S-DR Zone Height Standard “A”.



- Figure 9.3155(3)(c) S-DR Zone Height Standard "C" is repealed and replaced with Figure 9.3155(3)(b) S-DR Zone Height Standard "B" as follows:

~~**Figure 9.3155(3)(c) S-DR Zone Height Standard "C".**~~

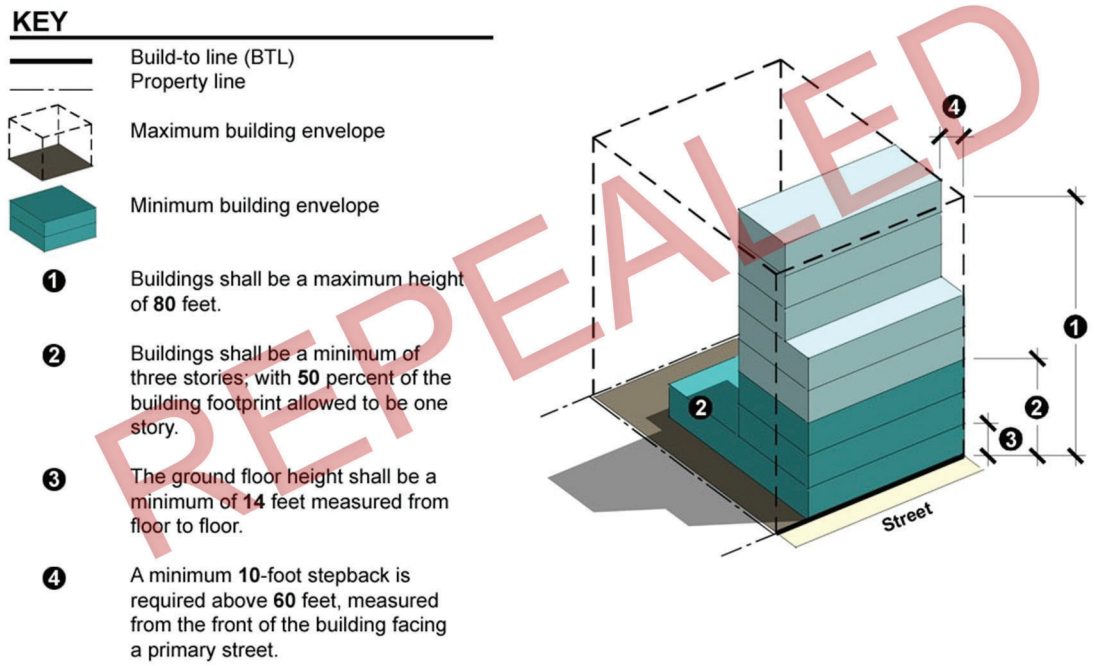
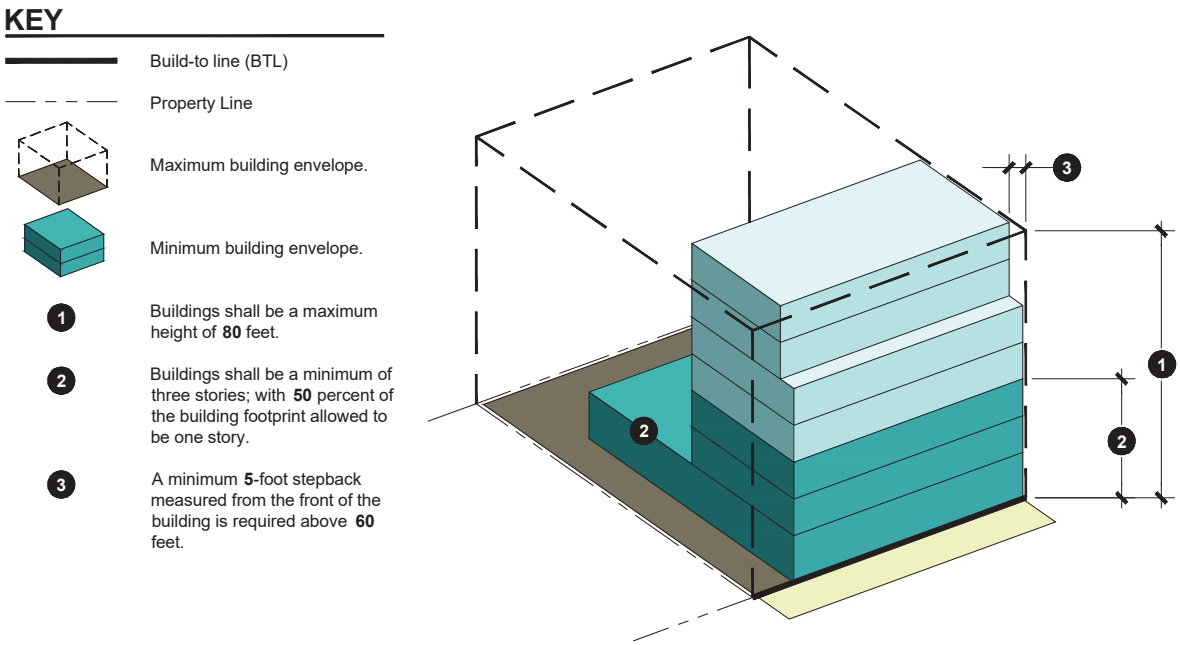
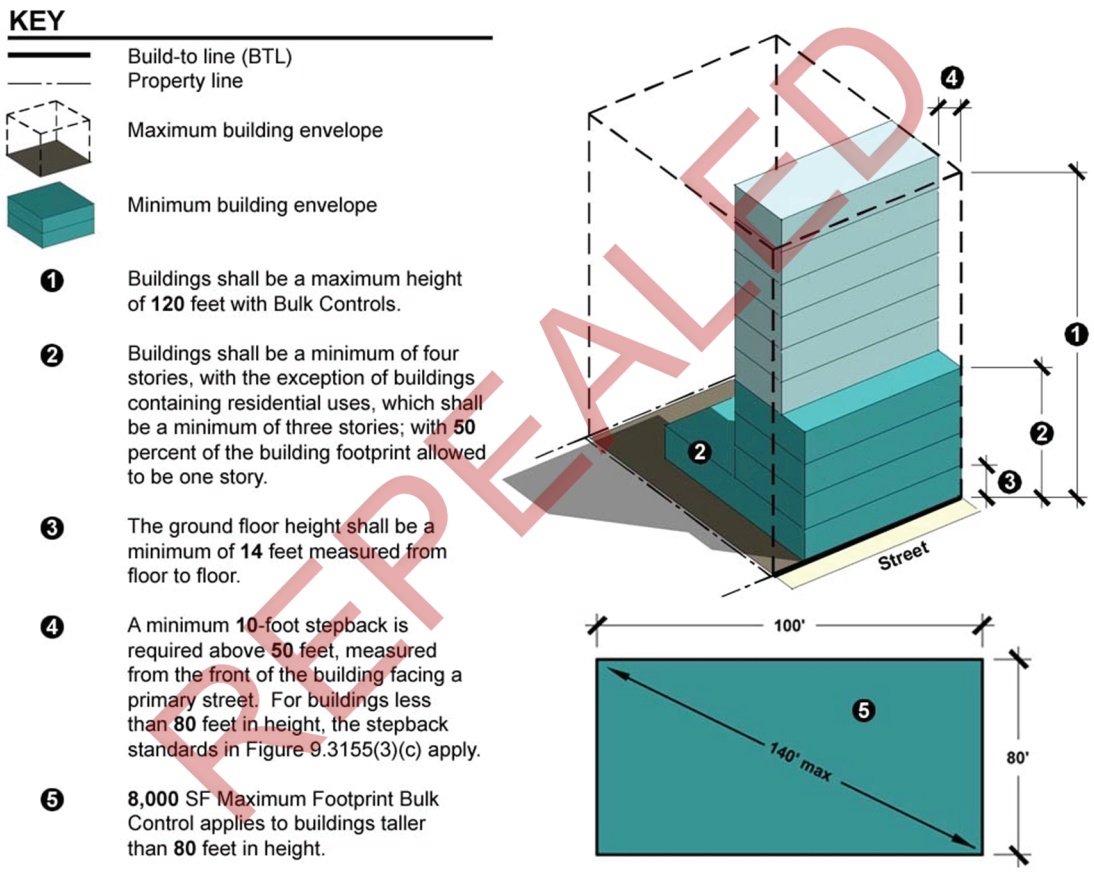


Figure 9.3155(3)(b) S-DR Zone Height Standard "B".



- Figure 9.3155(3)(d) S-DR Zone Height Standard "D" is repealed and replaced with Figure 9.3155(3)(c) S-DR Zone Height Standard "C" as follows:

~~**Figure 9.3155(3)(d) S-DR Zone Height Standard "D".**~~



REPEALED

Figure 9.3155(3)(c) S-DR Zone Height Standard "C".

KEY

Build-to line (BTL)

Property Line

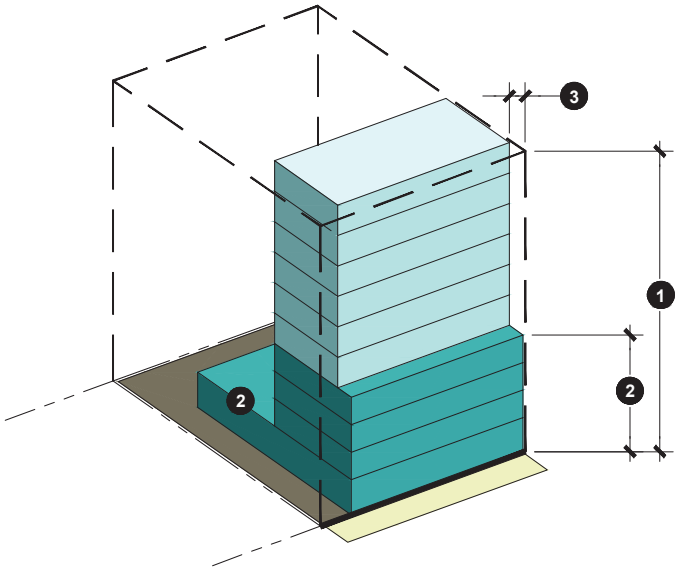
Maximum building envelope.

Minimum building envelope.

1 Buildings shall be a maximum height of **120** feet

2 Buildings with no residential uses shall be a minimum of four stories; buildings that include any residential use shall be a minimum of three stories. **50** percent of the building footprint is allowed to be one story.

3 A minimum **5**-foot stepback measured from the front of the building is required above **60** feet for buildings less than **80** feet in height. A minimum **10**-foot stepback is required above **60** feet for buildings more than **80** in height measured from the front of the building.



- Figure 9.3155(3)(e) S-DR Zone Height Standard “E” is repealed and replaced with Figure 9.3155(3)(d) S-DR Zone Height Standard “D” as follows:

~~**Figure 9.3155(3)(e) S-DR Zone Height Standard “E”.**~~

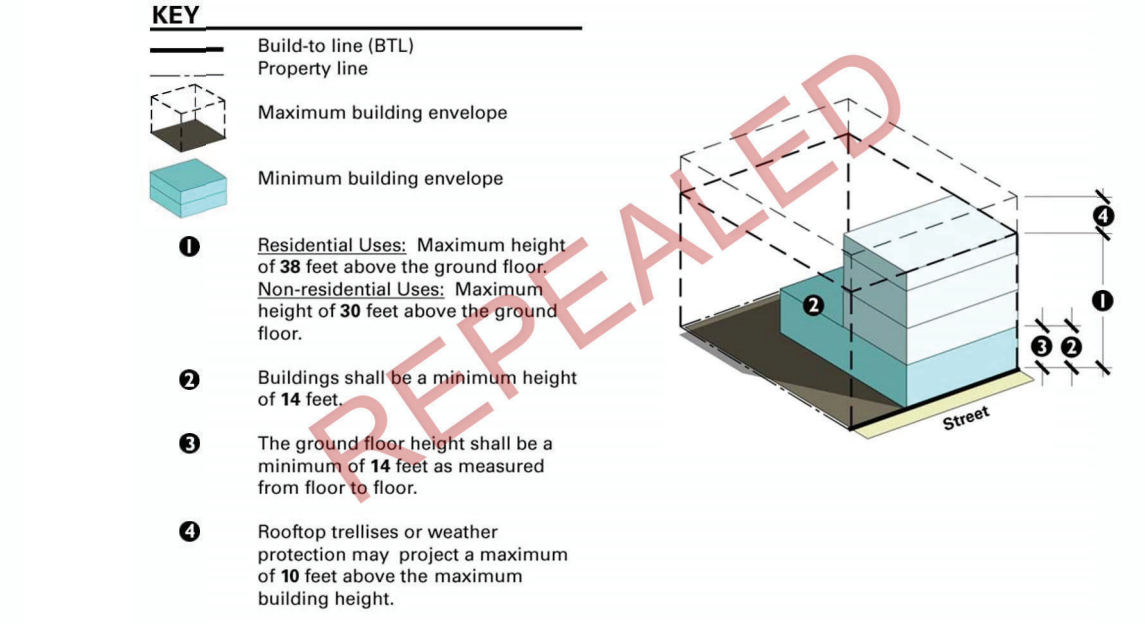
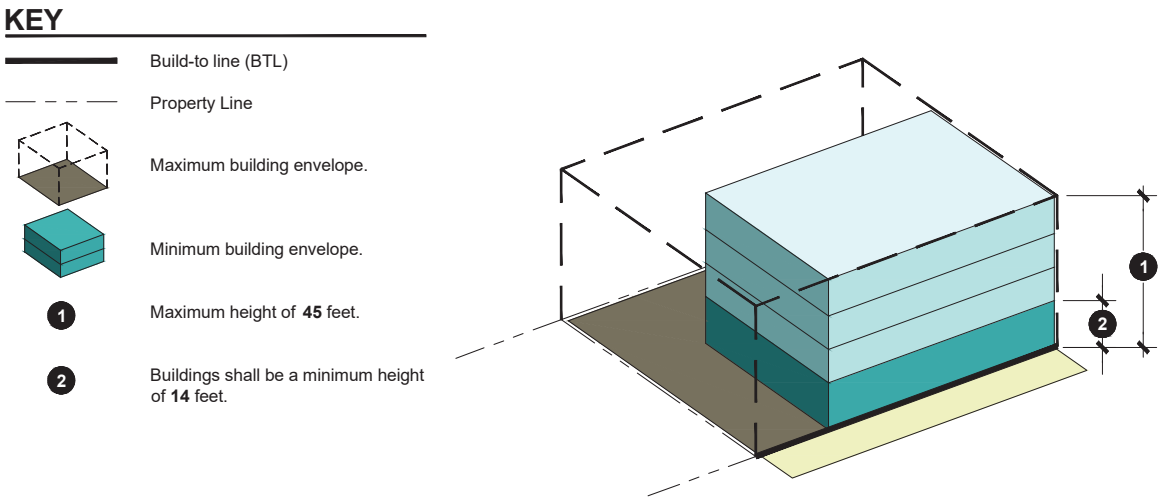
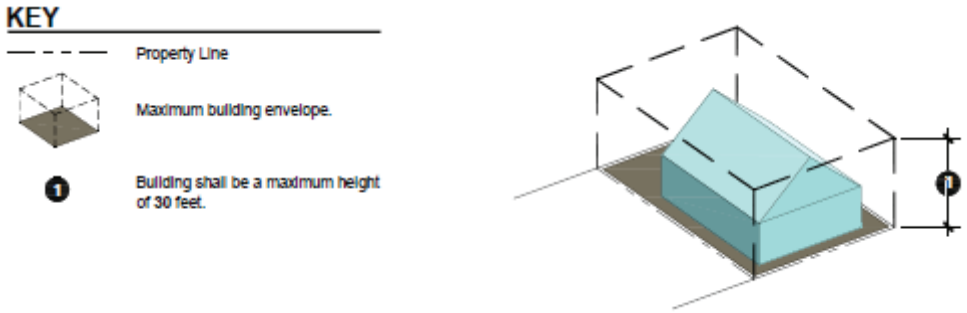


Figure 9.3155(3)(d) S-DR Zone Height Standard “D”.



- Figure 9.3155(3)(f) S-DR Zone Height Standard “F” is renamed: Figure 9.3155(3)(e) S-DR Zone Height Standard “E”, as follows:

~~**Figure 9.3155(3)(f) S-DR Zone Height Standard “F”.**~~
Figure 9.3155(3)(e) S-DR Zone Height Standard “E”



- Figure 9.3155(3)(g) S-DR Zone Height Standard "G" is repealed and replaced with Figure 9.3155(3)(f) S-DR Zone Height Standard "F" as follows:

~~**Figure 9.3155(3)(g) S-DR Zone Height Standard "G".**~~

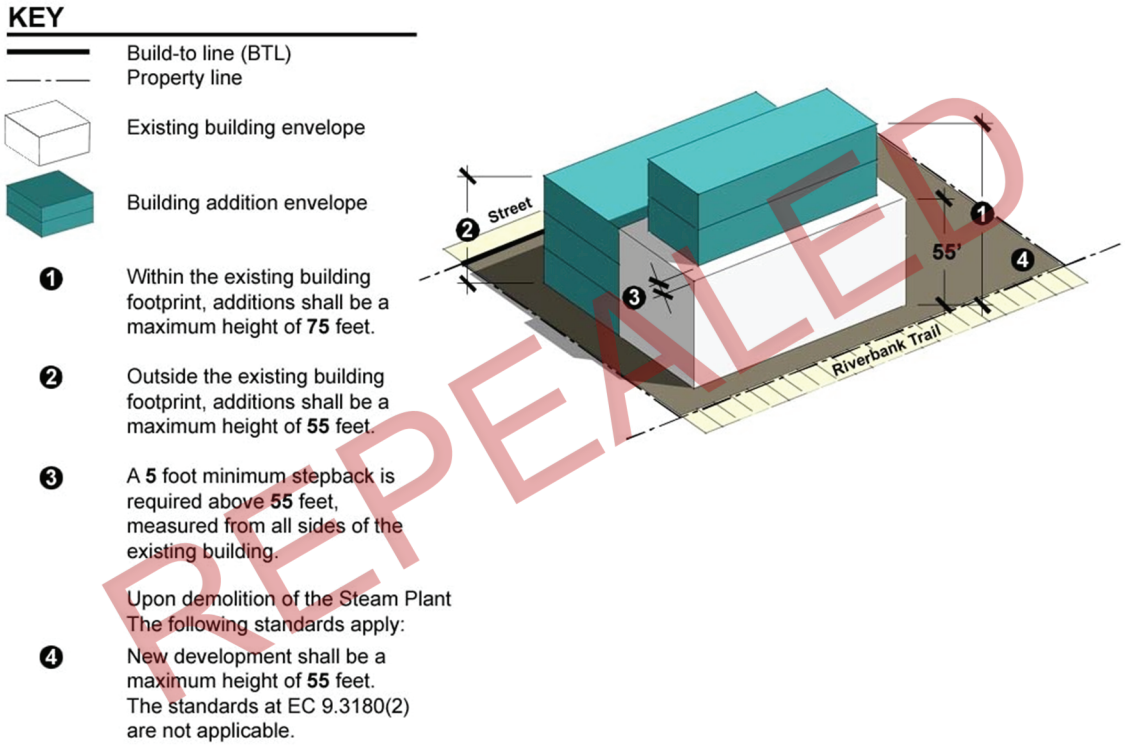
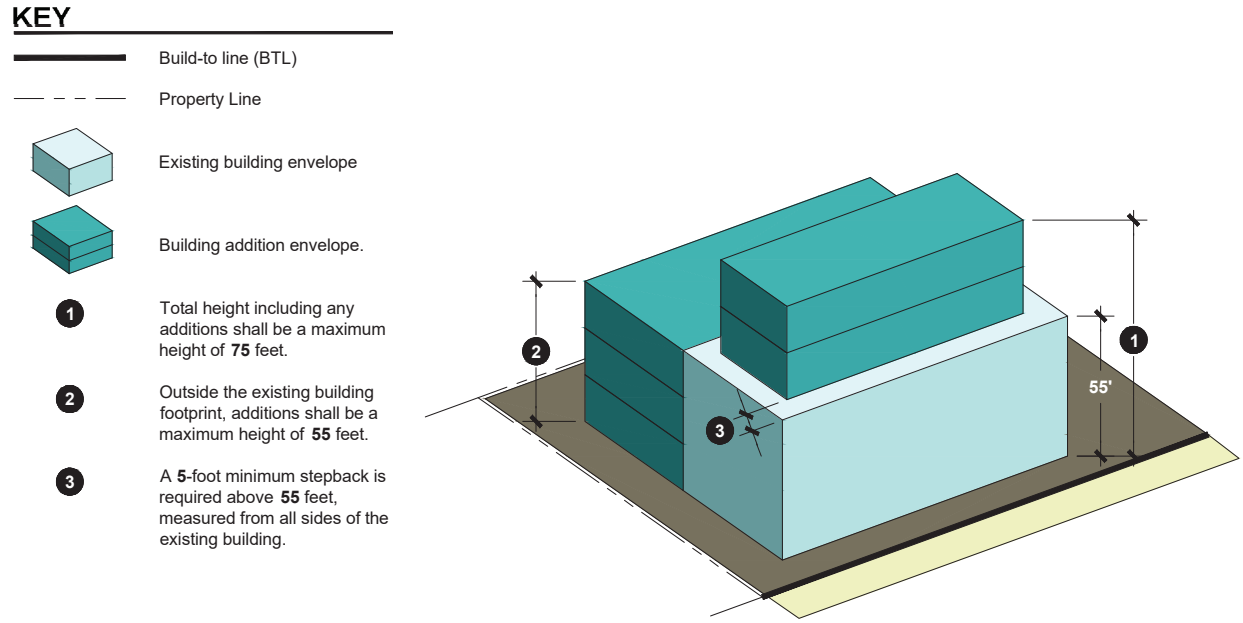
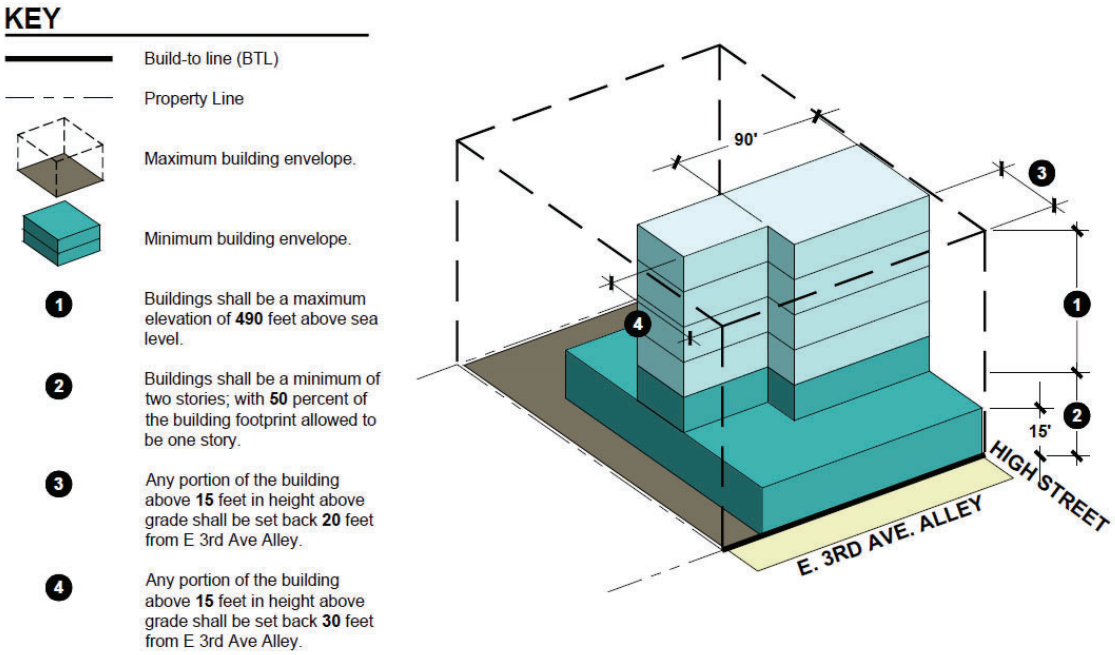


Figure 9.3155(3)(f) S-DR Zone Height Standard "F".



- A new Figure 9.3155(3)(g) S-DR Zone Height Standard "G" is adopted as follows:



- Section 9.3160 of the Eugene Code, 1971, is amended to provide as follows:

9.3160 <u>S-DR Downtown Riverfront Special Area Zone Transportation System Standards</u>.

(1) General Application of Standards. Transportation facilities shall be located and constructed to standards at EC 9.6505 and EC 9.6800 through 9.6875, unless otherwise specified herein. In the event of a conflict between standards, the specific standards at EC 9.3160 shall control.

(2) Transportation Network. The Street Connectivity Standards at EC 9.6815 do not apply in the S-DR Zone. The location of streets, alleys, ~~and~~ ***public*** accessways***, and multi-use paths*** shall be consistent with Figure ~~EC~~ 9.3160(~~1~~***4***) S-DR Zone Street Network. ~~The following requirements shall guide the location and design of streets within the S-DR Zone.~~

~~(a) The planned Great Street/Festival Street shall connect to High Street, in a location at least 100 feet north of the railroad tracks, and the planned at-grade railroad crossing at the extension of 8th Avenue to form a continuous great loop.~~

~~(b) The planned Mill Street shall be extended through the S-DR Zone to connect with the planned street adjacent to the Railroad line.~~

~~(c) The planned Secondary Street adjacent to the Railroad line shall connect to the planned extension of Mill Street and the planned street connection to the Festival Street, or extend itself to the Festival Street.~~

~~(d) A minimum of one street shall connect the planned street adjacent to the Railroad line with the Festival Street.~~

~~(e) Mid-block public alleys or accessways shall be provided, as conceptually shown on Figure 9.3160(1) S-DR Zone Street Network, for access to properties fronting streets or public open space.~~

(3) Street Classifications. Except for alleys and ***public*** accessways, all streets in Figure ~~EC~~ 9.3160(~~1~~***4***) S-DR Zone Street Network are classified as public local commercial-industrial streets.

(4) ~~Minimum Street Rights-of-Way and Street~~ Design Standards. The Street Width Standards at EC 9.6870 do not apply in the S-DR Zone. ***Street standards shall be determined using Figure 9.3160(4) S-DR Zone Street Network and the following:***

(a) Street right-of-way ~~must be the minimum~~ width ~~indicated in~~ ***shall be a minimum of 62 feet for Street Type 1; 57 feet for Street Type 2; 40 feet for Street Type 3; and 50 feet for Street Type 4 and Street Type 5. For examples, see*** Figures ~~EC~~ 9.3160(~~2~~***4***)(a) through (e).

(b) Street~~s shall be constructed as indicated in~~ ***travel lane width shall be a minimum of 10 feet for all Street Types and all Street Types shall contain a minimum of two travel lanes. See*** Figures ~~EC~~ 9.3160(~~2~~***4***)(a) through (e).

(c) ~~Streets shall include on-street parking as indicated in~~ ***Combined pedestrian area width, including planters and green infrastructure, in accordance with EC 9.3145(7)(d), shall be a minimum of 13 feet on both sides for Street Type 1; 9 feet on one side and 12 feet on the other side Street Type 2; 10 feet on both sides for Street Type 3; and 15 feet on both sides for Street Type 4 and Street Type 5. See*** Figures ~~EC~~ 9.3160(~~2~~***4***)(a) through (e).

~~(d) Stormwater runoff from streets shall be treated by curbside green infrastructure systems identified at EC 9.3145(7)(d).~~

~~(e) Curb extensions shall be provided at street intersections and mid-block crossings.~~

~~(f) Street trees shall be provided at a minimum spacing of 25 feet on center.~~

~~(g) Curb cuts other than required for alleys or accessways along the planned Great Street/Festival Street are prohibited unless the curb cut provides access to the Steam Plant.~~

~~**(5) Alleys**.~~

(d) Alleys shall have a minimum ***pavement*** width of ~~14~~ ***20*** feet and a maximum ***pavement*** width of ~~20~~ ***26*** feet.

~~**(6) Accessways**.~~

(e) ***Public*** ~~**A**~~***a***ccessways shall have a minimum ***pavement*** width of ~~10~~***12*** feet~~and a maximum width of 12 feet~~.

(f) Multi-use paths shall have a minimum pavement width of 10 feet and a maximum pavement width of 20 feet.

(~~7~~*5*) Design Review. As an alternative to compliance with (2)~~,~~ ***or*** (4)~~, (5), and (6)~~ above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

- Figure 9.3160(1) S-DR Zone Street Network is repealed and replaced with Figure 9.3160(4) S-DR Zone Street Network as follows:

~~**Figure 9.3160(1) S-DR Zone Street Network.**~~

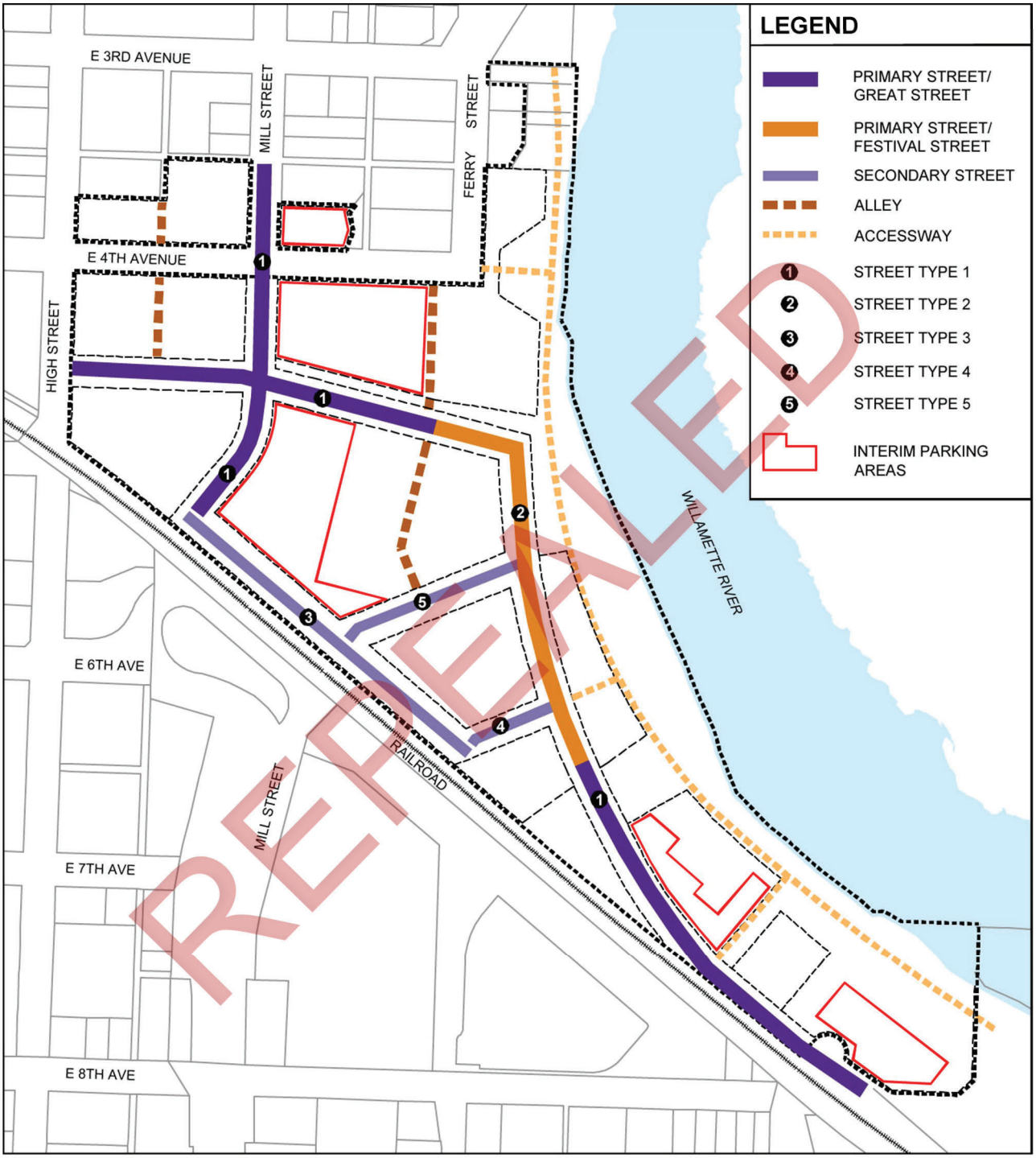
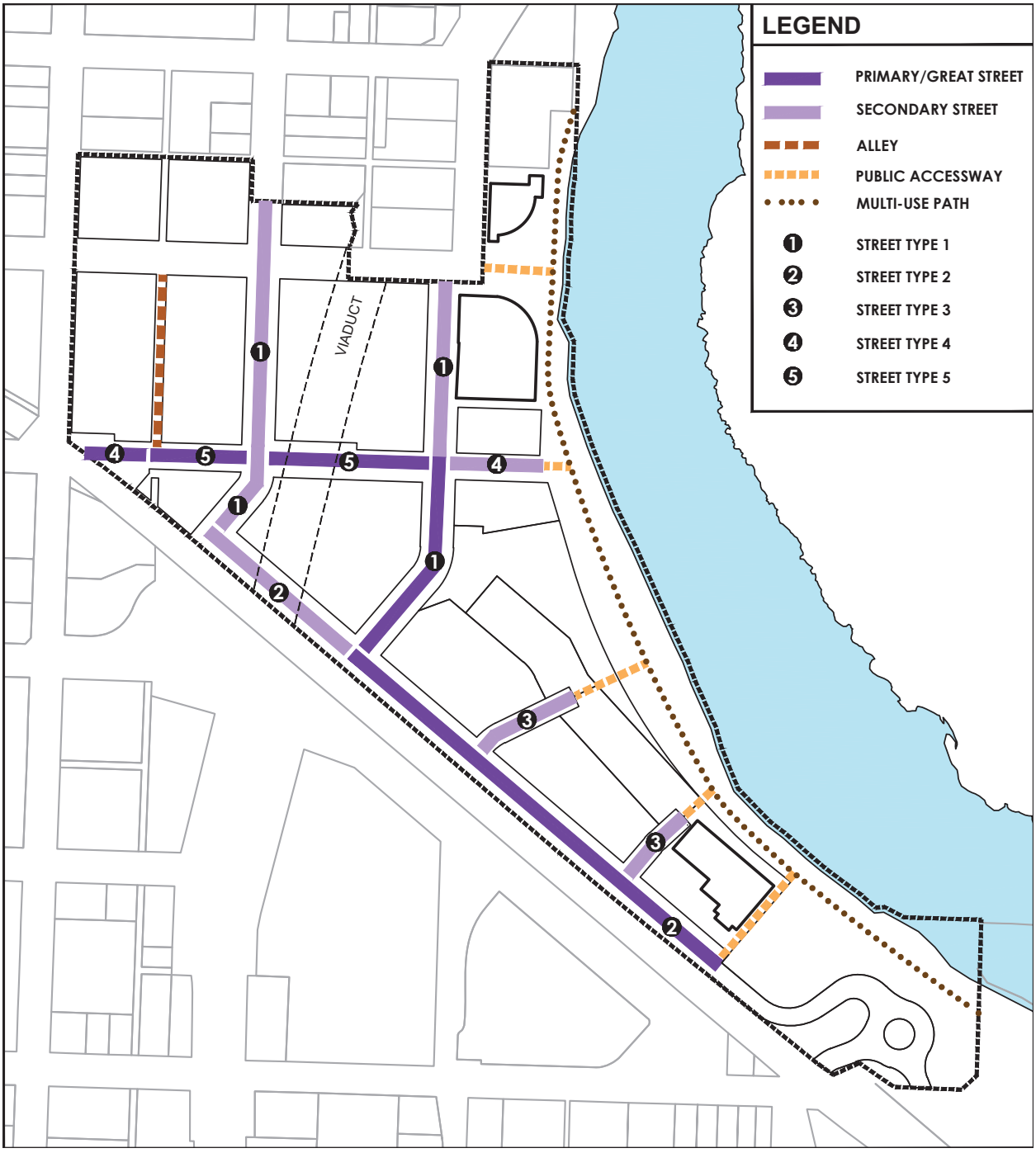
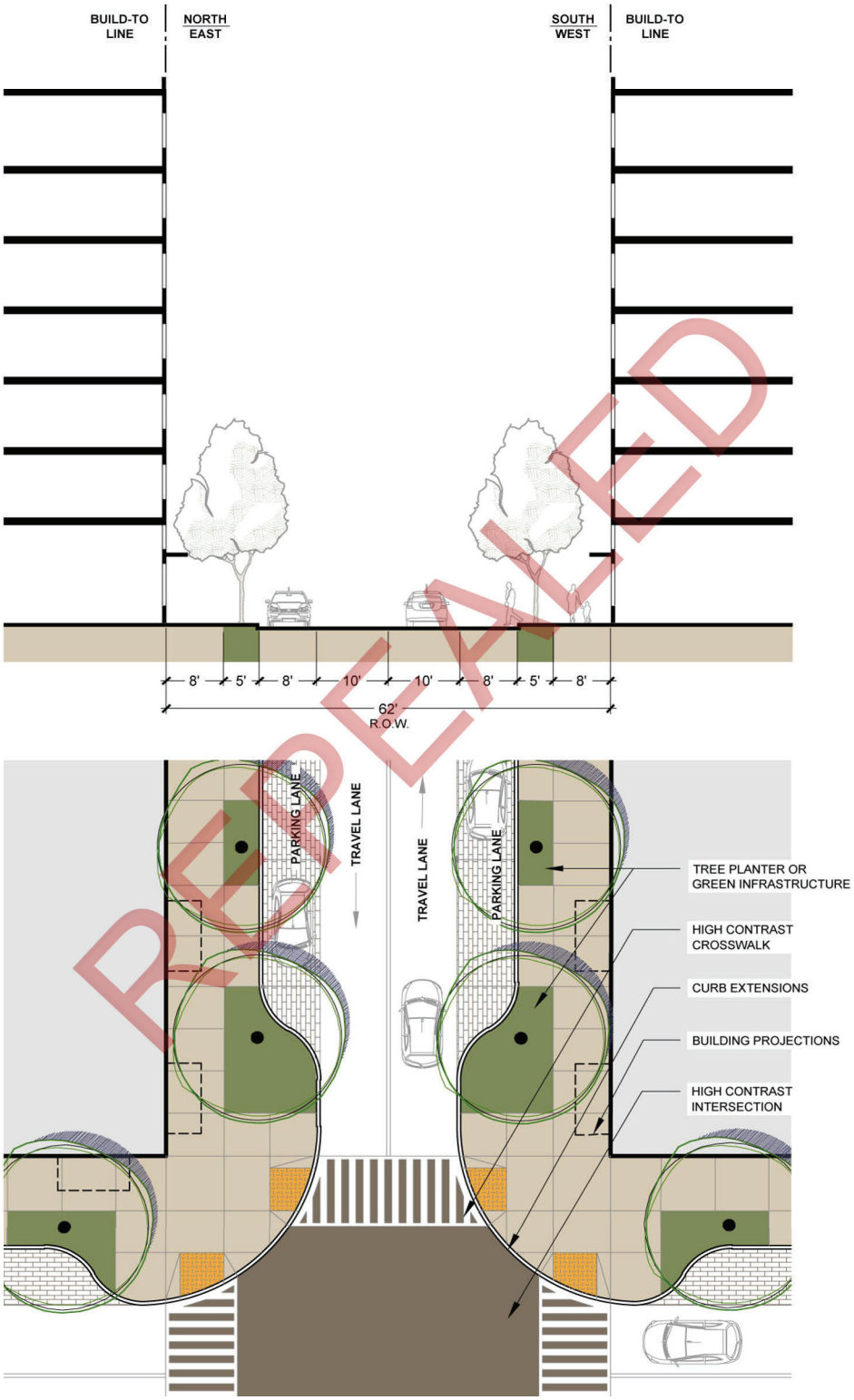


Figure 9.3160(4) S-DR Zone Street Network.



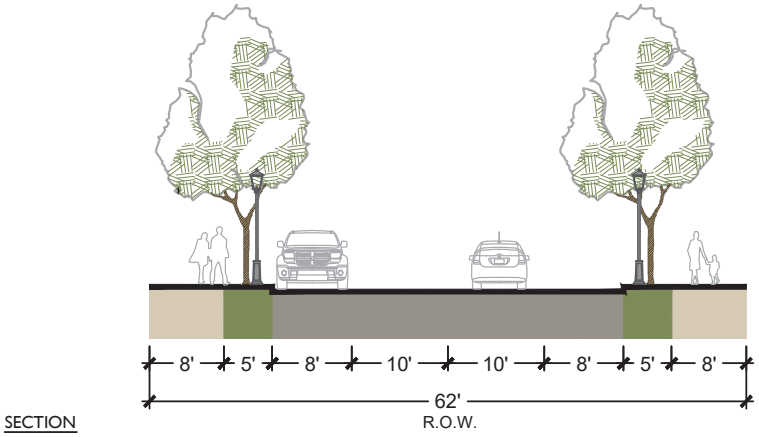
- Figures 9.3160(2)(a) S-DR Zone Street Type 1 is repealed and replaced with Figures 9.3160(4)(a) S-DR Zone Street Type 1 as follows:

~~**Figures 9.3160(2)(a) S-DR Zone Street Type 1.**~~

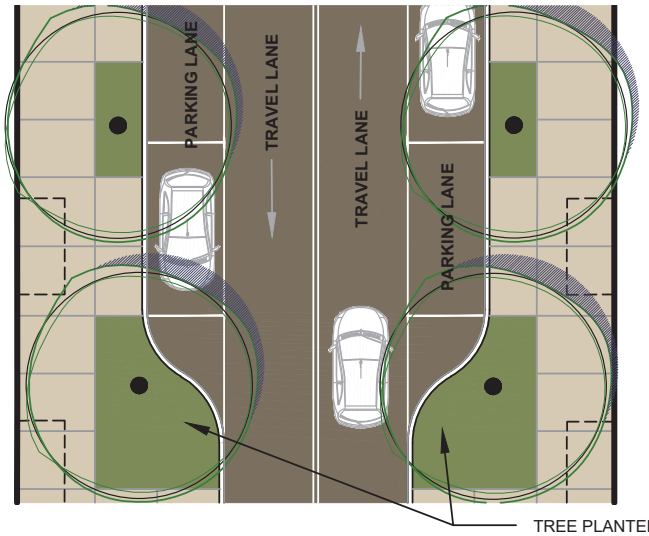


REPEALED

Figures 9.3160(4)(a) S-DR Zone Street Type 1.



SECTION

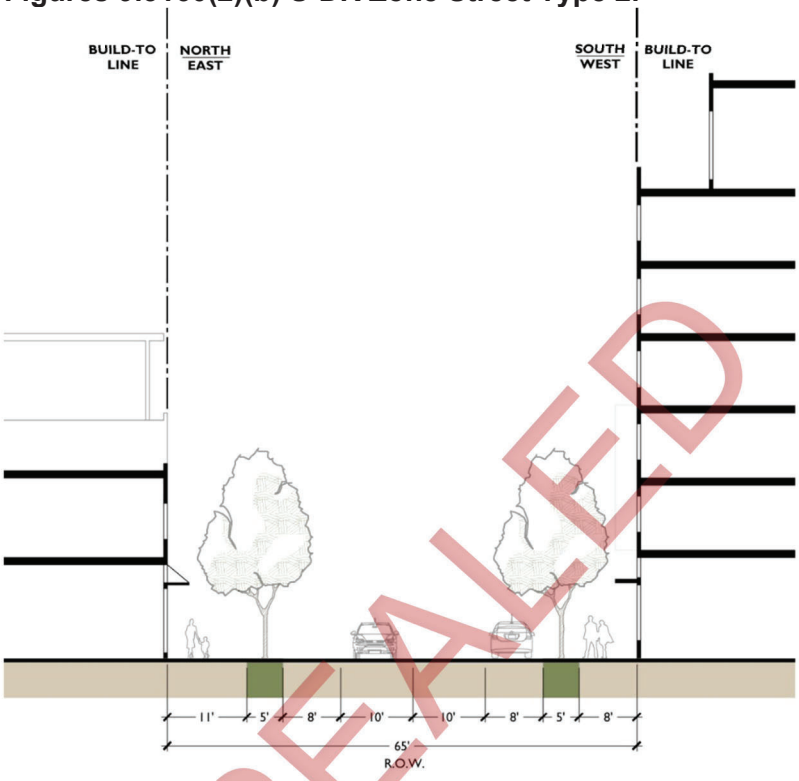


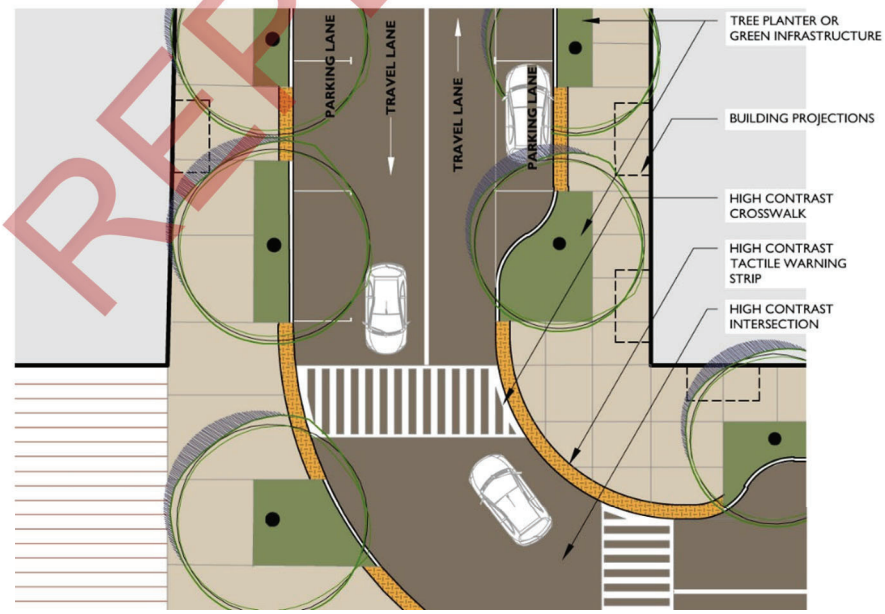
PLAN

Street section and plan diagrams are conceptual and for reference purposes only.

- Figures 9.3160(2)(b) S-DR Zone Street Type 2 is repealed and replaced with Figures 9.3160(4)(b) S-DR Zone Street Type 2 as follows:

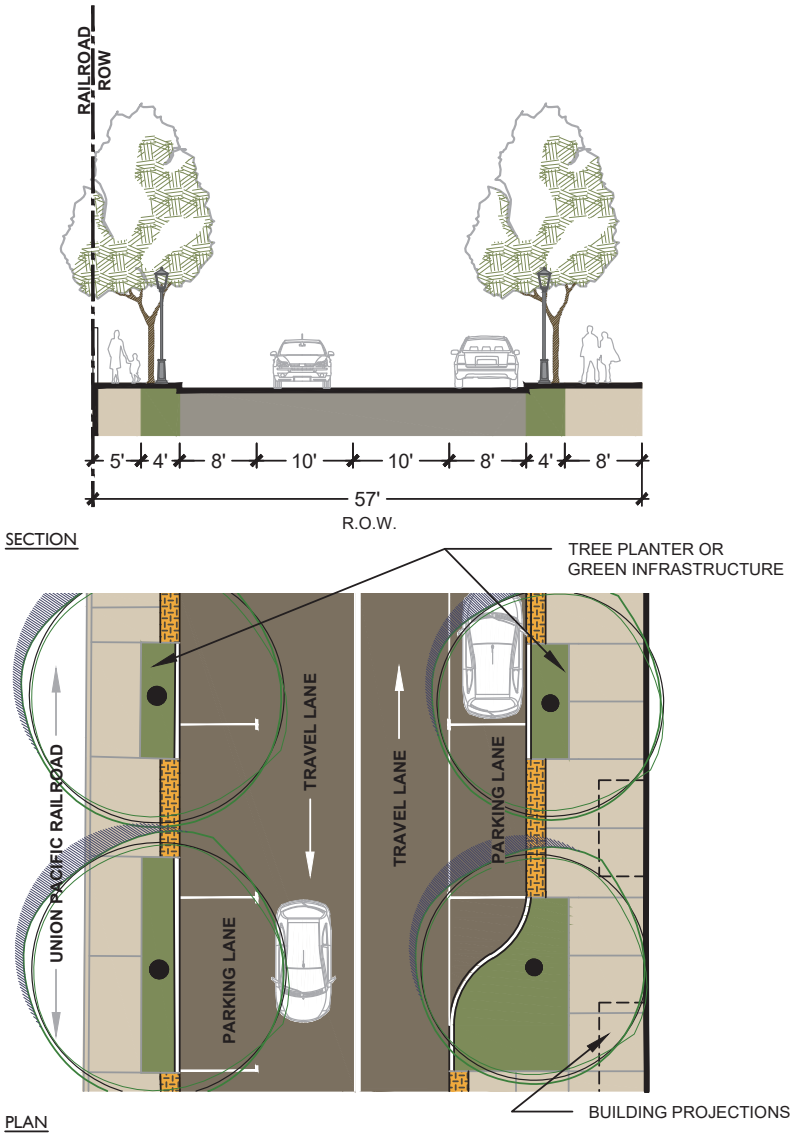
~~**Figures 9.3160(2)(b) S-DR Zone Street Type 2.**~~





REPEALED

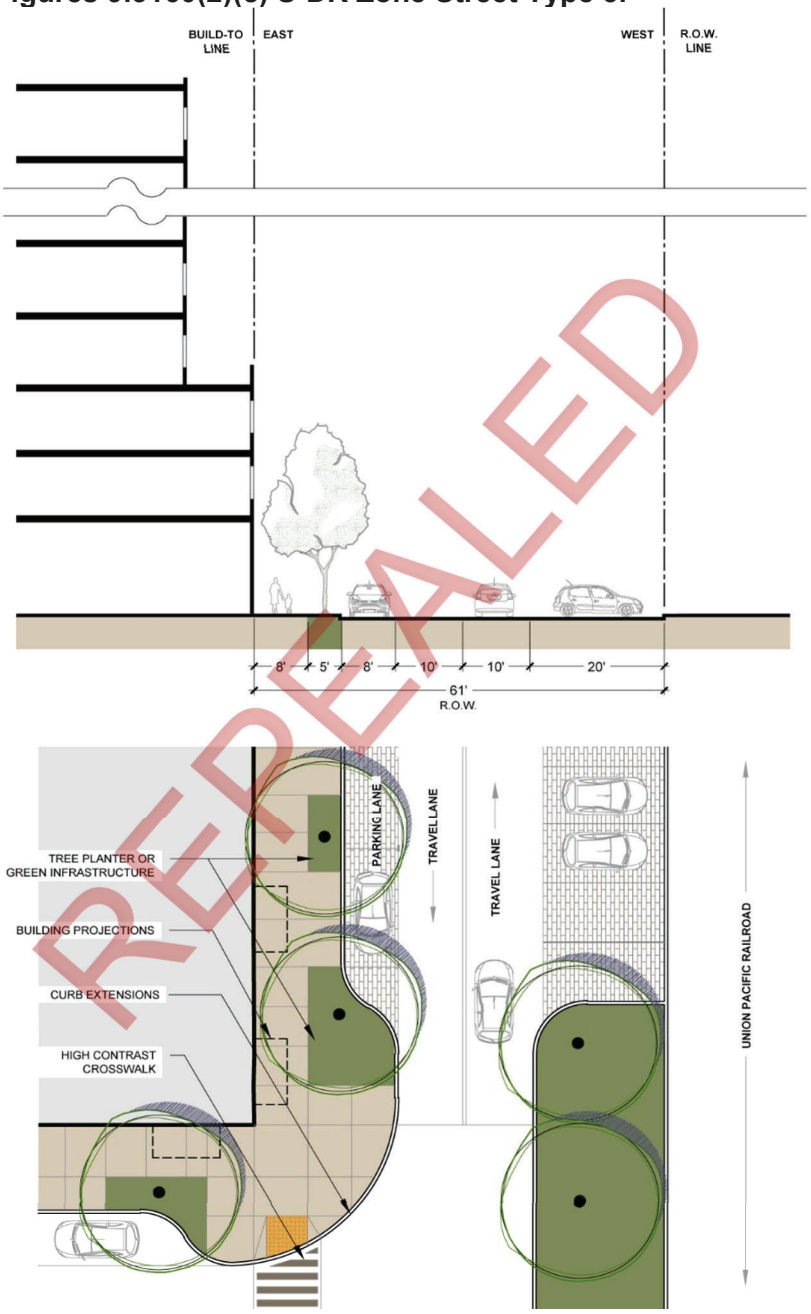
Figures 9.3160(4)(b) S-DR Zone Street Type 2.



Street section and plan diagrams are conceptual and for reference purposes only.

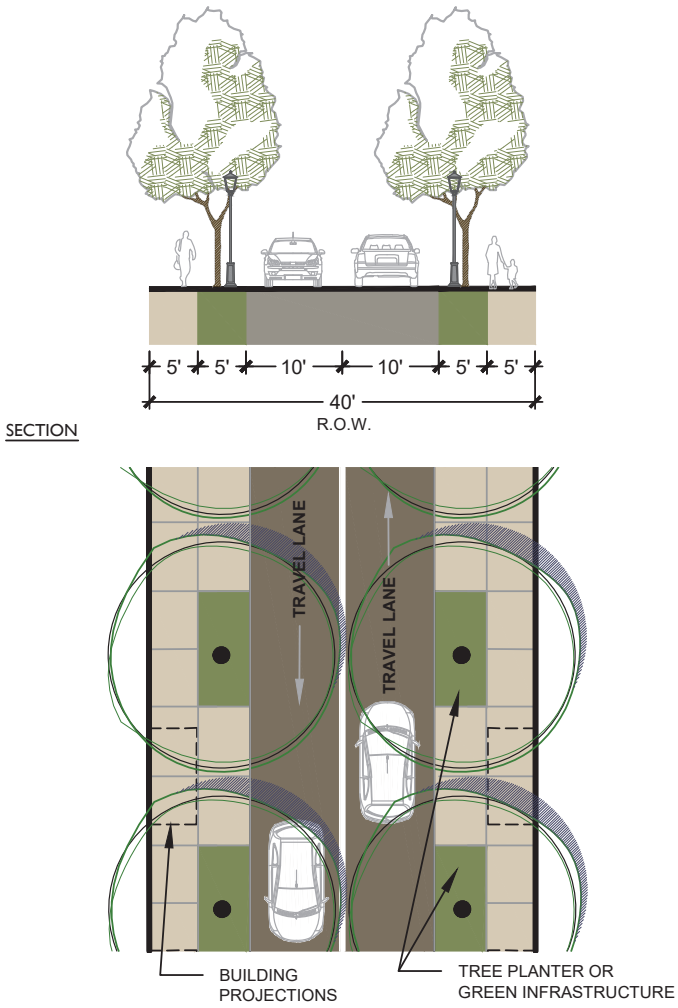
- Figures 9.3160(2)(c) S-DR Zone Street Type 3 are repealed and replaced with Figures 9.3160(4)(c) S-DR Zone Street Type 3 as follows:

~~Figures 9.3160(2)(c) S-DR Zone Street Type 3.~~



REPEALED

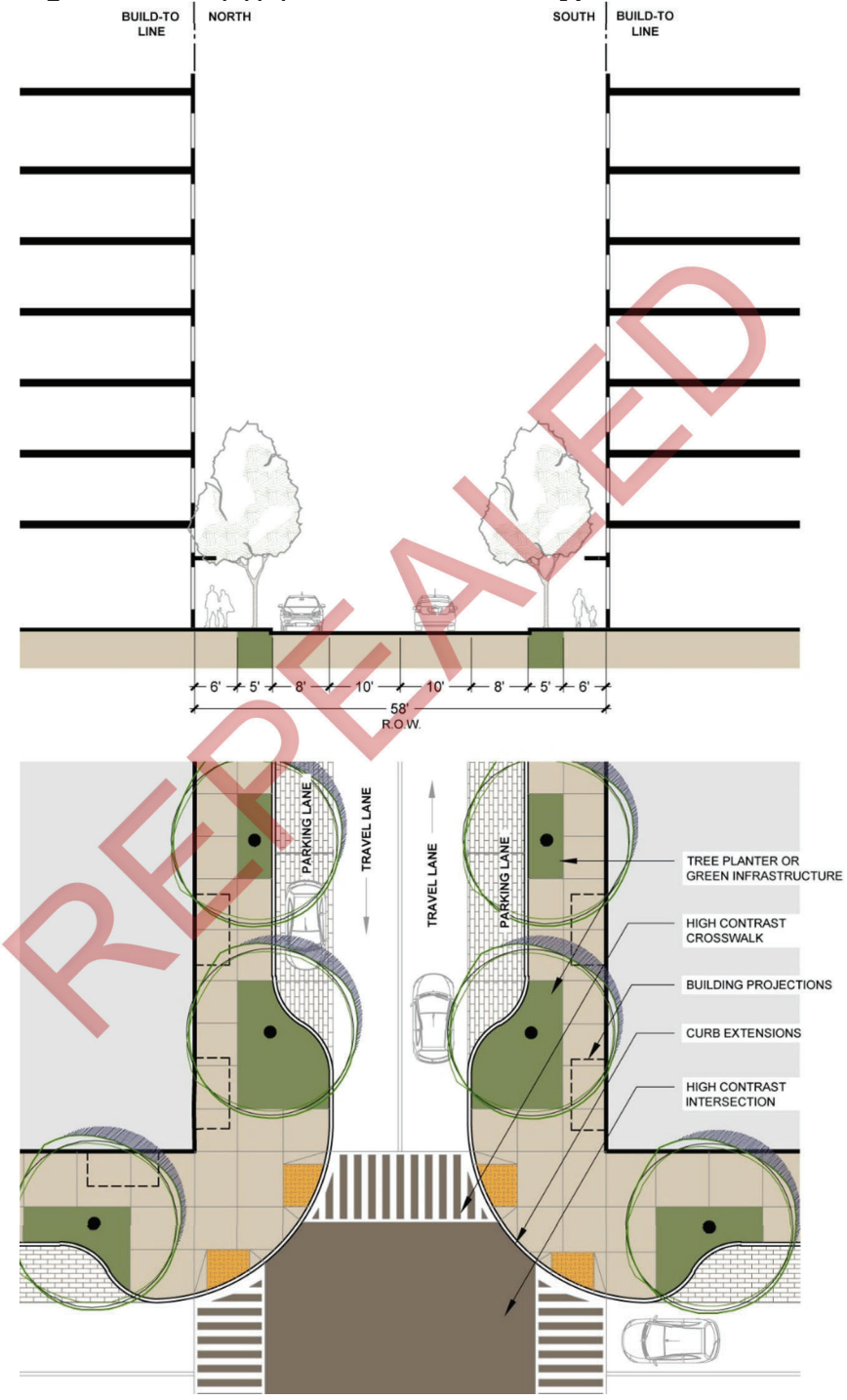
Figures 9.3160(4)(c) S-DR Zone Street Type 3.



Street section and plan diagrams are conceptual and for reference purposes only.

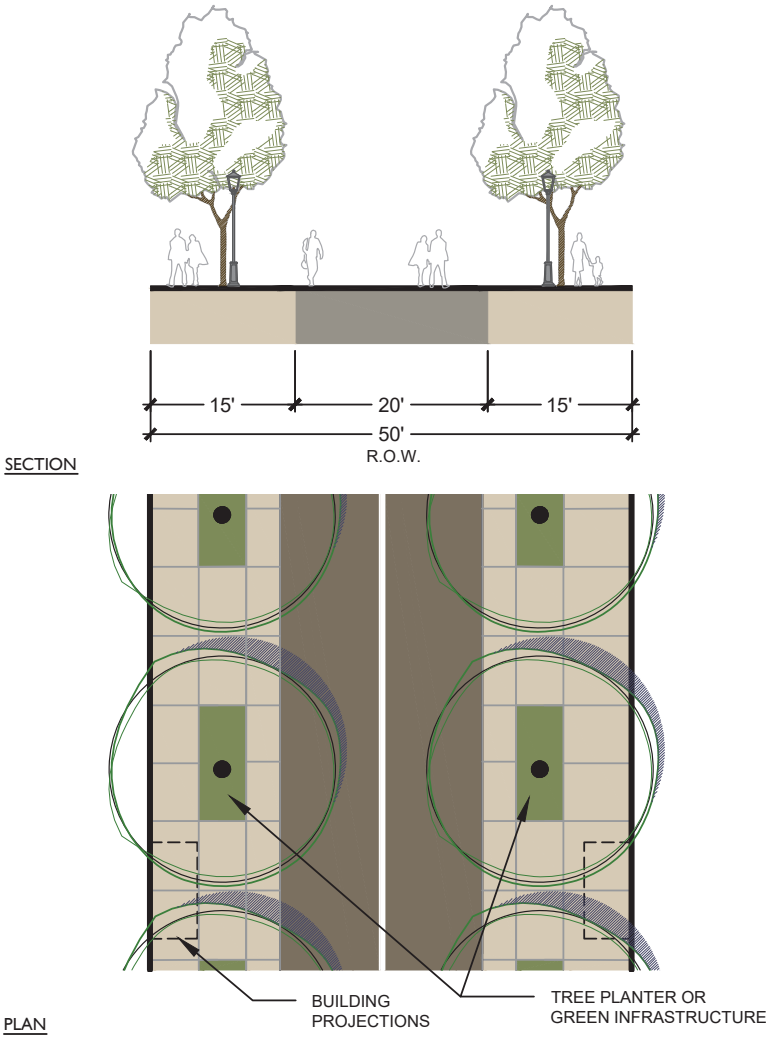
- Figures 9.3160(2)(d) S-DR Zone Street Type 4 are repealed and replaced with Figures 9.3160(4)(d) S-DR Zone Street Type 4 as follows:

~~**Figures 9.3160(2)(d) S-DR Zone Street Type 4.**~~



REPEALED

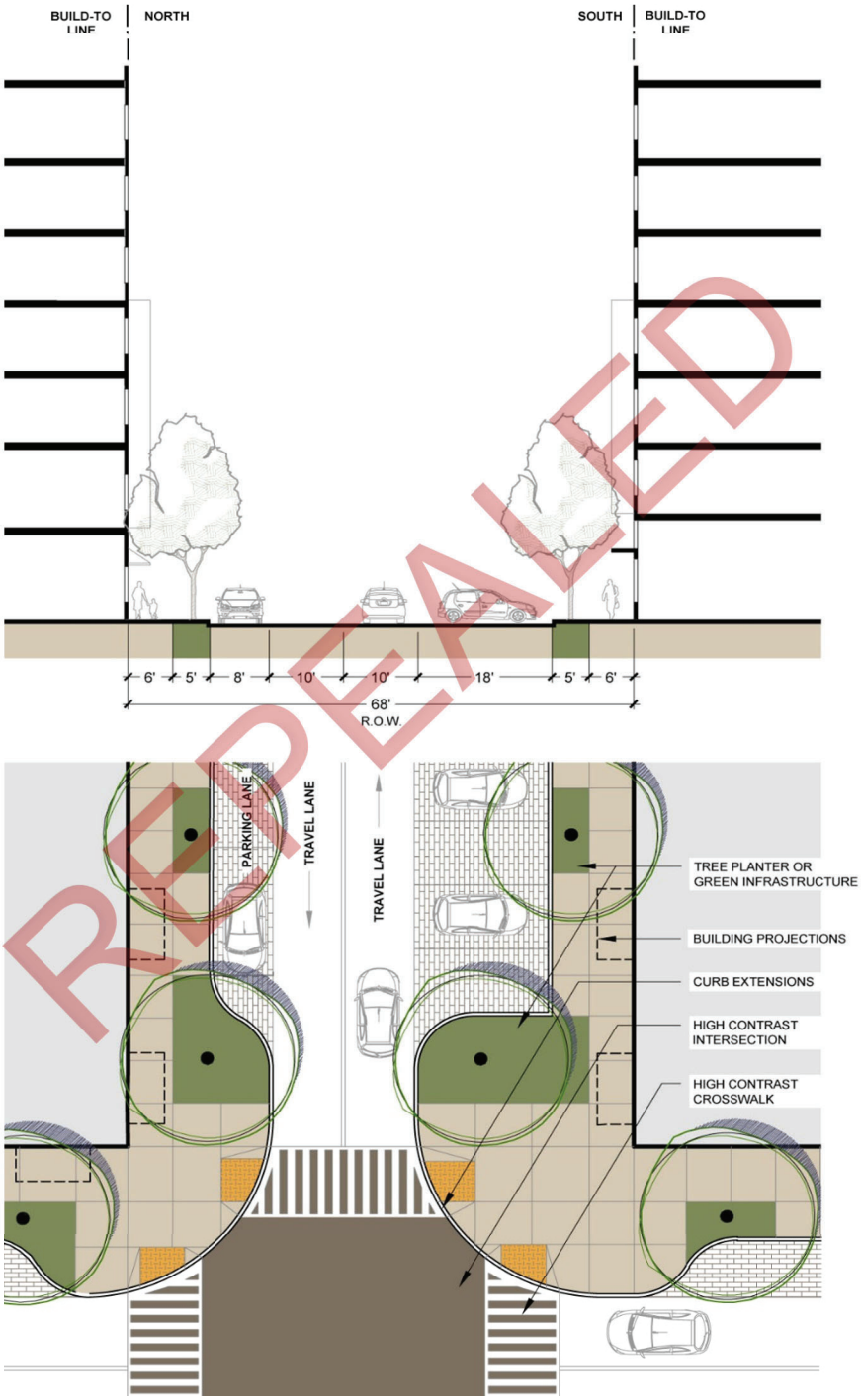
Figures 9.3160(4)(d) S-DR Zone Street Type 4.



Street section and plan diagrams are conceptual and for reference purposes only.

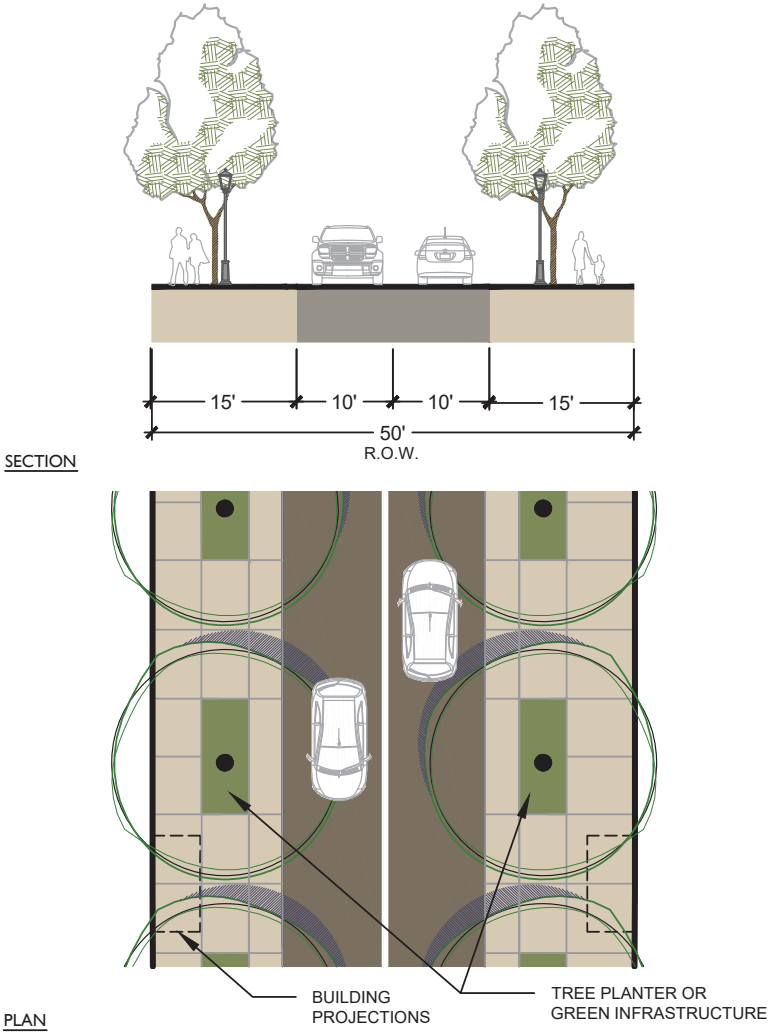
- Figures 9.3160(2)(e) S-DR Zone Street Type 5. are repealed and replaced with Figures 9.3160(4)(e) S-DR Zone Street Type 5 as follows:

~~**Figures 9.3160(2)(e) S-DR Zone Street Type 5.**~~



REPEALED

Figures 9.3160(4)(e) S-DR Zone Street Type 5.



Street section and plan diagrams are conceptual and for reference purposes only.

- Section 9.3165 of the Eugene Code, 1971, is amended to provide as follows:

9.3165 S-DR Downtown Riverfront Special Area Zone Parking Requirements.

(1) Required Off-Street Motor Vehicle Parking. Within the S-DR Zone, the minimum and maximum parking standards in Table EC 9.3165(1) apply instead of the standards in Table EC 9.6410.

Table 9.3165(1) S-DR Motor Vehicle Parking Requirements		
Use	**Minimum Number of Off-Street Parking Spaces**	**Maximum Number of Off-Street Parking Spaces**
Residential	Except as permitted through ~~Design~~***Adjustment*** Review pursuant to ~~EC 9.3190~~ ***EC 9.8030(10)(a)***, the minimum number of required parking spaces shall be 0.75 parking spaces per dwelling unit ***or 0.50 parking spaces per dwelling unit for housing that is limited to occupancy by low income persons as defined at EC 2.910***.	Except for required parking spaces for persons with disabilities, a maximum of 2.25 parking spaces are allowed per dwelling unit.
Non-Residential	No minimum	Except for required parking for persons with disabilities, and spaces within structured parking with two or more levels, the maximum number of parking spaces is 1 parking space per every 250 square feet of gross floor area.

(a) Location of Required Off-Street Parking. Required off-street parking shall be located on the development site, anywhere within the S-DR Zone boundary, or within ¼ mile (or 1,320 feet) of the S-DR Zone boundary ***as measured along the route of the shortest existing public way or private street***, in accordance with EC 9.6410(1)(a).

(b) Location of On-Site Surface Parking. ~~On-site surface parking must be located at the rear of the building or, in the absence of alley access or a shared private alley, to the side of the building.~~

~~(c) Maximum Number of On-Site Surface Parking Spaces.~~ New on-site surface parking ~~areas are limited to 6 spaces total~~ ***shall be accessory to a primary use on the same development site and may be located only on:***

1. ***Parcels with frontage on the street adjacent to the existing railroad corridor;***
2. ***Parcels that take access from an alley;***
3. ***Parcels where the on-site parking is located behind the building or, if there is no alley access, to the side of the building.***

On-site surface parking does not include underground, structured, courtyard, tuck-under, and podium parking. On-street parking spaces within the public right-of-way and on-site parking spaces for persons with disabilities ~~shall not be counted~~ ***towards are exempt from this requirement. The provisions at EC 9.6420(1), (3), (5), and (6) do not apply to vertically stacked parking facilities in the S-DR Zone. Each vertically stacked parking space counts toward the minimum off-street parking requirement in EC 9.3165(1).*** ~~Underground, structured, courtyard, and podium parking areas are exempt from this requirement.~~

(~~d~~***c***) Siting and Design. The provisions at EC 9.6415(2); EC 9.6420(1), (2), (3)(a), (3)(b), (3)(e), (4), (5), and (6), apply to the siting and design of parking and loading facilities in the S-DR Zone.

(~~e~~***d***) Parking Access. Parking access ~~shall be from an alley. In the absence of an existing or proposed alley, access may be from a secondary street. In the absence of an alley or secondary street, access may be from the front or side of the property. Access~~ must be consistent with the below requirements.

1. Driveways and access connections shall be no more than 20 feet wide.
2. No more than ~~one~~ ***two*** access connection***s*** per tax lot ~~per street~~ ~~***frontage***~~ ***for lots less than 60,000 square feet in size and no more than three access connections per tax lot for lots more than 60,000 square feet in size*** shall be allowed***,*** except as provided at EC 7.410.
3. Driveways and access connections are not permitted within 50 feet of any intersection of two or more streets, as measured from the nearest property corner abutting the intersection.

(~~f~~***e***) Parking Area Landscaping. ***Except as provided in (2) below,*** ~~T~~***t***he parking area landscaping standards at EC 9.6205 and EC 9.6420(3) apply to off-street parking areas in the S-DR Zone, except the parking area standards at EC 9.6420(3)(c), which are not applicable in the S-DR Zone. All surface parking areas shall have a landscaped bed around the perimeter measuring 5 feet in width and landscaped to a minimum of the L-2 standard.

(2) ~~Interim~~ *Temporary* Parking. ~~Uses permitted in the S-DR Zone in accordance with EC 9.3145 may use interim parking areas shown on Figure EC 9.3160(1) S-DR Zone Street Network. Interim parking areas are exempt from the requirements at EC 9.6420(3) through (4) and EC 9.6791 through EC 9.6797 until a new use is permitted within the subject area.~~ ***Temporary parking areas are exempt from the requirements at EC 9.6420(3) through (4) and EC 9.6791 through EC 9.6797.***

(a) Temporary parking areas associated with construction anywhere in the S-DR Zone may be used for no longer than 18 months.

(b) Temporary parking areas may be established and operated by the City for a period no longer than 5 years provided the area is improved with a durable and dust-free surface.

(3) Bicycle Parking. The minimum and maximum parking standards in Table EC 9.3165(3) apply instead of the standards in Table 9.6105(5***). A maximum of two in-unit bicycle parking spaces per individual dwelling unit can be used to meet the minimum long-term requirement.***

Table 9.3165(3) S-DR Bicycle Parking Requirements			
Use	**Minimum Number of Bicycle Parking Spaces**	**Maximum Number of Bicycle Parking Spaces**	**Type and % of Bicycle Parking**
Residential	1.5 per dwelling.	No maximum.	~~10~~***90***% long term ~~90~~***10***% short term
Non-Residential	1 per 2,000 square feet of floor area.	No maximum.	25% long term 75% short term

(4) Adjustment Review. As an alternative to the number of bicycle parking spaces that are required under (3) above or the number of off-street parking spaces that are required under (1) above, an applicant may apply for approval of an adjustment through the Adjustment Review process based on the criteria at EC 9.8030(9) or EC 9.8030(10)(a).

- Section 9.3170 of the Eugene Code, 1971, is amended to provide as follows:

9.3170 <u>S-DR Downtown Riverfront Special Area Zone Landscape Requirements</u>.

(1) Developments must conform to landscaping requirements at EC 9.6205 through 9.6255, except as provided at subsection (2) below.

(2) Enhanced pedestrian amenities and urban plazas (as defined at EC 9.0500) may be provided in lieu of landscaping~~, except that shade trees are still required at the ratio of one tree for every 250 square feet of urban plaza area~~.

- Section 9.3175 of the Eugene Code, 1971, is amended to provide as follows:

9.3175 <u>S-DR Downtown Riverfront Special Area Zone Open Space Requirements</u>.

~~**(1)** Multi-family development sites shall include a minimum of 400 square feet of common open space with no minimum dimension of the open space less than 15 feet.~~

(~~2~~*1*) Either 10 percent of the development site or 10 percent of the livable floor area, whichever is greater, shall be provided as open space on the development site.

(~~3~~*2*) Up to 50 percent of the required open space under subsection~~s~~ (1) ~~and (2)~~ above may be provided on the development site through the provision of private open space, such as balconies, porches, patios, and eco-roofs.

- Section 9.3180 of the Eugene Code, 1971, is amended to provide as follows:

9.3180 S-DR/MU Downtown Riverfront Special Area Zone Mixed Use Subdistrict Specific Development Standards.

(1) Applicability. The standards in this section apply to areas shown on Figure 9.3135 S-DR Zone Regulating Plan as S-DR/MU, S-DR/MU/1, and S-DR/MU/2, except as provided in EC 9.3181 and EC 9.3182.

(2) Specific Development Standards.

(a) Build-to Lines and Setbacks.

1. Buildings shall face the street and the first two stories shall not be set back from the front property line, except for the following:
   a. For buildings that include only residential uses, the entire building shall be set back from the front property line ~~a minimum of 3 feet and~~ a maximum of 8 feet, as shown in Figure ~~EC~~ 9.3180 Note ~~2~~***3***.
   b. For all other uses, up to 50 percent of the building may be set back from the front property line a maximum of 15 feet, as shown in Figure ~~EC~~ 9.3180 Note ~~3~~***2***.
   c. The setback area must be an enhanced pedestrian amenity or urban plaza as defined at EC 9.0500.
   d. Recessed entries are excluded from the build-to line and setback requirements.
2. Buildings shall be provided along a minimum of 60 percent of the length of the street facing property line, as shown in Figure ~~EC~~ 9.3180 Note 1.
3. ~~Buildings that are chamfered at the corner may be set back from the property line where the chamfer occurs. The maximum width of a chamfered building corner is 20 feet, as shown in Figure EC 9.3180 Note 3.~~

(b) Building Transparency.

1. Windows, openings, or doorways are required along all street facing ground floor walls at a minimum of 25 percent of the area of applicable ground floor walls.
2. A blank length of wall more than 20 linear feet is prohibited along any street facing facade, unless required for elevator shafts or utility facilities.
3. Windows or openings required at subsection 1. above must allow two-way visibility and shall have a Visible Light Transmittance (VLT) of 60 percent. ~~25~~ ***Twenty-five*** percent of the windows required at subsection 1. above shall have a VLT of 70 percent or greater.
4. Structured parking is exempt from the window requirement~~,~~ but shall provide openings at the percentages specified at subsection 1. above.
5. Dwelling units on the ground floor are exempt from the requirements at subsections 1. and 3. above.

(c) Building Ground Floor Height. For all uses other than residential, the ground floor height shall be a minimum of 14 feet measured from floor to floor.

(~~c~~***d***) Landscape Specifications.

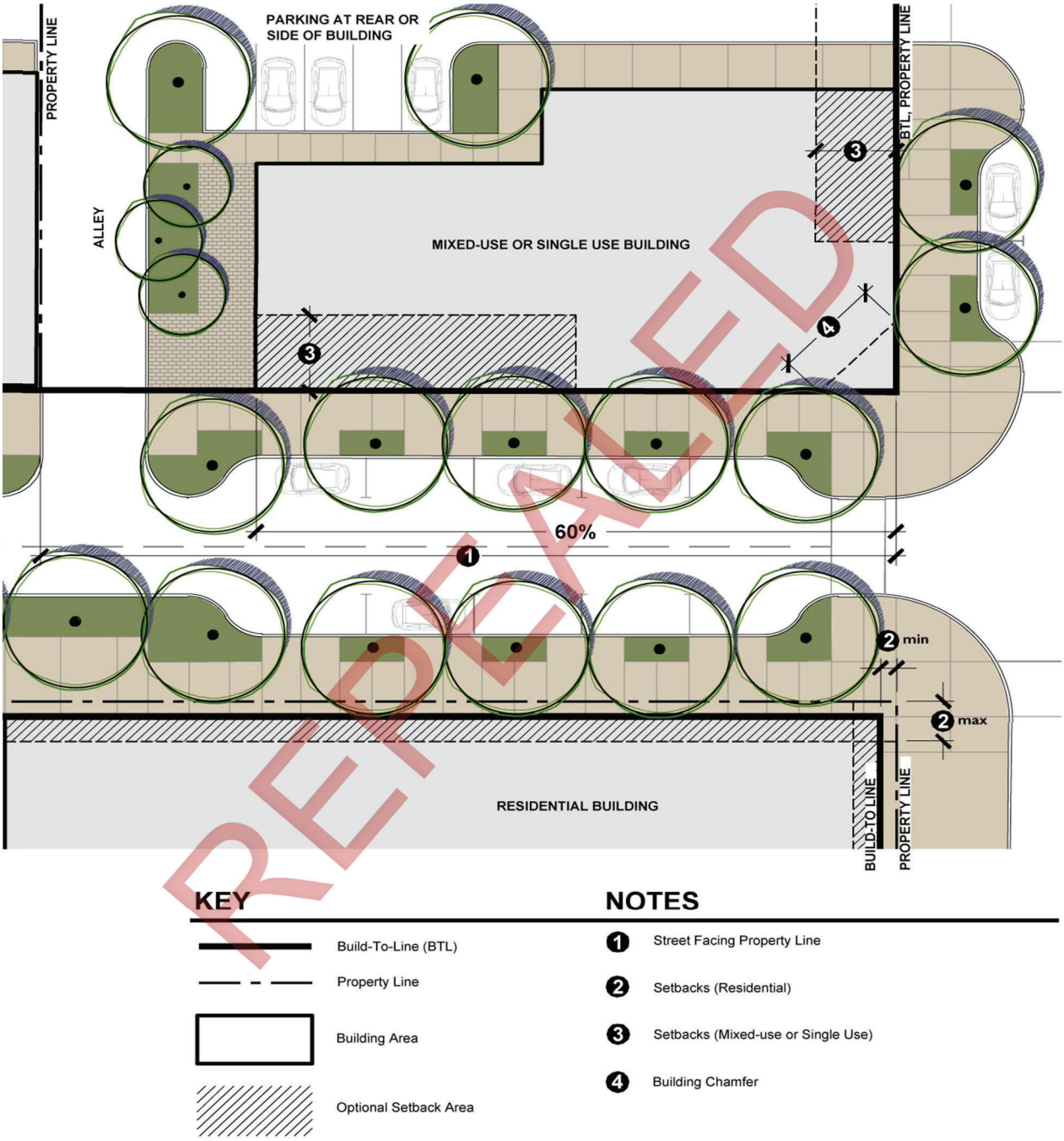
1. 10 percent of the total area of all development sites shall be landscaped.

2. Landscape installations shall include living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.

(3) Design Review. As an alternative to compliance with (2)(a) through (~~c~~***d***) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

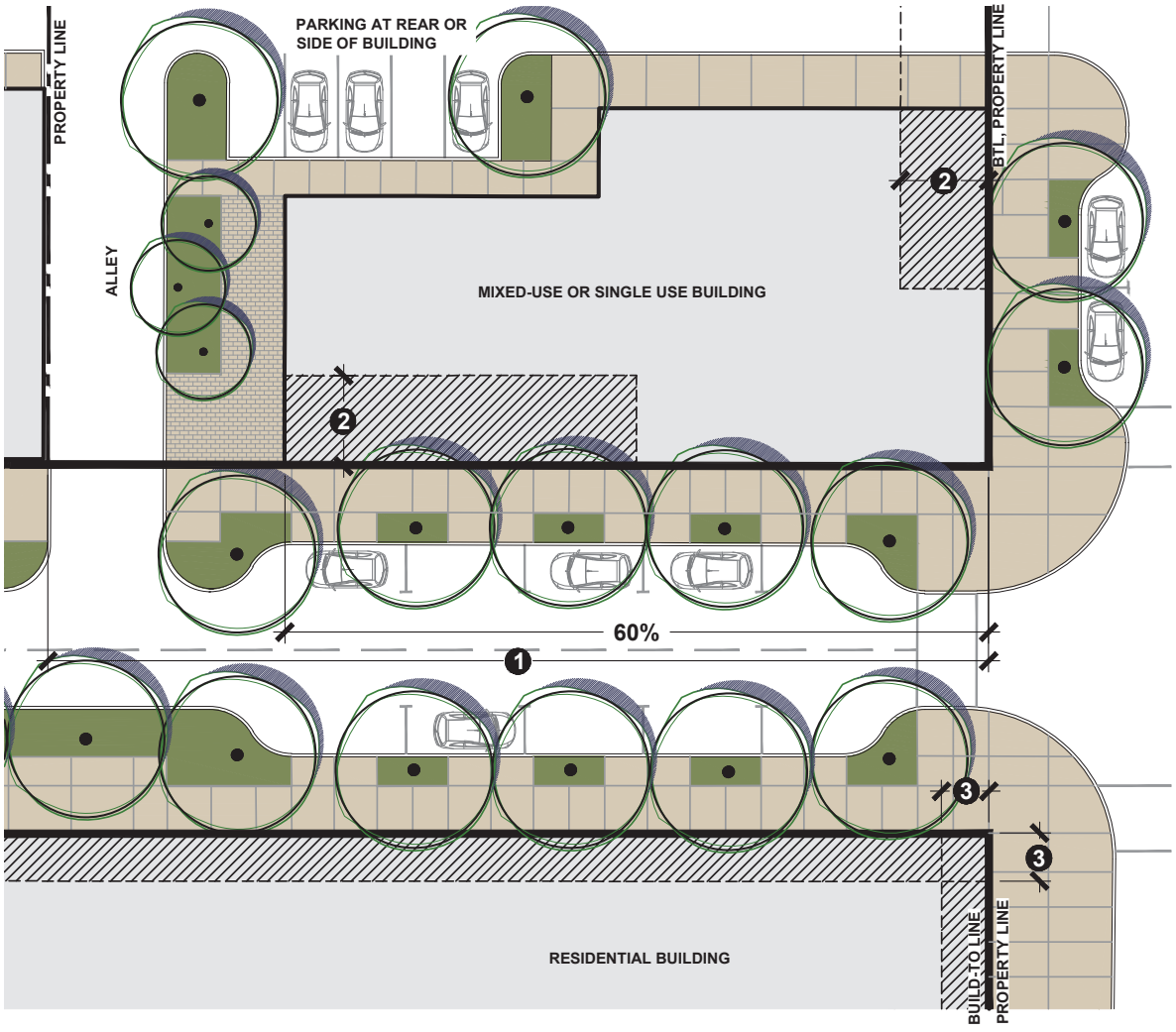
- Figure 9.3180 S-DR/MU Build to Lines and Setbacks is repealed and replaced as follows:

Figure 9.3180 S-DR/MU Build-to Lines and Setbacks.



REPEALED

Figure 9.3180 S-DR/MU Build-to Lines and Setbacks.



KEY

- Build-To-Line (BTL)
- Property Line
- Building Area
- Optional Setback Area

NOTES

1. Street Facing Property Line
2. Setbacks (Mixed-use or Single Use)
3. Setbacks (Residential)

- Section 9.3181 of the Eugene Code, 1971, is amended to provide as follows:

9.3181 S-DR/MU/1 Downtown Riverfront Special Area Zone Mixed Use Active Overlay Subdistrict Specific Development Standards.

(1) Applicability. The standards in this section apply to areas shown in Figure 9.3135 S-DR Zone Regulating Plan as S-DR/MU/1. In the event of a conflict between the specific development standards in EC 9.3180, the specific development standards in EC 9.3181 shall control.

(2) Specific Development Standards.

(a) Build-to Lines ***and Setbacks***.

1. Buildings shall face a primary street and the first two stories shall not be set back from the front property line.
2. Buildings shall be provided along a minimum of 50 percent of the length of the street facing property line.

~~(b) Setbacks.~~

~~1. Boardwalk Setback A. End lots are defined as lots abutting the S-DR/CL subdistrict on two sides with frontage on a primary street. Interior lots are defined as lots abutting the S-DR/CL subdistrict on one side with frontage on a primary street. Within end lots and interior lots, the building shall be set back from the rear property line a minimum of 30 feet, as shown in Figure 9.3181 Note 4.~~

~~2. Boardwalk Setback B. Within end lots, the building shall be set back from the side property line a minimum of 30 feet, as shown in Figure EC 9.3181 Note 5.~~

~~3. Boardwalk Setback C. Within end lots and interior lots, the building shall be set back from the interior property line a minimum of 10 feet, as shown in Figure 9.3181 Note 6.~~

~~4. The setback area shall be constructed to the following standards.~~

~~a. The surface must be hardscape and constructed with boardwalk plank-like structures, unit pavers, or colored concrete and meet ADA accessibility standards.~~

~~b. The setback area must be an enhanced pedestrian amenity or urban plaza as defined in EC 9.0500.~~

~~c. 80 percent of the setback area must be accessible from the ground floor of the building.~~

(~~c~~***b***) Building Transparency.

1. Windows, openings, or doorways are required along all street facing ground floor walls at a minimum of 60 percent of the length and 25 percent of the area of applicable ground floor walls.
2. Windows shall cover a minimum of 25 percent of the wall area for all floors above the ground floor along all street facing facades.

(~~d~~***c***) Eco-roofs. Buildings must provide eco-roofs or occupiable space on all roof surfaces, with the exception of the following.

1. Roof structures, architectural features, and other devices pursuant to EC 9.6720(1) through (3) and access structures are allowed on roof surfaces. The combined area of such roof structures, architecture features, other devices, and access structures shall not exceed 25 percent of the total roof area.
2. Eco-roofs shall comply with design requirements in the Eugene Stormwater Management Manual.

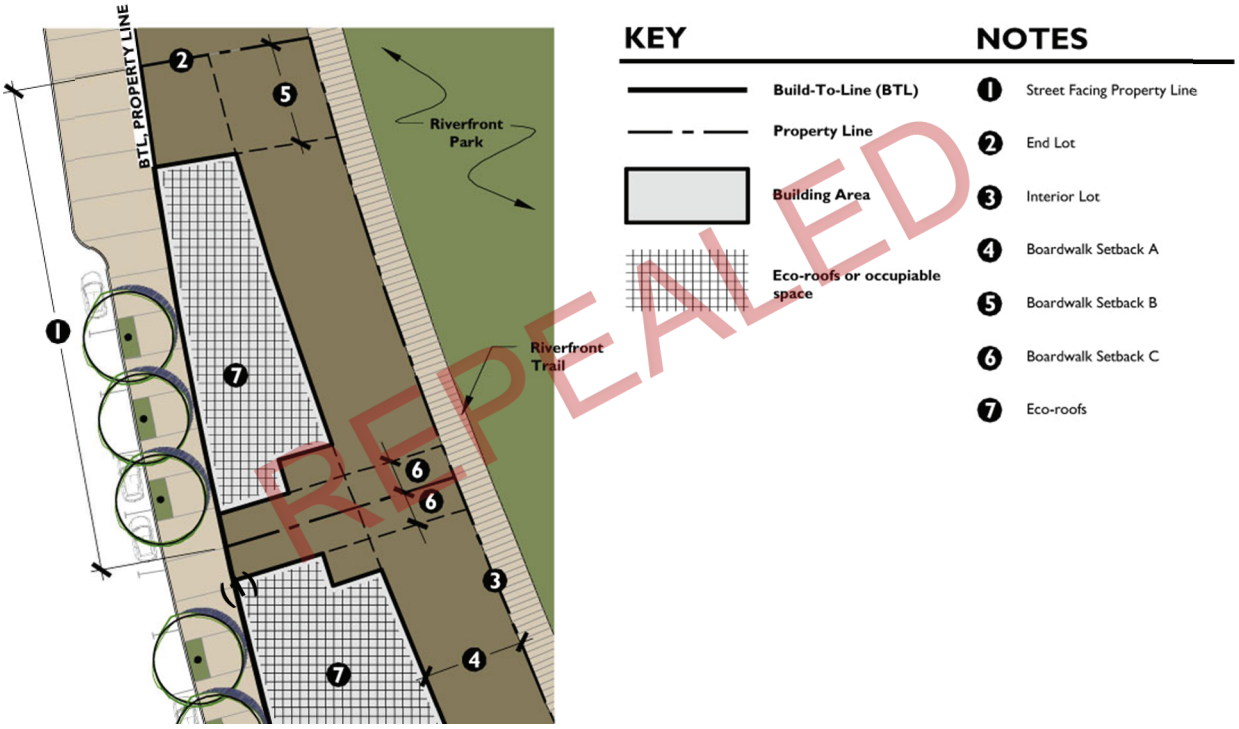
3. Occupiable space is roof surface used primarily for outdoor seating, dining, gathering, performance, or viewing that consists of surfaces and amenities that support those specific activities.

(~~e~~*d*) Landscape Specifications. There is no minimum landscape requirement, except as specified at EC 9.3170.

(3) Design Review. As an alternative to compliance with (2)(a) through (~~e~~*d*) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

- Figure 9.3181 S-DR/MU/1 Setbacks is repealed.

~~Figure 9.3181 S-DR/MU/1 Setbacks.~~



REPEALED

- Section 9.3182 of the Eugene Code, 1971, is amended to provide as follows:

9.3182 S-DR/MU/2 Downtown Riverfront Special Area Zone Mixed Use People Overlay Subdistrict Specific Development Standards.

(1) Applicability. The standards in this section apply to areas shown in Figure 9.3135 S-DR Zone Regulating Plan as S-DR/MU/2. In the event of a conflict between the specific development standards in EC 9.3180, the specific development standards in EC 9.3182 shall control.

(2) Specific Development Standards.

(a) Build-to Lines ***and Setbacks***.

1. Buildings shall face a public or private street and the first two stories shall not be set back from the front property line, except for the following.

a. For buildings that include only residential uses, the entire building ~~shall~~ ***may*** be set back from the front property line ~~a minimum of 3 feet and~~ a maximum of 8 feet, as shown in Figure ~~EC~~ 9.3180 Note ~~2~~***3***.

b. For all other uses, up to 50 percent of the building may be set back from the front property line a maximum of 15 feet, as shown in Figure ~~EC~~ 9.3180 Note ~~3~~***2***.

c. The setback area must be an enhanced pedestrian amenity or urban plaza as defined at EC 9.0500.

d. Recessed entries are excluded from the build-to line and setback requirements.

2. Buildings shall be provided along 80 percent of the length of the street facing property line, except where an alley or accessway is provided.

~~3. Buildings that are chamfered at the corner may be set back from the property line where the chamfer occurs. The maximum width of a chamfered building corner is 20 feet, as shown in Figure EC 9.3180 Note 3.~~

~~(b) Setbacks.~~

~~1. Lots with frontage on High Street and located south of the planned primary street/great street shall have a diagonal front yard setback that is consistent with the standards below, as indicated in Figure 9.3182.~~

~~a. High Street Setback A. The north corner of the building shall be set back a minimum of 50 feet from the property line, as shown in Figure 9.3182 Note 1.~~

~~b. High Street Setback B. The south corner of the building shall be set back a minimum of 30 feet from the property line, as shown in Figure 9.3182 Note 2.~~

~~2. The setback area shall be constructed to the following standards.~~

~~a. The surface must be hardscape and constructed with boardwalk plank-like structures, unit pavers, or colored concrete and meet ADA accessibility standards.~~

~~b. The setback area must be an enhanced pedestrian amenity or urban plaza as defined in EC 9.0500.~~

~~c. 80 percent of the setback area must be accessible from the ground floor of the building.~~

(~~c~~***b***) Building Transparency.

1. Windows, openings, or doorways are required along all street facing ground floor walls at a minimum of 60 percent of the length and 25 percent of the area of applicable ground floor walls.
2. Windows shall cover a minimum of 25 percent of the wall area for all floors above the ground floor along all street facing facades.
3. Dwelling units on the ground floor are exempt from the requirements at subsections 1. and 2. above.

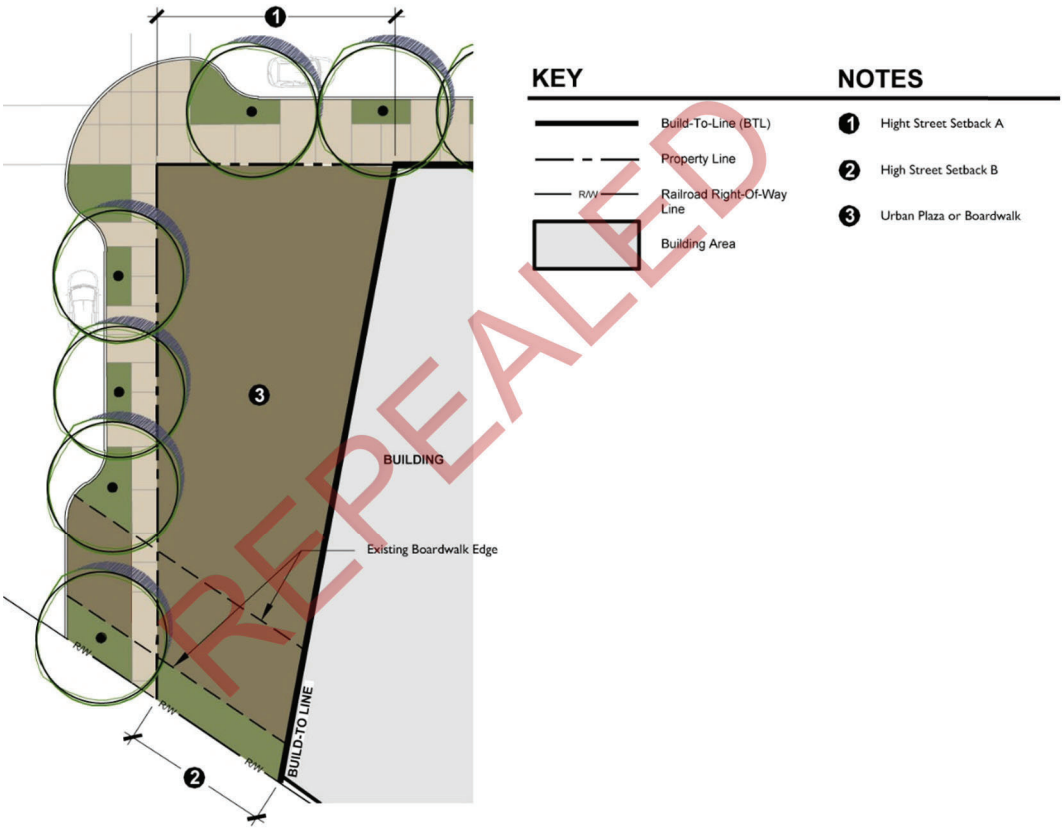
(~~d~~***c***) Residential Density. A minimum of one story of residential use is required. Buildings greater than three stories must provide residential uses consistent with uses listed at EC 9.3145(3) on all stories above the second story.

(~~e~~***d***) Landscape Specifications. There is no minimum landscape requirement, except as specified at EC 9.3170.

(3) Design Review. As an alternative to compliance with (2)(a) through (~~c~~*d*) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

- Figure 9.3182 S-DR/MU/2 High Street Setbacks is repealed.

~~**Figure 9.3182 S-DR/MU/2 High Street Setbacks.**~~



REPEALED

- Section 9.3185 of the Eugene Code, 1971, is amended to provide as follows:

9.3185 **S-DR/CL Downtown Riverfront Special Area Zone Cultural Landscape and Open Space Subdistrict Specific Development Standards.**

(1) **Applicability**. The standards in this section apply to areas shown in Figure 9.3135 S-DR Zone Regulating Plan as S-DR/CL ***and, where specified, to Parks and Open Space uses permitted in the S-DR/MU, S-DR/MU/1 and S-DR/MU/2 subdistricts***. In the event of a conflict between the specific development standards in this section and other applicable standards, the specific development standards in EC 9.3185 shall control.

(a) The general development standards in EC 9.3155(1), (2), (4) through (10), and (12) through (15) do not apply in the S-DR/CL subdistrict ***or to Parks and Open Space uses permitted in the S-DR/MU, S-DR/MU/1 and S-DR/MU/2 subdistricts.***

(b) ***The /WR development standards in EC 9.4900 through EC 9.4980 apply to /WR conservation areas within the S-DR/CL subdistrict as identified on Exhibit D to Ordinance No. _____.***

(2) ***Subdistrict Development. The S-DR/CL subdistrict shall be developed to include the features identified on Figure 9.3185, in the configuration shown on the Figure.***

~~**(2)** **Permitted Uses**. All uses permitted in the S-DR/CL subdistrict in accordance with EC 9.3145(7) are subject to Design Review pursuant to EC 9.3190(2)(d), unless an alternative design to specific standards or guidelines is approved through the provisions at EC 9.3185(4).~~

~~(a) Enhancement. Where uses are approved in the S-DR/CL subdistrict, an area adjacent to the approved development or use and of equivalent total area to the area impacted by development shall be enhanced consistent with this subsection and by removing non-native invasive plant species and planting species consistent with subsection (b) below.~~

~~1. All refuse, toxic materials, and any fill that limits or decreases the capacity of the area to filter pollutants from runoff that flows across the area shall be removed (not including stormwater collected and discharged from impervious surfaces).~~

~~2. Non-native invasive plants shall be permanently removed to the maximum extent practicable and replaced with plant species in accordance with subsection (b) below.~~

(3) ***Specific Development Standards.***

(~~b~~***a***) Planting and Replanting. Planting or replanting within the S-DR/CL subdistrict shall comply with the following standards.

1. Riverfront Park Planting Standards. In areas designated as riverfront park on Figure ~~EC~~ 9.3185, ~~all~~ ***at least 50 percent*** of the trees***,*** ~~and at least 80~~ ***40*** percent of the total number of shrub plants, ~~60~~ ***30*** percent of the total number of grass plants, and ~~60~~ ***30*** percent of the total number of groundcover plants shall consist of plant species selected from the ~~list of native plants in Appendix A of the Downtown Riverfront Specific Area Plan or the~~ list of native plants in the Goal 5 Native and Non-native Plant List (Exhibit F to Ordinance No. 20351).
2. Riparian Enhancement Planting Standards. In areas designated as riparian enhancement on Figure ~~EC~~ 9.3185, all plantings shall be plant species selected from the~~ list of native plants in Appendix~~

~~A of the Downtown Riverfront Specific Area Plan or the~~ list of native plants in the Goal 5 Native and Non-native Plant List (Exhibit F to Ordinance No. 20351).

a. Planting or replanting within 25 feet of the Willamette River ordinary high water line shall include native tree or large shrub species.

b. Where non-native or damaged trees are removed within 25 feet of the Willamette River ordinary high water line, they shall be replaced with native tree or large shrub species~~,~~ ~~unless the tree removal occurs~~***.*** ***Trees removed*** within an identified view corridor shown on Figure ~~4-4 in the Downtown Riverfront Specific Area Plan~~ ***EC 9.3155(3) shall be replaced outside of the view corridor***.

3. 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.

4. Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless germination requirements of the seed require otherwise, in which case germination shall be accomplished at the earliest date practicable.

5. Plantings shall not adversely affect adjacent protected water resources or existing native vegetation through shading or invasion by plant species.

6. Non-native invasive species are prohibited ~~in the S-DR Zone~~.

7. Planting or replanting within an identified view corridor shown on Figure 9.3155(3) shall not include any trees or large shrub species.

~~(c) Construction Practices. Construction within the S-DR/CL subdistrict shall comply with the following standards.~~

~~1. For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, or damaging or compacting soil. The following standards shall apply to use of heavy machinery within the S-DR/CL subdistrict.~~

~~a. On sites where soils are susceptible to severe compaction or structural damage when wet or saturated, use of heavy machinery shall be limited to the period between June 15 and September 30, unless otherwise approved by the planning director.~~

~~b. Use of heavy machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where its use is necessary.~~

~~2. Petroleum products, chemicals, or other deleterious materials used in the construction process shall not be allowed to enter the Willamette River.~~

~~(d) Filling, Grading, and Excavating. Filling, grading and excavating within the S-DR/CL subdistrict shall comply with the following standards.~~

~~1. Filling, grading, or excavating of more than 500 square feet must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.~~

~~2. These activities shall occur between April 15 and October 15 of the same year, unless the planning director 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 prior to commencement of earth moving activities, and the plan must be implemented throughout the activity.~~

~~(e) Landform Character. Grading and excavation conducted as part of restoration or enhancement projects, and bank and channel reconfiguration shall result in topography that resembles natural undulations, meanders, and slopes found in landscapes shaped 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.~~

~~(f) Boardwalks, Viewing Platforms, Interpretive Information Kiosks, Trail and Interpretive Signage. 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 10 feet tall and 20 square feet per face in surface area.~~

(~~g~~***b***) Trails.

1. ~~Except for t~~***The*** Riverbank Trail ~~System~~, which is considered a multi-use path for the purposes of the S-DR Zone***,*** ~~and~~ may be constructed of impervious material~~, trails shall be constructed of gravel, wood chips or other pervious material, unless otherwise approved by the planning director. Trail construction shall involve the least removal of native vegetation practicable for the area and the minimum amount of fill or excavation practicable~~.

2. All trails outside of /WR conservation areas in the S-DR/CL subdistrict shall be universally accessible, meeting ADA accessibility standards.

~~(h) Lighting. Area lighting shall be aimed away from natural 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 multi-use path.~~

~~(i) Landscape Plantings. Landscape plantings within designated view corridors as shown in Figure 4-26 in the Downtown Riverfront Specific Area Plan shall not obstruct a clear view to the water surface from the view corridor.~~

(~~j~~***c***) Public Access. Public access ~~connections must be provided between the Riverbank Trail and all adjacent development sites and public sidewalks~~ ***shall be provided through public accessways in locations shown on Figure 9.3160(4)***~~. Access for the general public shall be consistent with adopted policies or plans.~~

(d) Setbacks. Restrooms, playground apparatuses, and park furnishings including picnic tables, benches, bicycle racks, and interpretive signage shall be set back from abutting property and rights-of-way a minimum of 15 feet.

(e) Plaza Surfacing. The 5th Avenue plaza area as shown on Figure 9.3185 shall be surfaced with a durable, hard surface other than asphalt. Asphalt surfacing is prohibited within the plaza.

(f) Signage. 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.

(~~3~~*4*) Design Review. As an alternative to compliance with ~~standards and guidelines applicable in the S-DR/CL subdistrict~~ ***subsection (3) above***, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

- Figure 9.3185 S-DR Zone Cultural Landscape and Open Space Subdistrict Diagram is repealed and replaced as follows:

Figure 9.3185 S-DR Zone Cultural Landscape and Open Space Subdistrict Diagram.

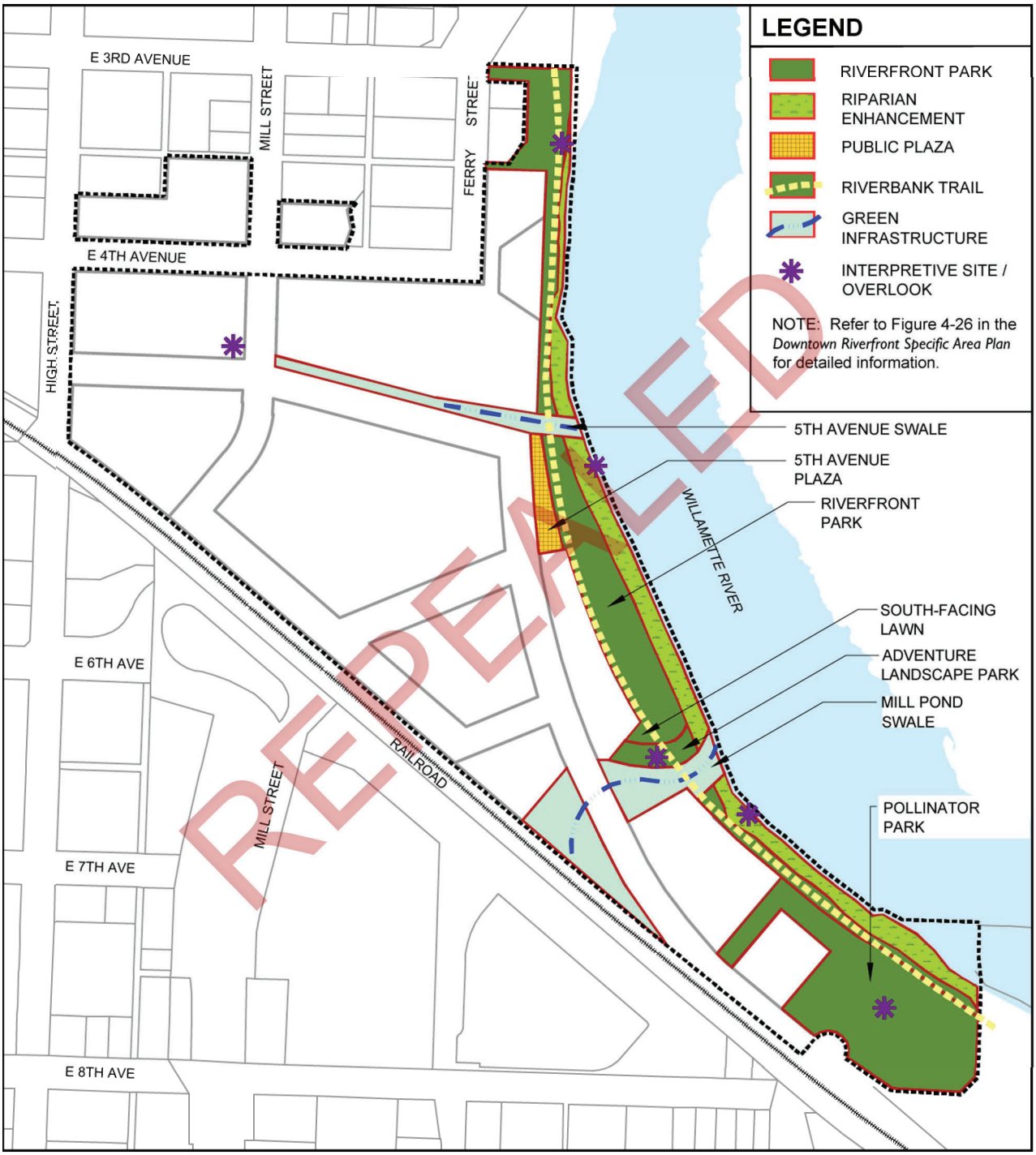
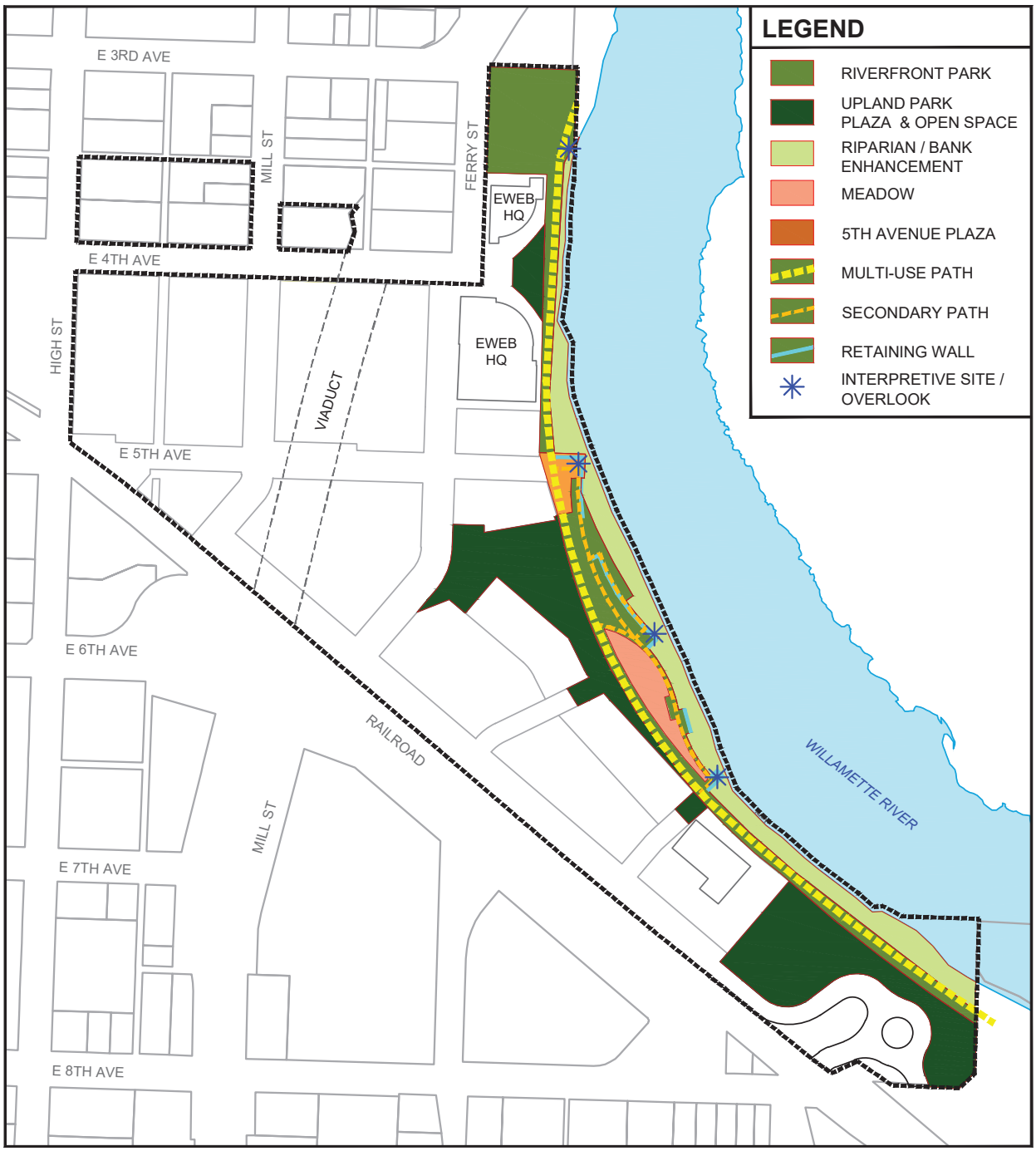


Figure 9.3185 S-DR Zone Cultural Landscape and Open Space Subdistrict Diagram.



- Section 9.3190 of the Eugene Code, 1971, is amended to provide as follows:

9.3190 S-DR Downtown Riverfront Special Area Zone Design Review.

(1) ~~As an alternative to designing a development that complies with applicable standards in the S-DR Zone, w~~***W***here explicitly stated that the Design Review process can be used to approve an alternative to ~~a particular~~***applicable*** standards, an applicant may apply for approval of a proposed development through the Design Review process beginning with EC 9.8110 Design Review-Purpose.

(2) The planning director shall approve, conditionally approve, or deny a Design Review application based on compliance with the following criteria:

~~(a) The criteria at EC 9.8030(16)(a)1. through 3. apply to alternative designs pursuant to EC 9.3150(3), EC 9.3160(7), EC 9.3165(1), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3).~~

~~(b) The criteria at EC 9.8030(16)(a)3. apply to alternative designs pursuant to EC 9.3147(7).~~

~~(c) The criteria at EC 9.8030(16)(a)3. apply to alternative designs pursuant to EC 9.3185(4).~~

~~(d) Except as provided in (c), above, the Cultural Landscape and Open Space Design Guidelines in the Downtown Riverfront Specific Area Plan apply to uses in the S-DR/CL subdistrict pursuant to EC 9.3185(2).~~

(a) Consistency with the design objectives at EC 9.3130(2).

(b) Alternatives proposed pursuant to EC 9.3160(5), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3) shall demonstrate that the alternative proposal will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:

1. A building orientation, massing, articulation, and façade that contributes positively to the surrounding urban environment; and

2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.

(c) Alternatives proposed pursuant to EC 9.3185(4) shall demonstrate that the alternative proposal will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:

1. An overall site design that includes public green space, interpretive sites, public art, vistas, and/or historic structures that teach about the history of Eugene's Downtown Riverfront; and

2. An overall site design that includes habitat enhancement areas that promote educational opportunities and demonstrate ecological enhancement in urban environments.

(d) New buildings and structures shall not obstruct view corridors identified on Figure 9.3155(3) or reduce the minimum dimensions specified in EC 9.3155(15).

- Section 9.6792 of the Eugene Code, 1971, is amended to provide as follows:

9.6792 Stormwater Quality.

(1) Purpose. The purpose of EC 9.6792 is to reduce runoff pollution and mitigate the volume, duration, time of concentration and rate of stormwater runoff from development by implementing stormwater management techniques that promote the use of natural and built systems for infiltration, evapotranspiration and reuse of rainwater and that use or mimic natural hydrologic processes while capturing and treating approximately 80% of the average annual rainfall.

(2) Applicability and Exemptions.

(a) The standard in EC 9.6792(3)(a) applies to all land use applications submitted after March 1, 2014, that do not propose construction of a public street, private street or a shared driveway.

(b) The standards in EC 9.6792(3)(b), (e)-(g) apply to all land use applications submitted after March 1, 2014, that propose construction of a public street.

(c) The standards in EC 9.6792(3)(c), (e)-(g) apply to all land use applications submitted after March 1, 2014, that propose construction of a private street or shared driveway.

(d) Except as exempt under EC 9.6792(2)(e), the standards in EC 9.6792(3)(d)-(g) apply to applications for all development permits submitted after March 1, 2014.

(e) The standards in EC 9.6792(3)(d)-(g) do not apply to development permit applications:

1. For the construction of less than 1,000 square feet of new or replaced impervious surface within a 12 month period;
2. For interior alterations of an existing structure;
3. For the construction of more than 1,000 square feet of impervious surface that replaces existing impervious surface for purposes of maintenance or repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site;
4. For the construction of new or replaced impervious surface where all of the stormwater runoff from the impervious surface will discharge into an on-site, privately maintained underground injection control system that is registered and approved by the Oregon Department of Environmental Quality;
5. For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application submitted and approved by the City prior to March 1, 2014, that is consistent with the approved land use application and the City's stormwater quality (pollution reduction) standards in place at the time of the land division application; or

6. For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application that included the construction of a public or private street or shared driveway submitted and approved by the City after March 1, 2014, if the lot or parcel adjoins the public or private street or shared driveway and the facility within the public or private street or shared driveway is an infiltration or filtration facility designed and sized to accommodate stormwater runoff from the adjoining lots or parcels at full buildout of the lots or parcels.

(f) The standards in EC 9.6792(3) do not apply to land use applications or development permit applications within the S-DR Downtown Riverfront Special Area Zone. Instead, the standards at EC 9.3155(17) apply.

- Section 9.8010 of the Eugene Code, 1971, is amended to provide as follows:

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	
Bethel-Danebo Refinement Plan (Phase II)	River Road-Santa Clara Urban Facilities Plan
Bethel-Danebo Refinement Plan	Riverfront Park Study
Comprehensive Stormwater Management Plan	South Hills Study
~~Downtown Riverfront Specific Area Plan~~	South Willamette Subarea Study
Envision Eugene Comprehensive Plan	TransPlan (Metro Area Transportation Plan)
Eugene Downtown Plan	Walnut Station Specific Area Plan
Eugene-Springfield Metropolitan Area General Plan (Metro Plan)	West University Refinement Plan
Eugene 2035 Transportation System Plan	Westside Neighborhood Plan
Fairmount/U of O Special Area Study	Whiteaker Plan
Jefferson/Far West Refinement Plan	Willakenzie Area Plan
Laurel Hill Neighborhood Plan	Willow Creek Special Area Study
19th and Agate Special Area Study	

- Subsections (10)(a), (16), (24)(a) and (24)(b) of Section 9.8030 of the Eugene Code, 1971, are amended to provide as follows:

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

(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. ***Except as provided in subsection (a)2., below,*** ~~T~~***t***he 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 proposed 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. The city may waive the preparation of a TDM plan if the requirement set forth in EC 9.8030(10***)***(a)1.a. can otherwise be satisfied.

2. Within the S-DR zone, the minimum required off-street parking spaces may be reduced by up to 35 percent when the applicant for a development can demonstrate that, in a parking-traffic study prepared by a transportation engineer, that the following conditions exist:
   a. Market conditions, 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 proposed 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. The city may waive the preparation of a TDM plan if the requirement set forth in EC 9.8030(10)(a)2.a. can otherwise be satisfied.

~~2~~***3***. 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~~***4***. 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, and annual reports thereon are subsequently provided to the city.

(16) Downtown Plan Area. Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:

(a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:

1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and

2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.

~~3. Within the S-DR zone, alternatives proposed pursuant to EC 9.3150(3), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3) shall demonstrate compliance with "urban design" plan policies in the Downtown Riverfront Specific Area Plan; alternatives proposed pursuant to EC 9.3160(7) and EC 9.3165(1) shall demonstrate compliance with "infrastructure" plan policies in the Downtown Riverfront Specific Area Plan; and, uses proposed pursuant to EC 9.3147(7) and alternatives proposed pursuant to EC 9.3185(4) shall demonstrate compliance with "open space" plan policies in the Downtown Riverfront Specific Area Plan.~~

(b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.

(c) For adjustments pursuant to EC 9.2170(10) only, placing utilities underground would be unreasonably onerous to the applicant.

(24) Stormwater Quality, Flow Control, Oil Control and Source Control Standards Adjustment. (Adjustments under this subsection are not permitted within the /CL Clear Lake Overlay Zone.)

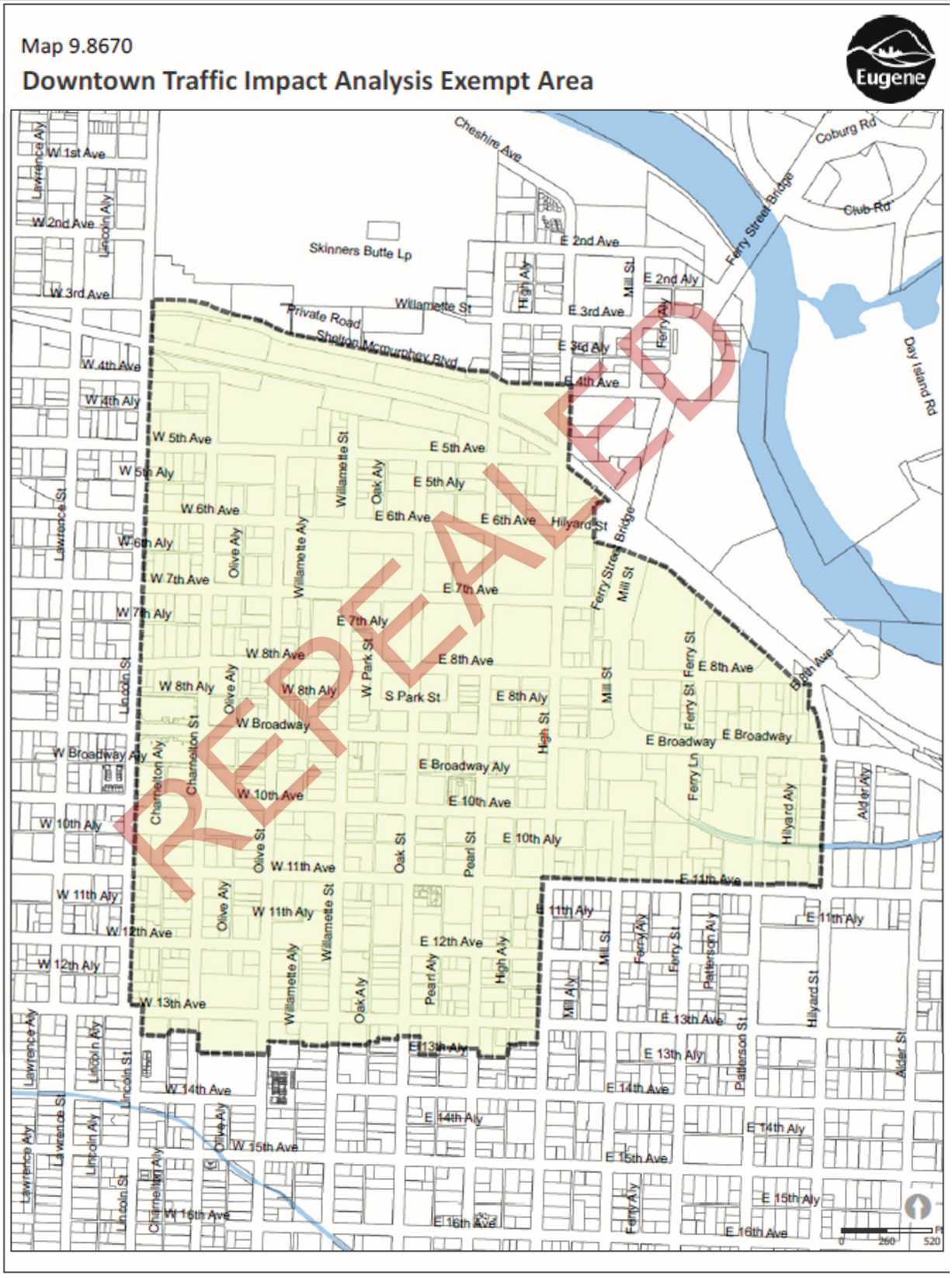
(a) The requirement in EC 9.6792(3)(e) ***and EC 9.3155(17)(c)4*** that selected stormwater quality facilities shall treat all the stormwater runoff that will result from the water quality design storm may be adjusted upon

a finding that the stormwater quality facility will treat as much of the runoff as possible and

(b) The requirement in EC 9.6792(3)(f) ***and EC 9.3155(17)(c)5*** that all stormwater quality facilities be selected from and sited, designed, and constructed according to the stormwater quality provisions and the facility design requirements set forth in the Stormwater Management Manual and that stormwater quality facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual may be adjusted upon finding that all of the following requirements are met:

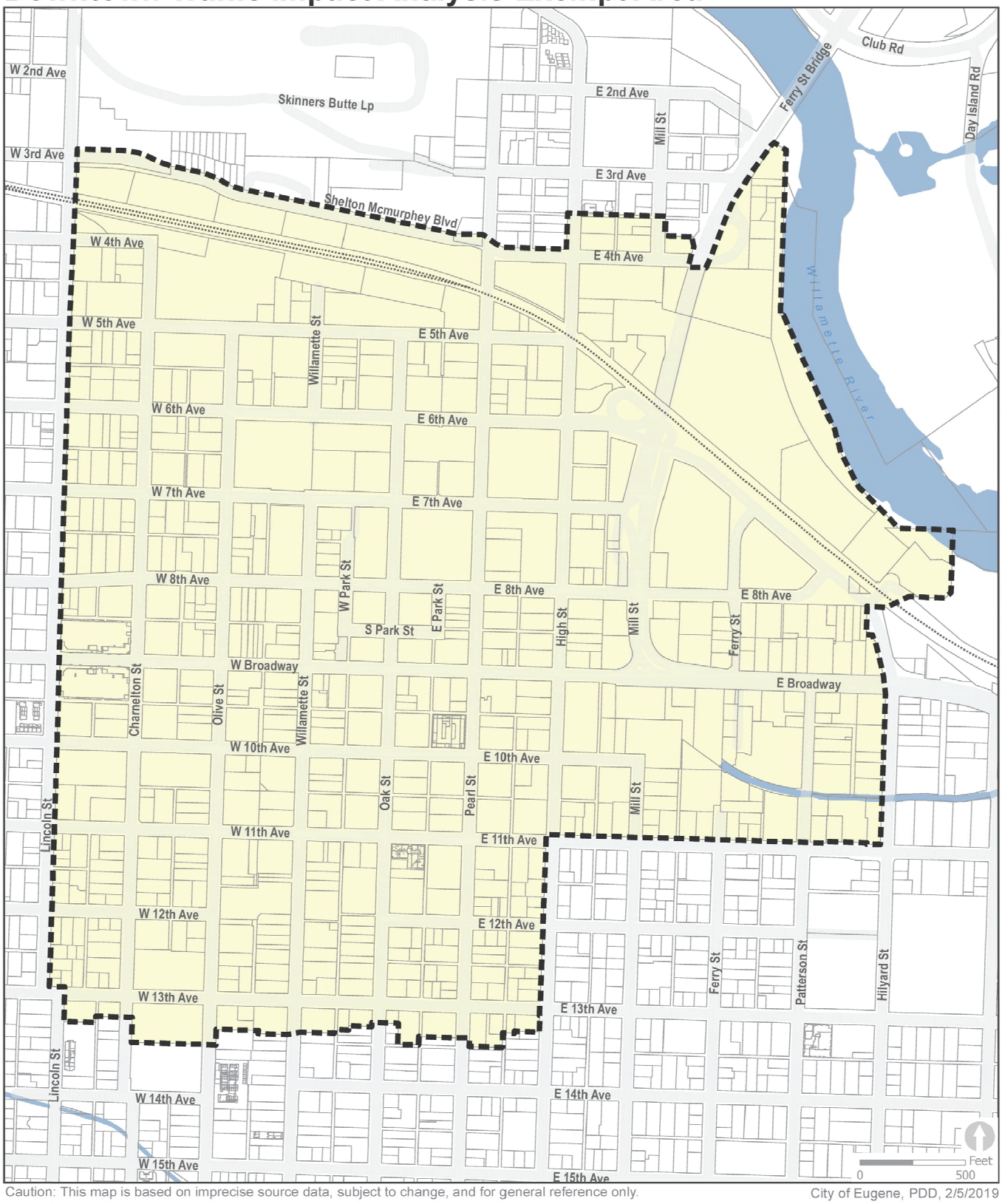
1. The proposed alternative design will achieve equal, or superior, results for function (reducing pollution), maintainability and safety, and the proposed siting does not adversely affect structures or other properties.
2. The applicant's written description of the proposed alternative design has been reviewed and approved by the City Engineer. The description of the proposed design submitted for review must include all of the following information for each component of the proposed alternative design:
    a. Size, technical description, capacity, capital cost, design life, construction process and costs, consequences of improper construction, operation and maintenance requirements and costs;
    b. Data on the effectiveness of proposed alternative technologies, if available, including data from laboratory testing and pilot/full-scale operations, and information regarding the operations of any full-scale installations;
    c. Any other available information about the proposed design, including peer review articles, scientific or engineering journals, and approvals from other jurisdictions.
3. The applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design once constructed, and a schedule for its maintenance.
4. The applicant has submitted a signed statement that the applicant will replace the alternative stormwater quality facility if the facility does not function as proposed.

- Map 9.8670 Downtown Traffic Impact Analysis Exempt Area is repealed and replaced as follows:



Map 9.8670

Downtown Traffic Impact Analysis Exempt Area

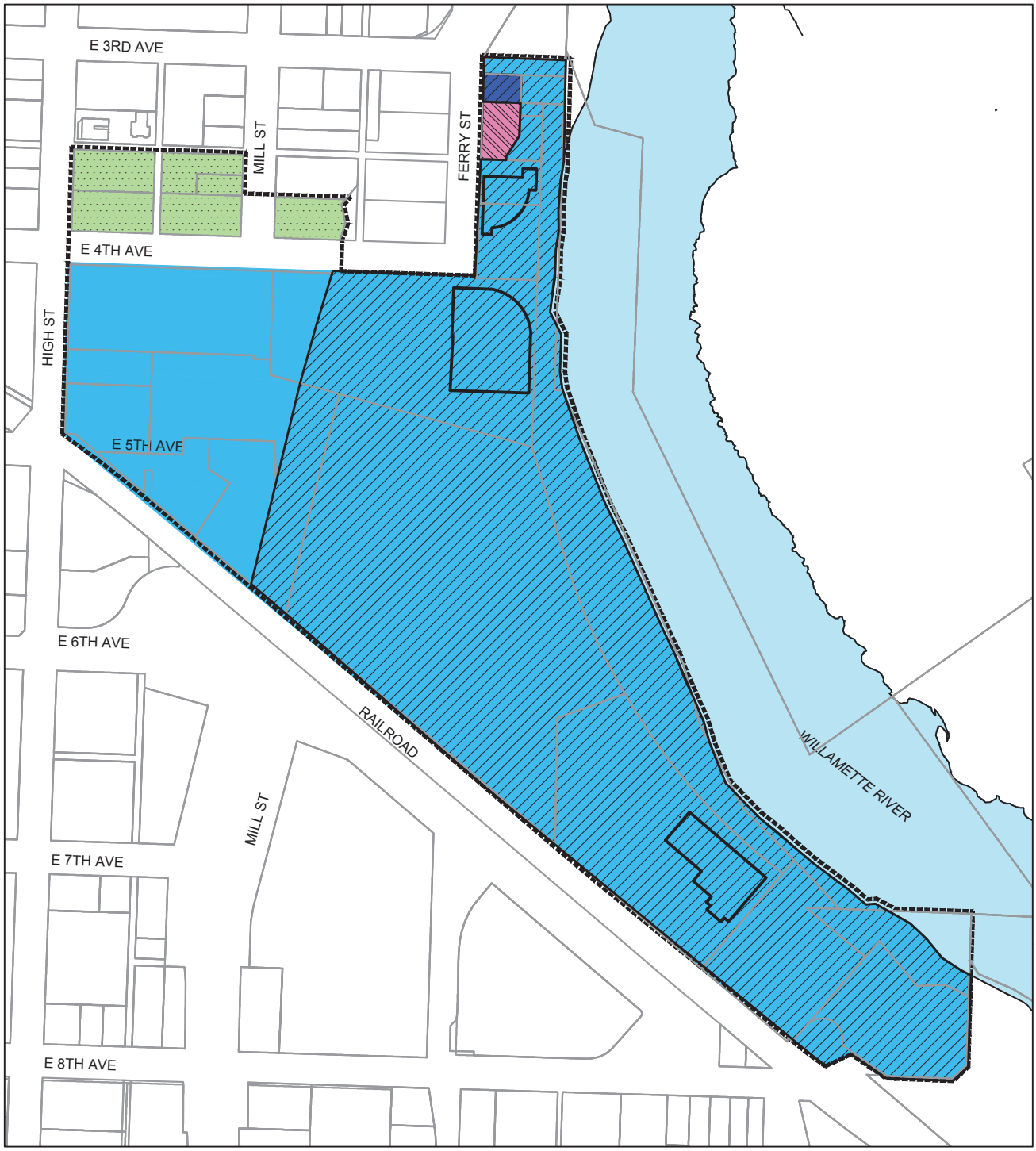


Caution: This map is based on imprecise source data, subject to change, and for general reference only.

City of Eugene, PDD, 2/5/2019

Eugene Zoning Map and Overlay Zone Map Amendments

Map and Tax Lot No.	Base Zone		Overlay Zone	
	Existing	Proposed	Existing	Proposed
17032933 / 01500	PL	S-DR	WR	WR
17032933 / 01900	I-2	S-DR	TD / WR	WR
17032933 / 02600	S-W	S-DR	SR	--
17033044 / 07400	S-W	S-DR	SR	--
17033044 / 07500	S-W	S-DR	SR	--
17033044 / 08200	S-W	S-DR	SR	--
17033044 / 08300	S-W	S-DR	SR	--
17033044 / 08400	S-W	S-DR	SR	--



EWEB Downtown Riverfront
Existing Zoning Designations

LEGEND

Downtown Riverfront Boundary

OVERLAY ZONE

/WR Water Resource Conservation

/SR Site Review

/TD Transit Oriented Development

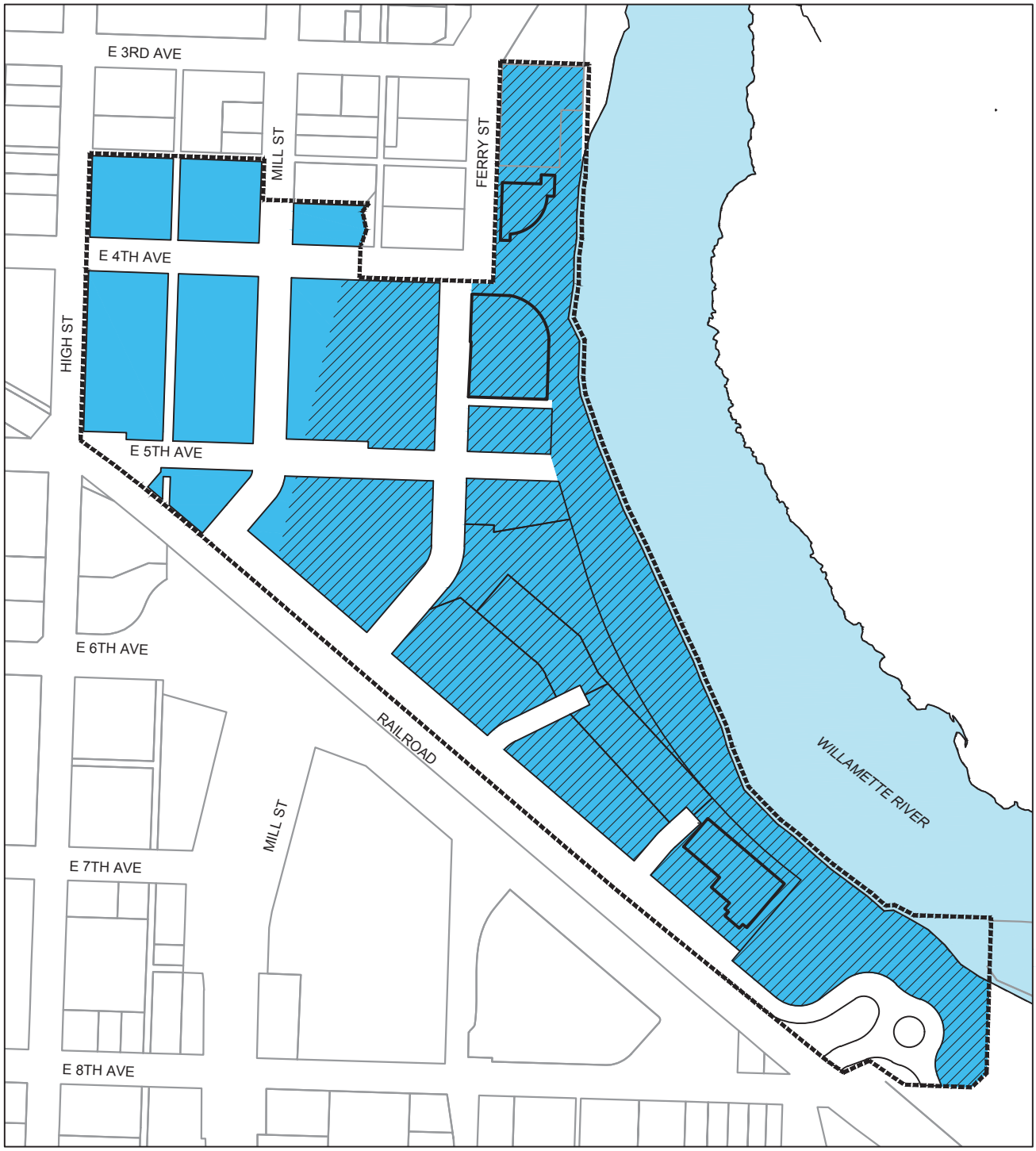
BASE ZONE

S-DR Downtown Riverfront

S-W Whiteaker

I-2 Light-Medium Industrial

PL Public Land



EWEB Downtown Riverfront
Proposed Zoning Designations

LEGEND

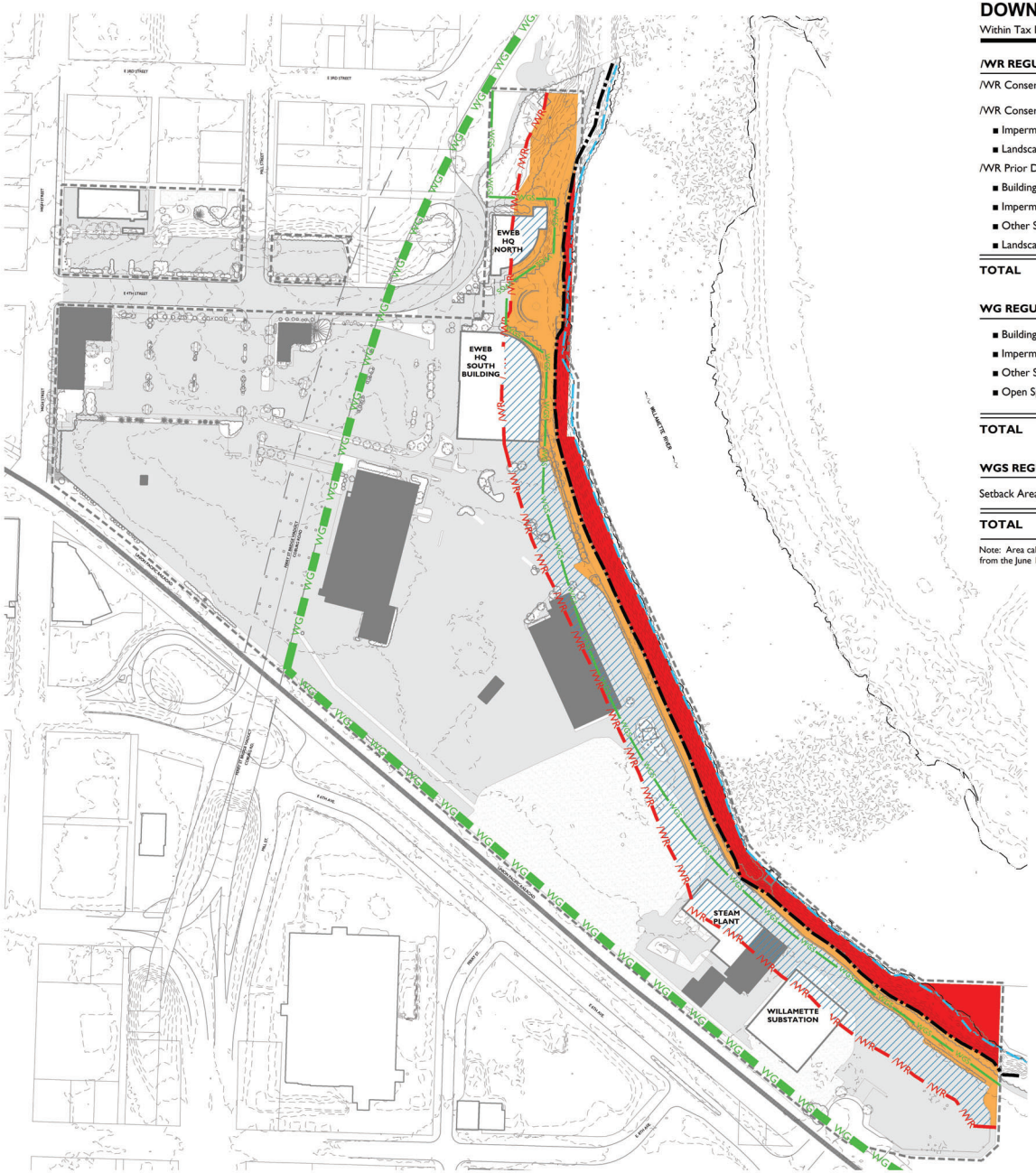
Downtown Riverfront Boundary

BASE ZONE

S-DR Downtown Riverfront

OVERLAY ZONE

/WR Water Resource Conservation



DOWNTOWN RIVERFRONT REGULATORY COVERAGE

Within Tax Lot & Conservation Boundaries

/WR REGULATED AREA	EXISTING CONDITIONS	PERCENT OF REGULATED AREA
/WR Conservation Area	**71,335 sf (1.63 ac)**	**25%**
/WR Conservation Setback Area	**79,854 sf (1.83 ac)**	**27%**
■ Impermeable Surface (Pavement)	43,883 sf (1.00 ac)	inc.
■ Landscape & Open Space	35,971 sf (0.82 ac)	inc.
/WR Prior Developed Area	**141,327 sf (3.24 ac)**	**48%**
■ Buildings / Structures	35,759 sf (0.82 ac)	inc.
■ Impermeable Surface (Pavement)	87,094 sf (1.99 ac)	inc.
■ Other Surface (Gravel)	13,768 sf (0.31 ac)	inc.
■ Landscape & Open Space	4,706 sf (0.10 ac)	inc.
TOTAL	**292,516 sf (6.71 ac)**	**100%**

WG REGULATED AREA	EXISTING CONDITIONS	PERCENT OF REGULATED AREA
■ Buildings / Structures	257,875 sf (5.92 ac)	30%
■ Impermeable Surface (Pavement)	393,249 sf (9.03 ac)	46%
■ Other Surface (Gravel)	134,814 sf (3.09 ac)	16%
■ Open Space	74,494 sf (1.71 ac)	8%
TOTAL	**860,432 sf (19.75 ac)**	**100%**

WGS REGULATED AREA	EXISTING CONDITIONS	PERCENT OF REGULATED AREA
Setback Area	159,960 sf (3.67 ac)	100%
TOTAL	**159.960 sf (3.67 ac)**	**100%**

Note: Area calculations derived from Digitized Aerial Photography provided by EWEB, Surveyed Conditions from the June 13, 2011 survey prepared by OBEC Consulting Engineers, and GIS data provided by LCOG.

LEGEND

- PROJECT BOUNDARY
- 2' CONTOUR INTERVAL
- 17-03-29-33-02900 TAX LOT BOUNDARY
- RIGHT-OF-WAY BOUNDARY
- TOP OF BANK (TOB)
- ORDINARY HIGH WATER LINE (OHW)
- ORDINARY LOW WATER LINE (OLW)
- SITE BOUNDARY
- PARK BOUNDARY
- WG WILLAMETTE GREENWAY BOUNDARY
- /WR /WR CONSERVATION SETBACK BOUNDARY
- WGS PROPOSED WILLAMETTE GREENWAY SETBACK BOUNDARY
- /WR CONSERVATION AREA
- /WR CONSERVATION SETBACK AREA
- /WR PRIOR DEVELOPED AREAS
- IMPERVIOUS PAVEMENT Concrete or Asphalt
- GRAVEL SURFACE
- EXISTING BUILDING To Remain
- EXISTING BUILDING To Be Removed
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EXISTING SHRUB CLUSTER

Regulatory Plan

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Eugene

DOWNTOWN RIVERFRONT LAND USE COMPONENTS

CITY OF EUGENE URBAN RENEWAL AGENCY
99 West 10th Avenue Eugene, OR 97401

STAMP

NOT FOR CONSTRUCTION

Drawn By:	ZWR / NW
Checked:	CGM
Project #:	1840 M
Date:	04.01.2019

Rev. #:	Date:

SHEET TITLE
REGULATORY PLAN

SHEET #
R1.0

Ordinance Exhibit C

3.0 APPROVAL CRITERIA AND STANDARDS

3.1 Code Amendments

The proposal involves amendments to the City's land use code (Eugene Code, Chapter 9) to amend the S-DR Downtown Riverfront Special Area Zone and revise other development standards and criteria for consistency with the proposed amendments. Revisions to other development standards and criteria are included as part of Exhibit A: Code Amendments. Findings of compliance with applicable approval criteria for the proposed amendments are provided under EC 9.8065.

EC 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.

The following findings demonstrate the proposed amendments' consistency with applicable Statewide Planning goals.

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

The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and that set out requirements for such involvement in compliance with Goal 1 (see OAR 660-015). The proposal does not amend the City's citizen involvement program, and the process for reviewing the proposal complies with Goal 1 since it complies with, and surpasses the requirements of, the citizen involvement provisions.

While not required for a demonstration of compliance under Goal 1, the planning processes for the Downtown Riverfront Concept Plan [4], the Riverfront Park development, and the Steam Plant revitalization have included many City Council (Council) meetings and Riverfront Urban Renewal Agency (Agency) Board meetings, as well as other public meetings and community events preceding the current, formal adoption process. The process to prepare the proposed amendments has employed significant public involvement opportunities, which are detailed in Exhibit O: Downtown Riverfront Public Information Opportunities, summarized below.

City Council

This section includes City Council regular meetings and work sessions:

- **December 14, 2017 -** Council received the Downtown Riverfront redevelopment WDA project update.
- **January 31, 2018 -** Council work session on the second Downtown Riverfront redevelopment project update. Representatives from WDA presented the proposed concept.

[4] The Downtown Riverfront Concept Plan was presented to City Council on January 31, 2018 (Agenda, Minutes, Webcast). City Council initiated land use code amendment to implement the plan on July 9, 2018 (Agenda, Minutes, Webcast).

- **April 23, 2018 -** Council work session and action on the proposed process and criteria to proceed with the RFQ for the Steam Plant.
- **July 9, 2018 -** Council work session to initiate the land use code amendments and LID infrastructure processes.
- **October 22, 2018 -** City Council work session to initiate the second step of the LID process.

Urban Renewal Agency Board

This section includes Urban Renewal Agency meeting and work sessions:

- **July 27, 2016 -** Agency Board work session and action authorizing the Agency to enter into an agreement with EWEB to purchase the downtown riverfront property.
- **October 23, 2017 -** Agency Board approved the Mayor's nominations for seven individuals to serve on the River Guides.
- **February 12, 2018 -** Agency Board work session and action to approve the boundary expansion to include three properties north of 4th Avenue in the Riverfront Urban Renewal District in order to make it possible to use urban renewal funds to purchase this property from EWEB.
- **March 14, 2018 -** Agency Board work session and direction to staff to develop a Request for Qualifications (RFQ) process and criteria to solicit community investors, developers, and visionaries to redevelop the Steam Plant.
- **May 29, 2018 -** Agency Board work session on the proposed terms to develop the Downtown Riverfront site with Williams/Dame & Associates (WDA) as the agent.
- **June 25, 2018 -** Agency Board public hearing on the proposed terms with WDA. Sixteen people spoke on behalf of the project.
- **July 9, 2018 -** Agency Board work session to approve the proposed terms with WDA.
- **July 23, 2018 -** Agency Board work session to approve the proposed terms regarding parcel 10A.
- **October 22, 2018 -** Agency Board work session to receive a project update and discuss the affordable housing unit quantities on parcel 10A.
- **February 19, 2019** - Agency Board work session to provide an update on the Downtown Riverfront project.

Public Meetings

This section includes neighborhood meetings, commission and committee meetings, and open houses hosted by the City. All public meetings were open to the public to attend and publicized on the City's calendar.

- **November 28, 2017 –** The River Guides held their first meeting, an orientation.
- **December 12, 2017 –** The River Guides reviewed a proposed boundary expansion to include 3 parcels north of 4th Avenue in the Riverfront Urban Renewal District. The River Guides recommended to expand the boundary to include the properties north of 4th Avenue in the Riverfront Urban Renewal District.
- **April 10, 2018 –** City Staff met with the Sustainability Commission Riverfront Committee.
- **April 17, 2018 –** The River Guides reviewed and provided input on the proposed RFQ/RFP process and criteria for the Steam Plant. The River Guides recommendations were incorporated in materials presented to Council.

- **May 24, 2018** – The City's Parks and Open Space staff hosted a values and vision meeting to introduce the park's Design Team, share information about the site's constraints and potentials, and give residents a chance to affirm and revise the values and goals for the park.
- **June 5, 2018** – The River Guides reviewed the draft proposed terms to develop the Downtown Riverfront site with WDA as the agent. The River Guides received an overview of the proposed concept, the terms, and a brief outline of the cost-benefit analysis being developed to examine the City's investment in public infrastructure.
- **June 15, 2018** – The River Guides reviewed the complete cost-benefit analysis and asked questions to staff and WDA on the concept, terms, and analysis. The River Guides recommended to approve the proposed concept and terms.
- **June 20, 2018 –** The City and Williams/Dame & Associates hosted an open house and site tour at the Downtown Riverfront Redevelopment site. It was attended by over 200 people.
- **June 27, 2018** – The River Guides reviewed the RFQ submissions for the Steam Plant and discussed the next steps in the selection process. The River Guides recommended to bring in two of the four teams for additional questions and then decide on what the RFP phase will entail in terms of submissions, community outreach, and River Guides involvement.
- **June 15, 2018 –** Staff provided a presentation to members of the Downtown Neighborhood Association steering committee on the Downtown Riverfront Redevelopment.
- **September 27, 2019** – Parks and Open Space staff hosted a celebration of the Downtown Riverfront Park design, unveiling the concept design and asking the public for refinement comments. After a presentation and sharing fun "river rock cupcakes" the Design Team set up Open House style displays for individuals to share thoughts directly with designers.
- **January 23, 2019 –** Staff attended the Downtown Neighborhood Association meeting to discuss the Steam Plant.
- **February 7, 2019 –** An open house was held to promote the Steam Plant project and gather community feedback. It was attended by over 140 people.

Community Events

Community events include presentations, tabling at events, and University of Oregon student engagement opportunities. Community events were open to the public and provided opportunities for citizens to engage at a deeper level and ask questions in a less formal setting.

- **January 2018 –** The City presented to Construction Specifications Initiative (CSI) on the Downtown Riverfront Redevelopment.
- **January 2018 –** The City provided tours of the Steam Plant for Leadership Eugene Springfield 2017-18.
- **February 2018 –** The City presented to Kiwanis on the Downtown Riverfront Redevelopment.
- **March 2018 –** The City presented to residents at the Eugene Hotel on the Downtown Riverfront Redevelopment.
- **May 2018 –** The City presented to the Eugene Chamber of Commerce's Local Government Affairs Council (LGAC) on the Downtown Riverfront Redevelopment.
- **May 2018 –** The City presented to the American Institute of Architects Southwestern Oregon (AIASWO) on the Downtown Riverfront Redevelopment.
- **May 2018** – The Design Team for the Downtown Riverfront Park organized five focus groups inviting 50 local experts and constituent leaders. These consultations provided guidance, identification of issues to discuss with the broader public, and a base of expert and network leaders with project knowledge.
- **June 1, 2018 –** The City and Williams/Dame & Associates hosted a booth at the First Friday Art Walk and engaged over 100 community members with discussion.

- **June 12, 2018 –** The City presented at the Young Professionals Summit on the Downtown Riverfront Project and Steam Plant. The event was attended by over 500 people.
- **June 2018 –** Williams/Dame & Associates presented to the Eugene Chamber on the Downtown Riverfront Redevelopment.
- **December 2018 -** The City presented to the International Facilities Management Association (IFMA) on the Steam Plant and the Downtown Riverfront Redevelopment.
- **January 2019 –** The City provided tours of the Steam Plant for Leadership Eugene Springfield 2017-18.
- **February 2019** – The Design Team for the Downtown Riverfront Park reconvened the focus groups to share project updates and designs that had evolved based on their feedback and the larger public.
- **February 1, 2019 –** The City and the Steam Plant's development team hosted a booth at the First Friday Art Walk to collect feedback on the Steam Plant project.
- **February 8, 2019 –** The City and the Steam Plant's development team participated in a talk about the Steam Plant project at the University of Oregon Ignite event. There were 150 people in attendance.
- **February 11, 2019 –** The City and the Steam Plant's development team held a discussion with UO students about the Steam Plant project. There were 50 students in attendance.
- **February 15, 2019 –** The City and the Steam Plant's development team presented to LGAC about the Steam Plant project.
- **February 16 & 17, 2019 –** The City and the Steam Plant's development team hosted a booth at the Asian Celebration to collect feedback on the Steam Plant project. At the event over 290 people were engaged in discussion.
- **February 19, 2019 –** The City attended a Chamber of Commerce Young Professionals Network event to promote the Steam Plant redevelopment project.

Exhibit O: Downtown Riverfront Public Information Opportunities details additional media, social media, and online involvement and engagement opportunities. Exhibit F: Neighborhood/Applicant Meeting Materials includes additional documentation of process requirements pursuant to EC 9.7007. The required neighborhood/applicant meeting was held on **March 28, 2019**.

In addition to the extensive public involvement leading up to this adoption process, the formal public hearing on the proposal will be duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. Notice of the public hearing will also be published in the Register Guard newspaper. Following action by the Eugene Planning Commission (to make a recommendation on the proposed adoption package), the Eugene City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the proposed code amendments, plan amendments, zone changes, and other related land use applications under concurrent review. These processes afford ample opportunity for citizen involvement consistent with Goal 1.

Goal 2 – Land Use Planning: To establish 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 decision and actions.

Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Cities and counties must build their comprehensive plans on a factual basis and follow their plan when making decisions on appropriate zoning. City and county plans must also be consistent with one another.

The City's land use code (Eugene Code, Chapter 9) specifies the procedure and criteria to be used in considering this proposal, consistent with the City's acknowledged comprehensive plan. This land use application follows specified amendment and permit procedures and fulfills all applicable approval criteria to demonstrate such compliance. In fact, these City-initiated amendments and related land use applications are being reviewed concurrently according to the highest application type (Type V), which involves the most comprehensive, formal review process afforded by the City's land use code. As relevant here, the process for adoption of these amendments also complies with the state's administrative rules under Goal 2, for Post Acknowledgement Plan Amendments (see OAR 660-018). There are no exceptions to Statewide Planning Goal 2 required, and the record shows that there is an adequate factual basis for these amendments, including an extensive record of public participation to date.

The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of residents. To comply with the Goal 2 coordination requirement, the City will engage in an exchange about the subject of these plan amendments with all the affected governmental units. Specifically, the City will provide notice of the proposed action and opportunity to comment to Lane County, Springfield, and the Oregon Department of Land Conservation and Development. The proposed amendments are therefore consistent with Statewide Planning Goal 2.

Goal 3 – Agricultural Lands: To preserve and maintain agricultural lands.

Pursuant to OAR 660-015-0000(3) agricultural lands do not include lands located within acknowledged urban growth boundaries (UGB). The entirety of the subject site is located within Eugene's UGB. This Goal is not applicable to the proposal as the subject area and actions do not affect any agricultural plan designation or use. Therefore, this Goal is not relevant, and the proposed amendments do not affect compliance with Statewide Planning Goal 3.

Goal 4 – Forest Land: To preserve forest lands.

Pursuant to OAR 660-006-0020, Statewide Planning Goal 4 is not applicable within UGBs. The entirety of the subject site is located within Eugene's UGB. This Goal is not applicable to the proposal as the subject area and actions do not affect any forest plan designations or use. There are no forest lands related to the proposed amendments and zone change. Therefore, this Goal is not relevant, and the proposed amendments do not affect compliance with Statewide Planning Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

The following Oregon Administrative Rule (OAR 660-023-0250) is applicable to this Post-Acknowledgement Plan Amendment (PAPA) request:

OAR 660-023-0250

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

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

The proposed amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged UGB. Therefore, it is clear that the proposed amendments do not trigger the need to consider Goal 5 pursuant to OAR 660-023-0250(3)(a) or 3(c).

Some analysis is required to determine whether OAR 660-023-0250(3)(b) triggers the need to further consider Goal 5 requirements. Subsection (3)(b) asks whether '[t]*he PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.*" Significant Goal 5 resource sites and acknowledged lists are documented in the 2005 Eugene Goal 5 Water Resource Conservation Plan and the 1978 Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers.

Natural Resources
Exhibit B.1: Willamette Greenway Permit Plan Set, Exhibit G: Riverfront Ecological Analysis and Design Report, and Exhibit N: Wetland Delineation Report document natural features on the subject site and provide relevant information in addressing these Goal 5 requirements. The eastern portion of the subject site is within the Willamette River Greenway, a natural asset, as identified in the Metro Natural Assets & Constraints Working Papers.[5] The Willamette River is adjacent to the subject site and is identified as a Goal 5 Water Resource by the Goal 5 Water Resource Conservation Plan.[6]

As identified on the Adopted Protection Designations for the Eugene Goal 5 Wetland, Riparian, and Upland Wildlife Habitat Inventories Map dated November 14, 2005, the Willamette River is categorized as a Category A Stream. All parcels within the subject site that abut the Willamette River have /WR Water Resource Conservation overlay zoning. Pursuant to EC 9.4920(1)(c)(1.), Category A streams with a distinguishable high bank have a 100 foot setback applied to top of bank (TOB) as part of the /WR overlay zoning. The Willamette River adjacent the development site features a distinguishable high bank. The existing high bank was surveyed by OBEC Consulting Engineers on June 13, 2011 and is shown on Sheets S1.0 and S1.1 Existing Conditions Plans (Exhibit B.1) and labeled as "top of bank". Exhibit N: Wetland Delineation Report identifies jurisdiction wetland and waters boundaries along the Willamette River. The proposed amendments do not change protections

[5] Eugene Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers. Willamette River Greenway Working Paper. Figure J1, Willamette River Greenway. April 12, 1978.

[6] Eugene Goal 5 Water Resources Conservation Plan, Section III, Site #35 WA/WB Willamette River. October 24, 2005.

established by the 100-foot /WR conservation setback in EC 9.4920(1)(c)(1.) or affect inventoried Goal 5 Water Resources.

Pursuant to EC 9.4920(5)(a) and (d), areas which the applicant has shown to be developed prior to November 14, 2005, are excluded from /WR conservation areas. As demonstrated on Sheets R1.0 Regulatory Plan (Exhibit B.1), the subject site contains buildings on a concrete foundation, pursuant EC 9.4920(5)(a), as well as paved and gravel parking areas that serve administrative and operations uses in adjacent buildings, pursuant to EC 9.4920(5)(d), that were developed prior to November 14, 2005; the date specified in EC 9.4920(5). Sheet R1.0 Regulatory Plan illustrates "/WR Prior Developed Areas" consistent with EC 9.4920(5); and, "/WR Conservation Areas" and "/WR Conservation Setback Areas."

The proposed amendments do not affect established protections. These areas will remain subject to the provisions of the /WR overlay zone. Through the applicant's concurrent zone change request to implement the proposed zoning designations, the existing /WR overlay zoning will remain applicable. Protection of this Goal 5 resource will therefore remain the same; regardless of the proposed amendments.

Scenic and Historic Areas

The Eugene Goal 5 Water Resource Conservation Plan and the Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers, specifically the Scenic Site Working Paper and the Archeological Sites Working Paper, do not identify any scenic or historic resources on the subject site. None of the buildings located on the subject site are listed as City of Eugene Historic Landmarks nor are they listed in the National Register of Historic Places. Based on these findings, there are no inventoried Goal 5 historic resources or listed historic resources on the subject site.

Oregon Revised Statute (ORS) 358.653 obligates state agencies and political subdivisions of the state to consult with the State Historic Preservation Office (SHPO) to avoid inadvertent impacts to historic properties for which they are responsible, including those resources listed and eligible to be listed on the National Register of Historic Places. The statute does not provide specific standards or criteria, so, as a practical matter, any project that involves a property that meets the 50-year guideline at the time of construction must be reviewed through SHPO consultation. Projects which trigger review include significant alterations, additions, demolition while maintenance activities are generally exempt. The statute also applies if an agency is selling or transferring property out of public ownership.

In 2011, EWEB commenced a process of decommissioning surplus facilities on its riverfront headquarters site. In accordance with ORS 358.653, EWEB submitted clearance forms for three buildings on the site:

- The Vehicle Repair Shop (1949): Determined likely Not Eligible for Listing in the National Register
- The Warehouse/Operations Building (1952): Determined Eligible for Listing in the National Register
- The Steam Plant Pump House (1931): Determined Eligible for Listing in the National Register (Adverse Effect)
- Standby Steam Plant (Steam Plant) (1931): Determined to be historically significant and Eligible for Listing on the National Register of Historic Places

On December 12, 2011, SHPO signed a Memorandum of Agreement (MOA) with EWEB to mitigate for adverse effects associated with the decommissioning including demolition of the Steam Plant Pump House.

In 2013, in an effort to attract potential buyers of the property, EWEB pursued a hazardous substance abatement project. EWEB and SHPO executed a memorandum of agreement related to EWEB's Standby Steam Plant. The MOA was generated to provide mitigation measures related to removal of asbestos-containing materials.

In 2018, in response to Riverfront Master Plan changes, City of Eugene Facilities staff submitted SHPO clearance forms for the Equipment Repair Building and Midgley Mill Building. SHPO staff concurred with City staff:

- The Equipment Repair Shop (1988): Determined Not Eligible for Listing in the National Register
- The Midgley Building (1922): Determined Not Eligible for Listing in the National Register

In 2019, also in response to changes to the Riverfront Master Plan calling for the demolition of the EWEB Headquarters Warehouse and Operations Building, the City of Eugene submitted the required SHPO Clearance Form. SHPO staff once again concurred with City staff:

- The Warehouse and Operations Building (1988): Determined Eligible for Listing in the National Register

SHPO also concurred that the proposed undertaking (demolition) would result in adverse effect to historic properties. In order to mitigate the adverse effect, the City of Eugene executed a MOA between the City and SHPO. Through the consultation process with SHPO, the City ultimately agreed to stipulations required to undertake the proposed demolition. The stipulations include documenting the building, architectural history research, on-site interpretation installation, and digital archiving of documentation.

Throughout the consultation process, SHPO staff has indicated that the Riverfront Project Area lies within an area generally perceived to have the potential for possessing archaeological resources. Under state law (ORS 358.905 and ORS 97.74) archaeological site, objects, and human remains are protected on both public and private lands in Oregon. SHPO recommends consulting with all appropriate Indian tribes. An Inadvertent Discovery Plan is also recommended to be put in place to provide guidance should construction result in the discovery of archaeological objects or sites.

Concerning pre-historic and historical resources, Riverfront Master Plan planning activities continue to follow processes outlined by City Code and State law. Staff will continue ongoing SHPO consultation as necessary.

Open Spaces
The Eugene Goal 5 Water Resource Conservation Plan and the Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers do not identify any open spaces on the subject site.

The proposal includes a new Riverfront Park on the subject site, as identified in the 2018 Eugene Parks and Recreation System Plan, a 30-year strategic plan. A proposed Riverfront Park on the subject site is identified as Project #C1 "Downtown Riverfront Park development at former EWEB site to serve [the City Central Neighborhood Planning area]" in Appendix A Planning District Summaries and

Recommendations. The Plan allocates $9,000,000 in capital cost to the project and identifies it as a Priority 1/2 project.[7]

The Riverfront Park concept was originally included as a key element in the prior approved "EWEB Riverfront Master Plan". The S-DR Zone established a Cultural Landscape and Open Space (S-DR/CL) subdistrict and designed approximately 3-acres for parks and recreation uses. In 2013, the City and EWEB entered into an MOU that stated that EWEB would donate 3-acres of riverfront property to City of Eugene Parks in exchange for a dedication of funds for park development in the future. In 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west.

There are no additional resources that require analysis under the OARs noted above. The proposed amendments will maintain established protection measures for inventoried Goal 5 resources within and adjacent to the subject property. Therefore, the proposed amendments are consistent with Statewide Planning Goal 5.

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

Goal 6 instructs local governments to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants. The goal asks cities and counties to designate areas suitable for use in controlling pollution. It calls on them to use a variety of market, zoning and management tools in creating these outcomes. At a federal level, the elements within Goal 6 correspond broadly to the Clean Air Act and Clean Water Act. At a state level, Goal 6 covers many areas regulated by the Oregon Department of Environmental Quality (DEQ) through its permitting actions. DEQ ensures its permitting decisions comply with the plan and zoning regulations of the affected local government and coordinates with DLCD and other agencies to be sure that city and county plans comply with state and federal laws.

The proposed amendments do not change the level of protection afforded in local regulations for air and water quality, or land resources. Future development of the site will be required to comply with applicable environmental laws and to the extent that future development may create additional impacts to air, water, or land resources, state and local permitting processes will ensure that discharges do not exceed allowable standards. Specifically, environmental work conducted to date, in addition to detailing the planned design and construction work, has been focused on improving the environmental health of the site.

Prior to the City ownership of the subject site, EWEB undertook environmental remediation efforts by removing soil with contaminants that posed an unacceptable risk to human health and the environment. Based on these activities, DEQ issued a conditional no further action determination for the subject site in December 2017. Due to the difficulty of removing 100% of contaminated soil, there remains some on-site soil that has residual concentrations of hazardous substances and will be addressed during the redevelopment as is discussed below.

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[7] Eugene Parks and Recreation System Plan. Appendix A Planning District Summaries and Recommendations. July 2018.

Planned construction projects involve (1) mass grading for the streets and utilities and riparian enhancement for the park area, and (2) park construction and further infrastructure development. The mass grading project will include riparian enhancement of the riverbank to lay back the bank to a gentler slope and grading to achieve design subgrade for the park area, streets, and utilities. The design includes provisions for managing environmental contamination that may be encountered below the soil surface. Contaminated media will be removed to below the proposed subgrade surface and the area will be capped to prevent direct exposure. Excavated contaminated soil will be managed in accordance with DEQ requirements. Anticipated management options include the beneficial reuse of soil as site fill below development surfacing (roads, sidewalks, concrete slabs) or disposed offsite at a landfill.

The park construction and infrastructure development projects will involve excavation, relocation and removal/abandonment of existing utilities, roadway subgrade preparation, road and sidewalk construction, and park construction including a retaining wall and new pedestrian and bike paths. Final surfaces include concrete or asphalt paving, concrete walls, and imported topsoil over existing soil subgrade. Site development features will prevent contact with any remaining low-level contamination that may remain at the site, improving the health of the site. Construction of bike and pedestrian paths will improve a critical bike commuting corridor, which offsets vehicle traffic in downtown Eugene.

In addition to the physical improvements discussed above, the planned construction projects change the land use from a public utility operations yard to mixed-use development and park, thus activating the area and creating a cleaner and safer human environment. Additionally, future development of the site will be required to adhere to existing policies and Best Management Practices (BMP) in the City of Eugene Stormwater Management Plan. Compliance with BMP's will be ensured through the building permit process.

The proposal includes amendments to EC 9.6792 Stormwater Quality regulations, as included in Exhibit A: Code Amendments. The proposed amendments will not have an impact on the City's existing water quality protection level, which complies with State and Federal regulations. The proposed amendments ensure that treatment for stormwater quality will be ensured consistent with current EC standards and the administratively adopted City of Eugene Stormwater Management Manual. The proposed amendments modify current regulations to allow for the combined stormwater treatment facilities from both public and private development, to the extent that added capacity can be achieved in the shared system to be constructed on the subject site.

The proposed amendments do not negatively affect the environmental factors specified in Goal 6. Therefore, the proposed amendments are consistent with Statewide Planning Goal 6.

Goal 7 – Areas Subject to Natural Hazards: To protect people and property from natural hazards.

Goal 7 requires local governments to adopt comprehensive plans to reduce risk to people and property from natural hazards such as floods, landslides, earthquakes, tsunamis, and wildfires. The City protects people and property from natural hazards through various land use and building code requirements. The proposal does not alter these protective provisions, nor does it propose development in areas identified to be unsuitable for development. Therefore, the proposed amendments are consistent with Statewide Planning Goal 7.

Goal 8 – Recreation Needs: To satisfy recreational needs of the citizens of the state

and visitors and, where appropriate, to provide for the siting of necessary recreation facilities including destination resorts.

Goal 8 requires local governmental agencies to plan for recreation areas, facilities, and opportunities. This goal ensures the provision of recreational facilities to Oregon residents and is primarily concerned with the provision of those facilities in non-urban areas of the state.

The 2018 Eugene Parks and Recreation System Plan is a 30-year strategic plan with implementation recommendations for the first 10 years. The plan includes new parks and trails, improved access to the Willamette River, revitalized pools and community centers, and more recreation opportunities in underserved areas. The Plan was shaped by more than 12,000 residents during an extensive and inclusive outreach process that garnered two resident engagement awards for the City.

Within the Parks and Recreation System Plan, a proposed Riverfront Park on the subject site is identified as Project #C1 "Downtown Riverfront Park development at former EWEB site to serve [the City Central Neighborhood Planning area]" in Appendix A Planning District Summaries and Recommendations. The Plan allocates $9,000,000 in capital cost to the project and identifies it as a Priority 1/2 project.[8]

The Riverfront Park concept was originally included as a key element in the prior approved EWEB Riverfront Master Plan. The S-DR Zone established a Cultural Landscape and Open Space (S-DR/CL) subdistrict and designed approximately 3-acres for parks and recreation uses. In 2013, the City and EWEB entered into an MOU that stated that EWEB would donate 3-acres of riverfront property to City of Eugene Parks in exchange for a dedication of funds for park development in the future.

In 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west. Key design features include:

- Extensive riparian habitat enhancement;
- Construction of a new bike path as a multi-modal pathway separating wheeled and pedestrian path users;
- Viewpoints reaching out over the river bank providing views up and down the river as it bends north;
- Integrated interpretive elements addressing themes of energy, ecology, industry, and culture on the site;
- Vibrant landscape design and native planting landscapes;
- Public art;
- Site lighting, benches, and other park furniture;
- Programmable open space for markets, food carts, performance and other public events; and
- Play areas for families and children.

Through the proposed amendments and related, concurrent land use applications required for development of the proposed new riverfront park, the proposal will effectively increase the amount of recreational capacity within downtown and riverfront areas. The proposal does not involve the siting

[8] Eugene Parks and Recreation System Plan. Appendix A Planning District Summaries and Recommendations. July 2018.

of destination resorts. Based on these findings, the proposed amendments are consistent with Statewide Planning Goal 8.

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

Goal 9 (OAR 660, Division 9) require cities to evaluate the supply and demand of commercial land relative to community economic objectives. It requires cities to provide an adequate land supply for economic development and employment growth.

In the City's recently adopted buildable lands inventory (Envision Eugene Employment Land Supply Study) the subject property is identified as being "committed" due to public ownership. However, additional analysis in the study (Part IV. Measures to Increase Employment Development) does account for the previously adopted special area zoning (S-DR), as applied in 2013, and estimates the potential for over 330 retail jobs upon redevelopment. As noted elsewhere, the proposed amendments do not change the underlying mixed-use and nodal development plan designations for the subject property, so there is no impact on that status nor any amendment to the adopted buildable land inventory that requires further analysis under Goal 9.

Although not required by Goal 9, the City conducted a Cost-Benefit Analysis for redevelopment of the Downtown Riverfront site, included as Exhibit Q: Cost-Benefit Analysis. The analysis shows that almost all impacts are positive, with very few negative impacts. This positive assessment largely results from the fact that the analysis compares the redevelopment to the site's current condition. Redeveloping the site will improve environmental conditions from the current state and create a new compact neighborhood within walking distance to services and the downtown and the University of Oregon, two major employment centers.

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

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

Goal 10 (OAR 660, Division 8) is intended to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs. It requires that sufficient buildable land be designated on the City's comprehensive plan map to satisfy housing needs by type and density range, as determined in the housing needs projection.

Similar to Goal 9 above, the subject property is shown as being "committed" due to public ownership in the City's recently adopted buildable lands inventory (Envision Eugene Residential Land Supply Study). However, additional analysis in that study (Part IV. Measures to Increase Residential Development) does account for the previously adopted special area zoning (S-DR), as applied in 2013, and estimates the potential for about 250-450 new residential dwellings upon redevelopment. As noted elsewhere, the proposed amendments do not change the underlying mixed-use and nodal development plan designations for the subject property, so there is no direct impact on that status nor any amendment to the adopted land inventory that requires further analysis under Goal 10.

The proposed amendments are specifically intended to facilitate downtown development and redevelopment in accordance with the Downtown Plan and Downtown Riverfront Concept Plan. The amendments and zone change do not affect the amount of land designated or zoned for residential use and will have no direct impact on the existing supply of or any existing residentially designated land. Therefore, the code amendments are consistent with Statewide Planning Goal 10.

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

Goal 11 (OAR 660, Division 11) requires cities and counties to develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly, and efficient arrangement, as required by Goal 11.

The 2001 Eugene-Springfield Public Facilities and Services Plan (PFSP) is the locally adopted plan that demonstrates compliance with the Goal 11 requirements, and there are no proposed amendments that would affect compliance with Goal 11 or its administrative rules. Therefore, the proposed amendments are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). TransPlan and the Eugene 2035 Transportation System Plan (2035 TSP) provide the regional policy framework through which the TPR is enacted at the local level.

Transportation Planning Rule (TPR) Evaluation

Goal 12 Transportation must be specifically addressed as part of the proposed amendments and zone change and in the context of Oregon Administrative Rules, as follows. As adopted, OAR 660-012-0060(1) states:

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

The proposed zone change is subject to subsection (9), which reads as follows:

> **(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**
>
> **(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map:**

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660- 024-220(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

The 2035 TSP is the City's acknowledged local transportation system plan. Chapter 3: Needs Assessment and Evaluation of the 2035 TSP provides:

> *The needs assessment and resulting projects…that establish a transportation system adequate to meet the identified local transportation needs are based upon the land use designations established by the Metro Plan. Because the 2035 TSP is based on the Metro Plan land use designations, any zone allowed within the land use designation is consistent with both the Metro Plan and this 2035 TSP.*

As previously discussed, and detailed in the related Zone Change findings, incorporated by reference herein, the recommended zoning of (8) parcels within the subject property from S-W, I-2, and PL to S-DR is consistent with the land use designations in the Metro Plan. Therefore, the proposed zone change is consistent with the 2035 TSP.

Because the proposal does not involve amendments to the Metro Plan (or any Refinement Plan) designations, and the proposed S-DR zoning remains consistent with the existing Mixed Use and Parks and Open Space designations, the zone change complies with OAR 660-012-0060(9) and satisfies OAR 660-012-0060(1).

The /ND Nodal Development Metro Plan overlay designation has also been applied to the entire Downtown Plan area. This designation identifies the Downtown Plan area as a nodal development, transit-oriented/pedestrian district, in further compliance with Statewide Planning Goal 12. Well-designed mixed-use developments at higher densities which encourage transit use are particularly desired in this area. The proposed amendments and zone change do not affect the /ND designation, as implemented through the S-DR zoning.

Based on these findings, the proposed amendments and zone change comply with the Transportation Planning Rule. Therefore, the proposed amendments and zone change are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation: To conserve energy.

Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Goal 13 is directed at the development of local energy policies and implementing provisions and does not establish any requirements with respect to other types of land use decisions. To the extent that Goal 13 could be applied to the proposed amendments and zone change, the existing and proposed designations are consistent with statewide planning Goal 13.

The proposed amendments and zone change do not specifically impact local energy conservation policies or implementing provisions, except to encourage compact urban development within the

downtown area. Therefore, the proposed amendments are consistent with Statewide Planning Goal 13.

> *Goal 14 – Urbanization: To provide and orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, and to provide for livable communities.*

The proposed amendments are site specific to land already subject to urban uses and do not affect the transition from rural to urban land use, as the entirety of subject property is within the City limits. Therefore, the proposed amendments and zone change are consistent with Statewide Planning Goal 14.

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

Goal 15 aims to protect, conserve, enhance, and maintain the natural scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. As illustrated on Sheet R1.0 Regulatory Plan (Exhibit B.1), 19.75 acres of the subject site are located within the Willamette River Greenway. The proposal involves a concurrent request for approval of a Willamette Greenway permit to allow development envisioned by the Downtown Riverfront Concept Plan.

As illustrated on Sheets L1.0 and L1.1 Site Plan (Exhibit B.1), the proposal involves the establishment of a Willamette Greenway setback line to keep structures separated from the river and to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. The proposed setback line is site specific, context sensitive, and responds to existing conditions and the redevelopment vision. The proposed Greenway setback varies in width from 25 feet to 125 feet adjacent the Willamette River, as delineated from the top-of-bank. The setback's variable width responds to existing site conditions and anticipated redevelopment consistent with the Downtown Riverfront Concept Plan vision. In total the proposed Willamette Greenway Setback will protect 3.67 acres of the subject site. Adoption of the setback ensures that only park-related development will be allowed between the setback and the river, that adequate public access is provided along the river frontage, that limited existing habitat is protected, and that the remaining natural vegetative fringe is protected.

The findings under EC 9.8815 demonstrate compliance with applicable approval criteria and standards for proposed development within Willamette Greenway. Compliance with applicable Metro Plan Willamette Greenway Policies is demonstrated in the findings for EC 9.8065(2) below. Based on these findings, and incorporated by reference herein, the proposed amendments are compliant with Statewide Planning Goal 15.

> *Goal 16-19 – Estuarine Resources, Coastal Shoreland, Beaches and Dune, and Ocean Resources:*

There are no estuarine, coastal, ocean, or beach and dune resources on the subject property or otherwise affected by the proposed amendments and zone change. Therefore, Statewide Planning Goals 16 through 19 do not apply.

The preceding findings demonstrate that the proposed amendments (and zone change) are consistent with all relevant Statewide Planning Goals. Based on these findings, EC 9.8065(1) is satisfied.

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

Metro Plan

Within the subject site, existing land use designations shown in the Metro Plan diagram include: High Density Residential, Parks and Open Space, Mixed Use Areas, and Nodal Development; as defined below:

- Residential, High Density land generally accommodates "auxiliary uses such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services" if compatible with refinement plans, zoning ordinances, and other local controls. High Density Residential land allows for "over 20 units per gross acre."
- Public and Semi-Public, Parks and Open Space land generally accommodates "*existing publicly owned metropolitan and regional scale parks*."
- Mixed Use land represents "areas where more than one use might be appropriate, usually as determined by refinement plans on a local level."
- Nodal Development is "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."

All Metro Plan policies were evaluated in relation to their applicability to the proposed amendments (and zone change) and the following policies were found to be relevant to the proposal. The findings demonstrate how the proposal is consistent with, and supported by, the policy direction contained in the Metro Plan.

Residential Land Use and Housing Element

Residential Density

A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.

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.

A. 14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.

Redevelopment of the subject site pursuant to the proposed amendments and zone change will facilitate infill of prior developed land already served by existing public utilities. The subject site is located adjacent the downtown area and 5th Street commercial corridor. The Downtown Riverfront Concept Plan proposes high density, pedestrian oriented, mixed-use development with high-quality public amenities and open space along the riverfront. The existing development standards and requirements in the S-DR Zone, as amended, will foster the mixed-use development scenario described above and implement nodal development and growth management policies, consistent with the above policies. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies A.10 through A.14.

Housing Type and Tenure

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location.

A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.

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

The proposed amendments and zone change provide for increased housing opportunities in the downtown area. The proposal involves amending local zoning regulations to facilitate a mix of structure types and densities. Specific development standards of the S-DR Zone, as amended, include seven different height standards with varied minimum/maximum height, ground floor height, setback, step-back, and build-to lines. The proposal facilitates residential development within the downtown core. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies A.17 through A.19.

Design and Mixed Use

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

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

A.24 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 and zone change will facilitate mixed-use development on the subject site where such development does not currently exist. The S-DR Zone, as amended, adheres to form-based code principles and is designed to be compatible with neighboring development through the establishment of use restrictions, height limitations, view corridors, build-to lines, and other provisions. Development standards are designed to be site specific, clear, and objective, and to provide a superior zoning tool that will obviate the need for any existing /SR Site Review overlays which are proposed to be removed as part of the related zone change request. Provisions of the

proposed S-DR Zone, as amended, also include a discretionary Design Review process that provides flexibility to approve alternatives while still ensuring consistency with the Downtown Riverfront Concept Plan. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies A.22 through A.24.

Economic Element

B.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.

The S-DR Zone regulations, as amended, are designed to facilitate a mixed-use development scenario including commercial and residential uses. Limited mixing of office and commercial uses is encouraged by specifying minimum ground floor height standards, which promote commercial uses, requiring a minimum one story or residential use in the S-DR/MU/2 Zone overlay subdistrict, and permitted live-work units as an allowed use. Other provisions such as use restrictions, view corridors, height limitations, and build-to lines contribute to ensure compatibility with adjacent development.

Although not required by Policy B.23, the City conducted a Cost-Benefit Analysis for redevelopment of the Downtown Riverfront site, included as Exhibit Q: Cost-Benefit Analysis. The analysis shows that almost all impacts are positive, with very few negative impacts. This positive assessment largely results from the fact that the analysis compares the redevelopment to the site's current condition. Redeveloping the site will improve environmental conditions from the current state and create a new compact neighborhood within walking distance to services and the downtown and the University of Oregon, two major employment centers.

Therefore, the proposed amendments and zone change are consistent with Metro Plan Policy B.23.

Environmental Resources

Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5)

C.8 Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to prevent erosion and protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

C.10 Local governments shall encourage further study (by specialists) of endangered and threatened plant and wildlife species in the metropolitan area.

C.11 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.

The proposal will not amend, supersede, or violate any adopted regulations, plans, or programs that manage development impacts on natural resources. The proposal will not affect existing established /WR protection provisions in EC 9.4900-9.4980, will increase the amount of landscape area and open

space along the Willamette River, and will facilitate restoration of the riparian corridor adjacent to the river as detailed in the Willamette Greenway Permit findings under EC 9.8815 and the Water Resources Standards Review findings under EC 9.4980, which are incorporated by reference herein.

There are no documented occurrences of endangered or threatened plant or wildlife species on the subject site. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies C.8, C.10, and C.11.

Open Space (Goal 5)

C.21 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 subject property includes 1,460 lineal feet of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The easternmost edge of the existing, paved Riverbank Trail generally demarcates the top of bank, as shown on Sheets S1.0 and S1.1 Existing Conditions Plans (Exhibit B.1). Narrow bands of riparian vegetation exist, within the revetments, between the Riverbank Trail and the water's edge. Other on-site vegetation consists of trees, shrubs, and groundcovers within parking lot landscape islands and landscape strips adjacent to sidewalks, parking areas, and buildings; and, a narrow strip of shrubs and grasses between the westernmost edge of the Riverbank Trail and developed areas.

Significant on-site vegetation is limited to the riparian corridor and is shown on Sheets S1.0 and S1.1 Existing Conditions and described in Exhibit G: Riverfront Ecological Analysis and Design Report and Exhibit N: Wetland Delineation Report. The Willamette River adjacent to the development site is identified as a Goal 5 Water Resource. According to ODFW, two salmonid populations listed under the ESA are documented as occurring within the reach of the Willamette River that flows through the project area:

- Upper Willamette River spring Chinook (*Oncorhynchus tshawytscha*) and Critical Habitat – federally threatened (FT)
- Columbia River bull trout (*Salvelinus confluntus*) Distinct Population Segment (DPS) and Critical Habitat (FT)

There are no other documented occurrences of significant wildlife species within the subject site. As shown on Sheet G1.0 Cover Sheet (Exhibit B.1), the proposal will maintain existing open space areas and will result in a significant increase in the amount of landscape and open space areas within the subject site following redevelopment.

The subject property currently provides approximately 4.51 acres of open space. The proposed amendments and zone change, the S-DR Zone, as amended, and its associated cultural landscape and open space sub-district, will result in an increase in the amount of open space to approximately 7.07 acres.

The 2018 Eugene Parks and Recreation System Plan is a 30-year strategic plan with implementation recommendations for the first 10 years. Within the Parks and Recreation System Plan, a proposed

Riverfront Park on the subject site is identified as Project #C1 "Downtown Riverfront Park development at former EWEB site to serve [the City Central Neighborhood Planning area]" in Appendix A Planning District Summaries and Recommendations. The Plan allocates $9,000,000 in capital cost to the project and identifies it as a Priority 1/2 project.

The Riverfront Park concept was originally included as a key element in the prior approved EWEB Riverfront Master Plan. The S-DR Zone established a Cultural Landscape and Open Space (S-DR/CL) subdistrict and designed approximately 3-acres for parks and recreation uses. In 2013, the City and EWEB entered into an MOU that stated that EWEB would donate 3-acres of riverfront property to City of Eugene Parks in exchange for a dedication of a funds for park development in the future.

In 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west.

Based on the preceding findings, the proposed amendments and zone change are consistent with Metro Plan Policy C.21.

Natural Hazards (Goal 7)

C.31 When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.

The subject property is located within the UGB. Portions of the subject property adjacent to the Willamette River are located within the FEMA regulated floodplain. The majority of the subject site is prior developed, as illustrated on Sheet R1.0 Regulatory Plan (Exhibit B.1). The proposal facilitates the infill of prior developed land. As discussed in findings for Statewide Planning Goal 7 under EC 9.8065(1), the proposal does not advance development in ways that are inconsistent with current standards nor does it modify or exempt existing regulatory protection measures. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policy C.31.

Willamette River Greenway and Waterways Element (Goal 15)

D.2 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; and other compatible uses.

As noted in the findings for Goal 8 under EC 9.8065(1), in 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west.

The Willamette River adjacent to the site is identified a Goal 5 Water Resource. The Willamette River, as a water resource, is protected by established protection provisions in the /WR Conservation overlay zone. Development standards and requirements in the proposed S-DR/CL Zone subdistrict, as amended (Exhibit A), will ensure enhancement of corridor and waterway environments. As such, the proposed amendments and zone change account for recreation, resource, and wildlife protection; and, promote enhancement of river corridor and waterway environments.

The S-DR Zone is designed to facilitate a mixed-use development scenario. The stated purposes of the S-DR Zone (Exhibit A) are to implement Nodal Development and Transit-Oriented Development policies, which focus on reduced reliance on automobile transportation within designated areas. Design standards within the S-DR zone, as amended, are intended to foster an active, vibrant, people-oriented district and reduce reliance on automobile use. As noted above in findings for Metro Plan Policies A.22 through A.24, the proposal facilitates residential development and other compatible uses. As such, the proposed amendments and zone change support non-automobile transportation alternatives; and, facilitate opportunities for residential development and other compatible uses. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policy D.2.

> *D.3 Eugene, Springfield, and Lane County shall continue to cooperate in expanding water related parks and other facilities, where appropriate, that allow access to and enjoyment of river and waterway corridors.*

This policy is aimed at intergovernmental cooperation between Eugene, Springfield, and Lane County to expand parks and other facilities and public access opportunities. As it relates specifically to Eugene, the following findings are relevant to the proposal. As noted in the findings for Goal 8 under EC 9.8065(1), within the Parks and Recreation System Plan, a proposed Riverfront Park on the subject site is identified as Project #C1 "Downtown Riverfront Park development at former EWEB site to serve [the City Central Neighborhood Planning area]" in Appendix A Planning District Summaries and Recommendations. The Plan allocates $9,000,000 in capital cost to the project and identifies it as a Priority 1/2 project.

In 2013, the City and EWEB entered into an MOU that stated that EWEB would donate 3-acres of riverfront property to City of Eugene Parks in exchange for a dedication of a funds for park development in the future. In 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west.

As such the proposed amendments and zone change advance the City's role pursuant to the above policy. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policy D.3.

> *D.5 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.*

The findings for Goal 8 under EC 9.8065(1) are incorporated by reference herein. Provisions of the S-DR/CL Zone subdistrict, as amended, will ensure compatibility with the natural, scenic, and environmental qualities of the Willamette River through the future development of high-quality public open space, recreation areas, and river overlooks. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policy D.5.

D.9 Local and state governments shall continue to provide adequate public access to the Willamette River Greenway.

Existing public access along the Willamette River is provided by the Riverbank Trail, a paved multi-use path that spans the entire length of the subject site. Within the subject site, public access to the Riverbank Trail from surrounding areas is provided at three points: the western terminus of the DeFazio Bridge at the north end of the site, the EWEB plaza at the eastern terminus of 4th Avenue, and a multi-use path connection extending from 8th Avenue to the Riverbank Trail at the south end of the site. The S-DR Zone, as amended, included requirements for additional public accessways extending from public rights-of-way to the proposed multi-use path and Riverfront park, as illustrated on Figure 9.3160 (Exhibit A).

As noted previously, in 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west. As illustrated on Sheets WR 104.1 and 104.2 (Exhibit B.3), the proposal involves the relocation of the Riverbank Trail to provide for additional landscape and open space area between the multi-use path and the river.

The S-DR Zone transportation plan, as amended, designates public accessways, consistent with EC 9.6835, and identifies the relocated Riverbank Trail as multi-use path, thus ensuring the continued provision of public access along the Willamette River. In addition, provisions of the S-DR/CL Zone subdistrict ensure high-quality public amenities along the riverfront including riverfront park, riparian/bank enhancement, 5th Avenue plaza, paths, trails, and interpretive sites and overlooks which combine to expand public access opportunities along the Willamette River.

The proposal ensures the continued provision of adequate public access along the river. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policy D.9.

Environmental Design Element

E.1 In order to promote the greatest possible degree of diversity, a broad variety of commercial, residential, and recreational land uses shall be encouraged when consistent with other planning policies.

E.2 Natural vegetation, natural water features, and drainage-ways shall be protected and retained to the maximum extent practical. Landscaping shall be utilized to enhance those natural features. This policy does not preclude increasing their conveyance capacity in an environmentally responsible manner.

E.4 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.

E.5 Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.

E.6 Local jurisdictions shall carefully evaluate their development regulations to ensure that they address environmental design considerations, such as, but not limited to, safety, crime prevention, aesthetics, and compatibility with

existing and anticipated adjacent uses (particularly considering high and medium density development locating adjacent to low density residential).

E.7 The development of urban design elements as part of local and refinement plans shall be encouraged.

E.8 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.

E.9 Refinement plans shall be developed to address compatibility of land uses, safety, crime prevention, and visual impact along arterial and collector streets, within mixed-use areas. During the interim period before the adoption of a refinement plan, these considerations shall be addressed by cities in approving land use applications in mixed use areas by requiring conditions of approval where necessary.

The proposal is designed to facilitate mixed-use, pedestrian friendly redevelopment, including residential lands and the findings herein demonstrate consistency with other applicable planning policies. The proposal does not change or affect existing /WR overlay zone protections established in EC 9.4900-9.4980and other applicable protection measures and development standards.

Development standards in the S-DR Zone (Exhibit A), as amended, are site specific and designed to be compatible with surrounding areas. The S-DR Zone includes development standards that regulate building height and form as well as circulation patterns and view corridors, which are designed to ensure compatibility with adjacent properties. The design elements of the S-DR Zone adhere to form-based code principles and are intended to facilitate the redevelopment vision of the Downtown Riverfront Concept Plan. The S-DR Zone includes a Design Review process, which provides flexibility to employ creative solutions to design problems. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies E.1 through E.9.

Transportation Element

Land Use

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.

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

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

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

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.

Twenty-seven (27) of the twenty-eight (28) parcels that comprise the subject property are designated ND Nodal Development. One (1) parcel located north of 4th Avenue are is not designated ND. The S-DR Zone (Exhibit A), as amended, is designed to implement Nodal Development growth management policies and to foster mixed-use development. The entirety of the subject site is located within the downtown core and in proximity to the 5th Street commercial corridor and major transit corridors. The proposal involves reconstruction and relocation of the Riverbank Trail, implementation of pedestrian-friendly street designs, and a Riverfront Park.

Development standards in the S-DR Zone, as amended, encourage transit, bicycle, and pedestrian use within the mixed-use development. Therefore, proposed amendments and zone change are consistent with Metro Plan Policies F.1 through F.5.

Transportation Demand Management

F.7 Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.

F.8 Implement TDM strategies to manage demand at congested locations.

Pursuant to EC 9.3165 (Exhibit A), S-DR Zone parking requirements for residential uses are between 0.5 and 2.25 spaces per unit. There are no minimum or maximum parking requirements for commercial uses. The S-DR Zone, as amended, allows for and promotes the use of interim parking areas, unimproved areas currently used for parking or former utility operations, as a means to comply with minimum parking requirements and reduce the amount of new surface parking areas, which is itself a parking management strategy. The S-DR Zone also provides an allowance for vertically stacked parking facilities and expands the proximity by which shared parking facilities and can be used to meet minimum parking requirements. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies F.7 through F.8.

Transportation System Improvements: System-Wide

F.11 Develop or promote intermodal linkages for connectivity and ease of transfer among all transportation modes.

F.13 Support transportation strategies that enhance neighborhood livability.

Transportation System Standards in the proposed S-DR Zone (Exhibit A), as amended, promote connectivity to existing streets and shape the block pattern and neighborhood livability within the entirety of the subject site. The proposal supports intermodal linkages through pedestrian and bicycle friendly street design concepts, improvements to the Riverbank Trail system, and accessway requirements, all of which will contribute to enhanced neighborhood livability. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies F.11 and F.13.

Transportation System Improvements: Roadways

F.14 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.

F.15 Motor vehicle level of service policy:

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

(1) Identifying capacity deficiencies on the roadway system.

(2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-012-0060).

(3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.

b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions: LOS E within Eugene's Central Area Transportation Study (CATS) area, and LOS D elsewhere.

c. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

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

This proposal adheres to existing development standards of roadways which implement effective design that address safety concerns and service access needs.

As detailed in Exhibit P: TIA Exempt Area Expansion Memorandum, in 2013, the City Council established the boundaries of the EC 9.8670 Traffic Impact Analysis (TIA) Exempt Area to include the Downtown Plan area, except for the property owned by EWEB. At that time, the EWEB site was not serviced by a gridded street pattern and the potential redevelopment was unknown.

Since that time, approximately 16.5 acres of former EWEB property have been acquired by the City's Urban Renewal Agency (URA). The Downtown Riverfront Concept Plan is a redevelopment plan for that property which identifies parcels, a street network and uses for the parcels. The plan has been reviewed by the City Council, which then initiated a local improvement district (LID) to create those streets and related infrastructure to enable the development plan to become a reality.

In 2017, the City adopted a new Transportation System Plan (TSP). As part of that adoption, the Council lowered the level of service (LOS) citywide to level E (Downtown is LOS F). As part of the work preceding the Council's previous approval of the existing S-DR Zone, a traffic analysis was undertaken. That study concluded the uses allowed by the plan would result in a transportation system that operated above LOS performance requirements.

Based on the above, the proposal amends Map 9.8670 Downtown Traffic Impact Analysis Exempt Area to expand the TIA Exempt Area to include the subject property. The findings for Goal 12 under EC 9.8065(1) are incorporated by reference herein as demonstration that the proposed amendments and zone change are exempt from the requirement for TPR analysis. The S-DR Zone, as amended (Exhibit A), contains additional detail on required transportation system standards and the concurrent Tentative Subdivision (Exhibit B.2) provides design information for the proposed public street system. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies F.14 and F.15.

Transportation System Improvements: Pedestrian

F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

F.27 Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.

F.28 Construct sidewalks along urban area arterial and collector roadways, except freeways.

This proposal is designed to foster a vibrant and active pedestrian environment that is integrated with on-site and adjacent uses. Provisions of the S-DR Zone (Exhibit A), as amended, ensure high-quality public amenities along the riverfront including a public plaza, interpretive sites and overlooks, and an improved Riverbank Trail, as illustrated on Sheets WR 104.1 and 104.2 (Exhibit B.3).

Proposed street designs in the S-DR Zone incorporate pedestrian sidewalks on both sides of streets that will establish an interconnected system within the development site and provide direct routes between destination points. The proposal does not involve arterial or collector roadways. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies F.26 through F.28.

Energy Element

J.7 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.

J.8 *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.*

The Downtown Riverfront Concept Plan establishes the framework for a vibrant, active, pedestrian-oriented mixed-use redevelopment. Form based development standards and transportation system standards in the proposed S-DR Zone (Exhibit A), as amended, implement Nodal Development and Transit-oriented Development principles. The subject site is located within walking distance to the downtown core and the 5th Street commercial corridor, as well as LTD transit routes and the Amtrak rail station. On-site circulation patterns and public amenities along the riverfront are designed to promote pedestrian and bicycle activities. Therefore, the proposed amendments and zone change are consistent with Metro Plan Policies J.7 and J.8.

The preceding findings demonstrate that the proposed amendments and zone change are consistent with all applicable Metro Plan policies. As such, approval of the proposal does not make the Metro Plan internally inconsistent. The findings under EC 9.8424 demonstrate that the proposed code amendments are also consistent with applicable refinement plans and are incorporated by reference herein. This criterion is satisfied.

(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 proposal does not involve the establishment of a new special area zone. Therefore, this criterion is not applicable.

Based on the above findings, and supporting documentation in Exhibit A: Code Amendments, the code amendments are consistent with applicable approval criteria.

3.2 Refinement Plan Amendments

The subject site is within the boundaries of the Downtown Plan, Downtown Riverfront Specific Area Plan, Riverfront Park Study, and Whiteaker Plan. The proposal involves Refinement Plan amendments to amend the text of the Whiteaker Plan and to repeal the Downtown Riverfront Specific Area Plan. Whiteaker Plan text amendments include amendments to Zoning Conflicts, Policy 2, to change the zoning designation of six properties from Whiteaker Special Area Zone (S-W) to Downtown Riverfront Special Area Zone (S-DR) and to remove the Site Review (/SR) overlay zone designation from those properties.

The Downtown Riverfront Concept Plan is a refinement of the redevelopment vision expressed in the Downtown Riverfront Specific Area Plan and advances the purpose of the Plan to support the creation of an active, vibrant, people place along Eugene's downtown. Policies in the Downtown Riverfront Specific Area Plan are currently used as Design Review criteria to review alternatives to compliance with applicable standards in the S-DR Zone. The concurrent Code Amendments (Exhibit A) amend EC 9.3190 Design Review to retain the overall intent of the Downtown Riverfront Specific Area Plan policies as Design Review criteria for approval. Accordingly, and with other concurrent amendments to the S-DR Zone to implement the refined and updated concept plan for redevelopment of the site, the Downtown Riverfront Specific Area Plan is no longer necessary as a regulatory component of the S-DR Zone, and EC 9.8010 is being amended to reflect its removal. The proposal does not otherwise amend the Downtown Plan or the Riverfront Park Study.

The refinement plan text amendments are presented below. Findings of compliance with applicable approval criteria and standards are provided at EC 9.8424, below.

The Whiteaker Plan is revised as follows:

A. Add text to the Land Use Element Policy 2 under the "City Policies / Implementation Strategies" heading as shown:

Apply Site Review subdistrict zoning to properties that are zoned C-2 General Commercial, GO General Office, or I-2 Light-Medium Industrial that are adjacent, across an alley, or across a street from land zoned low-density residential since the uses on these properties are potentially incompatible with the following exception: Do not apply Site Review to C-2 zoned land within the 6th/7th Avenue Commercial Area. Also apply Site Review to properties that are across adjacent, across an alley, or across a street from land within a historic district with the following exceptions: Do not apply Site Review to property zoned PL Public Land, ***S-DR Downtown Riverfront Special Area Zone*** *or low-density residential. Also apply Site Review to all properties zoned MU-W Whiteaker Mixed Use and to all properties zoned R-2/20 or any other residential zoning district that allows an equal or higher residential density, excluding property in a historic district* ***or in the S-DR Downtown Riverfront Special Area Zone****. For parcels zoned with the site review subdistrict as part of the Whiteaker Plan implementation rezoning, the triggering threshold for when to apply site review shall be as follows:*

> *Site review is required for new development, except for the expansion or alternation of single-family structures in residential use. New development is defined as the development of a new structure, excluding single-family structures, or an addition to an existing structure that expands the building footprint.*

B. Add text to the Land Use Element Policy 2 under the "Skinner Butte Mixed Use Area – Subarea 11" heading as shown:

*Change the zoning in the Skinner Butte Mixed Use Area to apply the MU-W Whitaker Mixed Use District to properties designated for Mixed Use on the Whiteaker Plan Land Use Diagram except for parcels that are zoned SD Special Development District. Apply R-3 Multiple-Family Residential zoning to properties designated Limited High-Density Residential. Allow future rezoning of parcels zoned SD as initiated by the property owner. Apply SR Site Review subdistrict zoning to all property zoned MU-W Whitaker Mixed Use**, except for property in the S-DR Downtown Riverfront Special Area Zone**.*

As noted previously, the proposal changes the zoning designation of six properties from S-W to S-DR and removes the SR overlay zone designation from those properties. All of the properties are adjacent, across an alley, or across a street from land within a historic district, which appears to be the basis for Site Review being applied according to the existing language in Policy 2. Two historic districts overlap in the East Skinner Butte Neighborhood, one National Register (NR) and the other City Landmark (CL), which cover approximately the same geography. The NR and CL historic district boundaries are shown on Exhibit D: East Skinner Butte Historic District Map.

The proposed text amendments provide an exception from the requirement to apply Site Review to properties that are across adjacent, across an alley, or across a street from land within a historic district if they are zoned S-DR.

EC 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.

Findings for EC 9.8065(1) demonstrate the proposal's consistency with applicable Statewide Planning goals and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

(b) Applicable provisions of the Metro Plan.

Findings for EC 9.8065(2) demonstrate the proposal's consistency with applicable policies of the Metro Plan and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

(c) Remaining portions of the refinement plan.

The proposed amendments to the Whiteaker Plan, and to repeal the Downtown Riverfront Specific Area Plan, are consistent with the purpose of updating the City's adopted refinement plans to reflect a substantial change in circumstances not anticipated at the time they were originally adopted, as further addressed under subsection (2)(e) below. Implementation of the proposal will generally further the goals and policies of the Whiteaker Plan, by retaining the existing mixed-use designation

for the subject properties being rezoned to S-DR. The provisions, standards, and development criteria in the existing S-DR Zone, as amended, satisfy remaining policies and fulfill the implementation strategies for sites within the Whiteaker Plan. The proposed amendments are otherwise consistent with the remaining portions of the plan. This criterion is satisfied.

(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.

(e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

The proposed amendments do not address an error in the publication of the applicable refinement plan, new inventory materials related to statewide planning goals, new or amended state or federal laws, regulations, or policies. As noted above, the amendments are proposed to implement a substantial change of circumstances not anticipated at the time of plan adoption according to subsection (e). Therefore, criteria EC 9.8424(2)(a), (b), (c) and (d), above are not applicable to the proposed amendments.

On July 9, 2018 the City Council initiated land use code amendments and Local Improvement District (LID) infrastructure processes to facilitate implementation of the Downtown Riverfront Concept Plan. Council has subsequently reviewed the progress of that LID and has approved motions moving the infrastructure into the design and initial construction phases. Funding has also been identified to complete the infrastructure reflected in the plan.

The Downtown Riverfront Concept Plan[9] proposes high density, pedestrian oriented, mixed-use development with high-quality public amenities and open space along the riverfront. The form-based zoning standards for the S-DR Zone will provide a more refined, clear and objective zoning tool as compared to the existing Site Review overlay zoning. The development standards and requirements in the S-DR Zone, as amended, will also promote redevelopment consistent with this vision and implement nodal development and growth management policies in other community plans, specifically the Metro Plan, the Whiteaker Plan, and the Downtown Plan.

The original Downtown Riverfront Specific Area Plan as adopted, includes a variety of graphics and other text that are now inconsistent with the updated vision, related to the configuration of streets, open space including the riverfront park, and the arrangement of proposed uses and development overall. Recognizing that the majority of the original plan is adopted only as supporting findings for the original S-DR Zone, and that the vestigial regulatory components of the plan have been incorporated into the revised and updated S-DR Zone, the original plan itself retains no utility as it

[9] The Downtown Riverfront Concept Plan was presented to City Council on January 31, 2018 (Agenda, Minutes, Webcast). City Council initiated land use code amendment to implement the plan on July 9, 2018 (Agenda, Minutes, Webcast).

relates to regulation of the land uses on the subject property. In fact, it could create unnecessary confusion if it were to be retained, along with other changes to the S-DR Zone being proposed concurrently.

Due to these changes, and with incorporation of the remaining, relevant policy intent within the S-DR Zone, repeal of the Downtown Riverfront Specific Area Plan is warranted under subsection (e). The amendment to Policy 2 of the Whiteaker Plan is also proposed to facilitate implementation the updated concept plan for subject properties that are being rezoned from S-W/SR to S-DR.

Based on the preceding findings, the proposed amendments are consistent with refinement plan amendment approval criteria.

3.3 Zone Change

The proposal involves the re-zoning of eight (8) parcels (totaling approximately 1.68 acres) within the subject site from S-W Whiteaker Special Area Zone, I-2 Light-Medium Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone, which is being revised as part of concurrent amendments to the land use code; and, to remove the /Site Review Overlay Zone on six (6) parcels and the /TD Transit Oriented Development Overlay Zone on one (1) parcel. Twenty (20) parcels will retain the S-DR Downtown Special Area Zone designation and fifteen (15) parcels will retain the existing /WR Water Resources Conservation Overlay Zone designation.

Table 3-1 presents existing and proposed base and overlay zone designations for parcels within the subject site. Exhibit C: City of Eugene Zoning Diagram illustrates existing and proposed zoning diagram changes. Assessor's map and tax lot numbers are shown on Sheet G1.0 Cover Sheet (Exhibit B.1). The only properties subject to the proposed zone change are highlighted in the table below, for ease of reference.

Findings of compliance with applicable Zone Change approval criteria are provided for EC 9.8865, following the table below.

Table 3-1. Existing and Proposed City of Eugene Zoning Designations

Map and Tax Lot No.	Acres	Plan Designation	Base Zone Designation		Overlay Zone Designation	
		Existing	Existing	Proposed	Existing	Proposed
17032933 / 01400	0.12	POS / ND	S-DR	S-DR	WR	WR
17032933 / 01500	0.09	POS / ND	PL	S-DR	WR	WR
17032933 / 01600	0.11	POS / ND	S-DR	S-DR	WR	WR
17032933 / 01800	0.03	POS / ND	S-DR	S-DR	WR	WR
17032933 / 01900	0.18	POS / ND	I-2	S-DR	TD / WR	WR
17032933 / 02000	0.11	POS / ND	S-DR	S-DR	WR	WR
17032933 / 02600	0.25	MU / ND	S-W	S-DR	SR	-
17032933 / 02700	0.42	HDR, MU / ND	S-DR	S-DR	-	-
17032933 / 02900	0.24	MU / ND	S-DR	S-DR	WR	WR
17032933 / 02901	0.40	MU / ND	S-DR	S-DR	WR	WR
17033044 / 07400	0.29	MU	S-W	S-DR	SR	-
17033044 / 07500	0.29	MU / ND	S-W	S-DR	SR	-
17033044 / 08200	0.21	MU / ND	S-W	S-DR	SR	-
17033044 / 08300	0.08	MU / ND	S-W	S-DR	SR	-
17033044 / 08400	0.29	MU /ND	S-W	S-DR	SR	-
17033044 / 08500	1.54	HDR, MU / ND	S-DR	S-DR	-	-
17033111 / 00100	0.26	HDR, MU / ND	S-DR	S-DR	-	-
17033111 / 00300	0.48	HDR, MU / ND	S-DR	S-DR	-	-
17033222 / 00100	2.33	MU / ND	S-DR	S-DR	WR	WR
17033222 / 00300	1.90	HDR, MU / ND	S-DR	S-DR	-	-
17033222 / 00400	0.40	HDR, MU / ND	S-DR	S-DR	-	-
17033222 / 00401	0.64	HDR, MU / ND	S-DR	S-DR	-	-
17033222 / 00800	7.28	MU / ND	S-DR	S-DR	WR	WR
17033222 / 01500	1.18	POS / ND	S-DR	S-DR	WR	WR
17033222 / 01600	0.41	POS / ND	S-DR	S-DR	WR	WR
17033222 / 00801	3.02	MU / ND	S-DR	S-DR	WR	WR
17033222 / 00802	2.90	POS / ND	S-DR	S-DR	WR	WR
17033222 / 00803	1.42	MU / ND	S-DR	S-DR	WR	WR

EC 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.

The proposal involves the re-zoning of eight (8) parcels (totaling approximately 1.68 acres) within the subject site from S-W Whiteaker Special Area Zone, I-2 Light-Medium Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone, which is being revised as part of concurrent amendments to the land use code; and, to remove the /Site Review Overlay Zone on six (6) parcels and the /TD Transit Oriented Development Overlay Zone on one (1) parcel. Twenty (20) parcels will retain the S-DR Downtown Special Area Zone designation and fifteen (15) parcels will retain the existing /WR Water Resources Conservation Overlay Zone designation.

The proposal does not amend the Metro Plan, as the proposal relies upon existing designations as shown in Table 3-1 above. The proposed zone changes are designed to implement Metro Plan nodal development and mixed-use development policies through S-DR Zone standards, as amended, that are specifically intended to facilitate redevelopment, mixed-use development, and public access consistent with the updated Downtown Riverfront Concept Plan[10] as previously described. The findings at EC 9.8065(2) demonstrate the consistency of the proposed zone change with applicable provisions of the Metro Plan. Therefore, this criterion is satisfied.

(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 subject property is included within the boundaries of the Downtown Plan, Riverfront Park Study, and Whiteaker Plan. As part of the implementation of the redevelopment vision, the proposal involves amendments to the Whiteaker Plan and the S-DR Downtown Riverfront Special Area Zone. Approval of the zone change is dependent upon approval of these concurrent refinement plan and code amendments but relies entirely on existing plan designations.

More specifically, the proposed rezoning of properties from S-W/SR to S-DR is consistent with those properties' existing mixed-use plan designation in the Whiteaker Plan (and the corresponding mixed-use designation in the Metro Plan). The concurrent amendment to Policy 2 of the Whiteaker Plan is, however, necessary to facilitate removal of the existing/SR Site Review overlays on these properties. As such, the related refinement plan amendment findings at EC 9.8424 are incorporated herein by reference. With approval of the related amendment to Policy 2, the proposed rezoning from S-W/SR to S-DR is consistent with all applicable provisions of the Whiteaker Plan.

The two individual properties being rezoned from PL/WR and I-2/TD/WR, to S-DR/WR, are located just outside the Whiteaker Plan boundary and have no refinement plan land use designation otherwise established in the Riverfront Park Study or Downtown Plan. As such, the proposed rezoning of those

[10] The Downtown Riverfront Concept Plan was presented to City Council on January 31, 2018 (Agenda, Minutes, Webcast). City Council initiated land use code amendment to implement the plan on July 9, 2018 (Agenda, Minutes, Webcast).

properties relies upon on their existing Metro Plan designations for parks and open space and nodal development. These individual parcels were not included in the original re-zoning of properties to the S-DR Zone as part of the "EWEB Riverfront Master Plan" (see Ord. 20513 and its Exhibits) but have since been recognized as additional parcels that should be rezoned as part of the new riverfront park at its northern end near the DeFazio Pedestrian Bridge. It is also noted that these parcels will have a subdistrict designation within the S-DR zone for /CL, Cultural Landscape, which is consistent with their intended use and availability as part of the new riverfront park. They will also retain the /WR Water Resource Overlay Zoning which will ensure compliance with the City's adopted protections for Goal 5 resources (i.e. the Willamette River). None of these changes would conflict with any known, adopted refinement plan provisions in the context of this criterion.

Regarding the removal of the /TD Transit Oriented Development Overlay Zone from one (1) parcel, the development standards in the S-DR Zone (Exhibit A), as amended, duplicate the development standards in the /TD Overlay Zone, with minor modifications to align with the redevelopment vision, and are designed to achieve superior performance in development form. The provisions of the /TD Overlay Zone are designed to supplant those of the applicable base zone or overlay zone. As the provisions of the S-DR Zone duplicate and exceed the provisions of the /TD Overlay Zone, retention of the /TD Overlay Zone would create inconsistencies and is therefore is no longer warranted.

Furthermore, this individual parcel is located well outside the Transit Oriented Development Overlay Zone area as indicated on EC Map 9.4510, as are all the other parcels included as part of this concurrent adoption package which were previously rezoned to S-DR and to remove the /TD Overlay Zone in 2013 (again, see Ord. 20513 and its Exhibits). In addition, there is no adopted refinement plan that specifically requires retention of the /TD overlay in the context of this criterion. This action is consistent with the overall intent of the S-DR Zone to still facilitate transit-oriented development as part of the overall project, but with more specific provisions in the /CL subdistrict of the S-DR Zone that will facilitate the riverfront park and natural resource protections along the Willamette River.

Based on the preceding findings, this criterion is satisfied.

(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.

The minimum level of key urban facilities and services are defined in the Metro Plan as including wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis.[11] All of these key urban services and facilities are currently available or can be extended in an orderly and efficient manner within a reasonable timeframe as needed, consistent with this criterion.

The subject property is located within the UGB and within the downtown core area of Eugene. The subject parcels are currently developed and served by existing urban facilities and services. Future redevelopment will necessitate extension of such services as is typical. Exhibit J: Stormwater Study provides an evaluation of existing stormwater facilities within the subject property. Exhibit K: Wastewater Study provides an evaluation of existing wastewater facilities within the subject property. Existing transportation facilities are sufficient to handle the proposed re-zoning and subsequent

[11] Lane Council of Governments (LCOG). Metro Plan. Glossary page V-3. 2004 Update.

development as demonstrated by the findings of compliance with Statewide Planning Goals 11 and 12, under EC 9.8065(1). Other public services are available to properties within Eugene's UGB, including the subject parcels, and are available to serve them. Re-zoning subject parcels to S-DR and removing the /TD and /SR overlays will not affect the provision of key urban services.

The proposal includes a concurrent request for Subdivision Tentative approval and the findings under EC 9.8515 are incorporated by reference herein as further demonstration of compliance with this criterion. Based on the preceding findings, this criterion is satisfied.

(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

* * *

(i) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.

* * *

EC 9.3140 <u>S-DR Downtown Riverfront Special Area Zone Siting Requirements</u>. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be included within the Downtown Riverfront area depicted on Figure 9.3135 S-DR Zone Regulating Plan. The subdistrict and overlay subdistrict designations applicable to the property are shown on Figure 9.3135 S-DR Zone Regulating Plan and shall be more precisely located on individual lots upon land division approval.

Exhibit A: Code Amendments includes an amended Figure 9.3185 S-DR Zone Regulating Plan which depicts all the of the parcels within the subject site, and subject to the re-zoning request as within the Downtown Riverfront area. Figure 9.3185 includes subdistrict and overlay subdistrict boundaries.

Exhibit B.2: Tentative Subdivision Plan Set is a land division request for approximately 16-acres within the Downtown Riverfront area depicted on Figure 9.3185. The boundaries of subdistricts and overlay subdistricts are shown on Exhibit B.2: Tentative Subdivision Plan Set, in accordance with the above requirement. Based on the preceding findings, this criterion is satisfied.

(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.

The proposal does not involve the application of the /NR Zone. This criterion does not apply.

Based on the preceding findings, the zone change is consistent with applicable approval criteria.

3.4 Willamette Greenway Permit

Statewide Planning Goal 15, Willamette River Greenway, provides that:

> *"The qualities of the Willamette River shall be protected, conserved, enhanced and maintained consistent with lawful uses present on December 6, 1974. Intensifications of uses, changes of use or developments may be permitted after this date only when they are consistent with the Willamette Greenway Statute, this Goal and [other standards]."*

Regarding "other standards," EC 9.8800-9.8825 provides that:

> *"EC 9.8800 Purpose of Willamette Greenway Permits. Intensifications of uses, changes in use, or development require special consideration before being permitted within the boundaries of the Willamette River Greenway. * * * 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 ensure that any intensifications of uses, changes in use, or developments within the Willamette Greenway boundaries are compatible with nearby uses within the Willamette Greenway."*
>
> *"EC 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 * * *.*

As illustrated on Sheet R1 Regulatory Plan (Exhibit B.1), approximately 19.75 acres of the subject site are within the boundaries of the Willamette River Greenway. As noted previously, the proposal involves changes in use. Subsequent redevelopment will involve intensifications of uses and new development. Therefore, the proposal requires special consideration and approval of a Willamette Greenway permit to allow development to proceed in accordance with the redevelopment vision and to ensure compatibility with nearby uses.

Findings of compliance with applicable approval criteria and standards are provided in EC 9.8815. 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.

EC 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.

In a prior approved Willamette Greenway Permit for the Autzen Stadium expansion (WG 01-1) the Hearings Official interpreted this criterion, as follows:

> *"The intent of this criterion is, in large part, to ensure the continued integrity of the landscaping area and scenic qualities adjacent to the river, for the benefit of those enjoying the river's scenic and aesthetic attributes."*

As shown on Sheet R1.0 Regulatory Plan (Exhibit B.1), the subject property contains approximately 1.71 acres of open space within the Greenway Boundary. As illustrated on Sheets S1.0 and S1.1 Existing Conditions Plan, the natural vegetative fringe along the Willamette River, containing landscape areas and vegetation, is limited to the area between the water's edge and the easternmost edge of the Riverbank Trail, with the exception of small patches of landscaping (islands, planter strips, and foundation plantings) associated with parking areas and access drives within the site. The vast majority of the subject site is prior developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. Since that time, large volumes of fill material have been imported and placed on the subject site and the entire length of riverbank is armored with riprap. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat on the subject site (Exhibit G). Of the area of the subject site within the Willamette Greenway boundary, 92 percent of the site is covered by buildings or structures (approximately 5.92 acres), impermeable surfaces (approximately 9.03 acres), or other (gravel) surfaces (3.09 acres), as illustrated on Sheet R1.0 Regulatory Plan.

The proposed amendments and zone change rezone eight (8) parcels (totaling approximately 1.68 acres) within the subject site from S-W Whiteaker Special Area Zone, I-2 Light-Medium Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone, which is also being revised under the concurrent amendments to the land use code. The proposed zone change also removes the /SR Site Review Overlay Zone on six (6) parcels and the /TD Transit Oriented Development Overlay Zone on one (1) parcel. Twenty (20) parcels will retain the S-DR Downtown Special Area Zone designation and fifteen (15) parcels will retain the existing /WR Water Resources Conservation Overlay Zone designation.

The S-DR Zone includes two land use sub-districts; a mixed-use sub-district (S-DR/MU) and a cultural landscape and open space sub-district (S-DR/CL). The S-DR/CL sub-district comprises approximately 7.07 acres of land adjacent the Willamette River and includes existing landscape areas, open space, and vegetation adjacent to the Willamette River, as described above. Permitted and prohibited uses are consistent with those allowed in the Parks, Recreation and Open Space (PRO) Zone. Development standards are largely based on exiting established development standards in the PRO, NR, and PL Zones, and are amended to achieve equal or higher performance in landscape and open space site protection, restoration, and enhancement for this specific site.

The proposal does not affect or amend existing established /WR Overlay Zone protections, which establish a 100-foot conservation setback along the Willamette River within the subject site. The /WR provisions limit the types of activities permitted within the setback and ensure the continued provision of landscape and open space area between redevelopment and the river. As illustrated on Sheet R1.0 Regulatory Plan, 3.24 acres within the /WR conservation setback are prior developed in accordance with EC 9.4920(5) and are excluded from /WR conversation areas. The standards and requirements at EC 9.4900 through EC 9.4980 do not apply to prior developed areas, as specified in EC 9.3155(16), as amended. The proposal establishes a Willamette Greenway Setback line, as discussed in the findings for EC 9.8815(5)(a), which concurrent with development of the Riverfront Park, will keep structures separated from the river and increase the amount of landscape, open space, and vegetation along the river as compared to existing conditions.

The proposal includes a new Riverfront Park on the subject site. An inviting and accessible public park along the Willamette River has long been a critical component to creating a new riverfront neighborhood district in Downtown Eugene. The proposal requests approval to develop the riverfront

to serve as an anchor amenity for new development and create access points to the riverfront for the community.

The 2018 Eugene Parks and Recreation System Plan is a 30-year strategic plan with implementation recommendations for the first 10 years. The plan includes new parks and trails, improved access to the Willamette River, revitalized pools and community centers, and more recreation opportunities in underserved areas. The Plan was shaped by more than 12,000 residents during an extensive and inclusive outreach process that garnered two citizen engagement awards for the City.

Within the Parks and Recreation System Plan, a proposed Riverfront Park on the subject site is identified as Project #C1 "Downtown Riverfront Park development at former EWEB site to serve [the City Central Neighborhood Planning area]" in Appendix A Planning District Summaries and Recommendations. The Plan allocates $9,000,000 in capital cost to the project and identifies it as a Priority 1/2 project.[12]

The Riverfront Park concept was originally included as a key element in the prior approved "EWEB Riverfront Master Plan". The S-DR Zone established a Cultural Landscape and Open Space (S-DR/CL) subdistrict and designed approximately 3-acres for parks and recreation uses. In 2013, the City and EWEB entered into an MOU that stated that EWEB would donate 3-acres of riverfront property to City of Eugene Parks in exchange for a dedication of a funds for park development in the future.

In 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west. Key design features include:

- Extensive riparian habitat enhancement;
- Construction of a new bike path as a multi-modal pathway separating wheeled and pedestrian path users;
- Viewpoints reaching out over the river bank providing views up and down the river as it bends north;
- Integrated interpretive elements addressing themes of energy, ecology, industry and culture on the site;
- Vibrant landscape design and native planting landscapes;
- Public art;
- Site lighting, benches, and other park furniture;
- Programmable open space for markets, food carts, performance and other public events; and
- Play areas for families and children.

As such, specific design goals for the park are to:

- Enhance riparian habitat conditions and develop visible stormwater treatment landscape connections within the new park.
- Significantly improve the section of the Ruth Bascom Riverfront Path and provide inclusive and easy access from downtown to the Riverfront and across the river at the Peter DeFazio Bridge.

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[12] Eugene Parks and Recreation System Plan. Appendix A Planning District Summaries and Recommendations. July 2018.

- Create viewpoints that reach from the adjacent new development site out to river overlooks within the park.
- Integrate history and culture into the landscape via art-based interpretive elements.
- Provide opportunities for activities, play, and programming within the park to encourage visitors from the community and around the world to experience and engage in the landscape of the river.
- Create a safe and inclusive park experience at any time of day or night for park visitors.

The proposed development of a Riverfront Park within the subject site seeks to provide the maximum possible amount of landscaped area, open space, and vegetation as a core tenet of its use. As shown on Sheets WR 101.1 and 101.2 (Exhibit B.3), the Riverfront Park site is approximately three acres of linear park land along approximately 1,500 linear feet of the Willamette River.

All proposed enhancement work is scheduled to occur above the ordinary high-water line. The proposed landscape design varies from native riparian enhancement approaches, to urban landscape forms using set percentages of native plants and an architectural design approach. The landscapes are restorative and educational in some areas, and more structural as support to hardscape and building design in others. Lawn area will provide open spaces for viewing and play, while stormwater treatment area plantings are designed for water quality treatment within an urban landscape setting.

The Riverfront Park includes three types and locations of riparian enhancement in order to provide the maximum possible landscaped area, open space, and vegetation between the development and the river:

1) **Riparian Enhancement – Grading and Planting**
The park site is narrow at the north and south ends to accommodate existing buildings on the river, namely the EWEB Headquarters buildings to the north and the decommissioned EWEB Steam Plant to the south. The site widens between these areas, allowing for a grading back of the bank to create a gentler slope; installation of a fabric encapsulated stabilization system; seeding; and replanting with native riparian species. This work will result in a rich and diverse river's edge habitat and will maintain the roughness needed to allow for slower water through this area.

2) **Riparian Enhancement – Non-Native Species Removal, Pruning, and Planting**
In the narrower areas of the site, riparian enhancement activities will be limited to removal of non-native invasive species; pruning of trees to remain for tree health and improved views; and planting in the voids of the existing bank armament structures to promote new growth on the river bank.

3) **Conservation Area Enhancement – Grading, Access, and Replanting**
At the very north end of the site between the EWEB North headquarters building and the Peter DeFazio Bridge, the project will construct an accessible path and renovate an area above the bike path with new native plantings. The area is currently overgrown with many non-native invasive species and has several concrete paths for viewing the river. This area is located within the Goal 5 Resource Conservation Setback for the Willamette River and as such will be revegetated with native riparian species. An accessible path will bring park visitors to the top of the bridge and provide additional seating and viewpoints along the way.

In addition, the Riverfront Park plaza space is intended to support and be supported by a variety of development types surrounding the space. Permitted uses, such as restaurants, a hotel, and other

residential buildings are planned to surround the new plaza space, providing open space to draw families and residents of all ages. The plaza is envisioned to provide open space where food, drink, and community events can be enjoyed within the context of the Willamette River. As such, the plaza will incorporate paved open space with facilities to support performance space, food vendors or trucks, and other urban events. Some areas will also be devoted to stormwater treatment landscapes and provision of contemplative and quiet spaces.

As shown on Sheet G1.0 Cover Sheet, the proposal will result in approximately 7.07 acres of land dedicated as cultural landscape and open spaces areas, including the Riverfront Park. Pursuant to redevelopment, the proposal will create approximately 2.56 acres of new landscape and open space area and will increase the overall site coverage of said areas by 12 percent.

The above findings demonstrate that the proposal will provide the maximum possible landscape area, open space, and vegetation between redevelopment and the river. Based on the above findings, this criterion is satisfied.

(2) To the greatest possible degree, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.

Existing public access along the Willamette River is provided by the Riverbank Trail, a paved multi-use path that spans the entire length of the subject site. Within the subject site, public access to the Riverbank Trail from surrounding areas is provided at three points: the western terminus of the DeFazio Pedestrian Bridge at the north end of the site, the former EWEB plaza at the eastern terminus of 4th Avenue, and a multi-use path connection extending from 8th Avenue to the Riverbank Trail at the south end of the site.

As illustrated on Sheets L1.0 and L1.1 Site Plan (Exhibit B.1), the proposal involves the relocation of the Riverbank Trail to provide for additional landscape and open space area between the multi-use path and the river. The proposed amendments and zone change designate said land for "parks and open space" uses. The S-DR Zone regulating plan, as amended, designates public accessways, consistent with EC 9.6835, and identifies the relocated Riverbank Trail as a multi-use path, thus ensuring the continued provision of public access along the Willamette River. In addition, provisions of the S-DR/CL sub-district ensure high-quality public amenities along the riverfront, which combine to expand public access opportunities along the Willamette River.

More specifically, the proposal prioritizes the inclusion of paths and viewpoints to encourage public access and enjoyment of the riverfront. As previously noted, the Riverbank Trail will be relocated and reconstructed as a key transportation connection through the west edge of the proposed Riverfront Park. The trail will be rebuilt to separate bicycles and other faster modes of travel from pedestrians with construction of two paths separated by landscaped areas. Several view corridors extend over the river bank and capture key views up and down the Willamette as it bends northward, as illustrated on Figure EC 9.3155(3). The view corridors are aligned with key street corridors that extend into the redevelopment site and are intended to reinforce a connection to the river.

In addition, secondary pedestrian paths will meander closer to the river and provide additional viewing points, as illustrated on Figure EC 9.3185. A proposed interpretive site/overlook at the end of 5th Avenue will provide areas for seating and viewing as well as space for performance and visual art under and around a proposed Art Pavilion. Public art is an integral component of the Riverfront Park design, infusing the site with interpretive opportunities as well as creating a foundation for future temporary installations. The most significant art piece on the site will take shape at the end of 5th

Avenue in the form of a shelter constructed to provide shade, reflect the river in the roof construction, and create a platform for temporary art. Temporary art opportunities may include sculpture, performance art, digital visual art and more with the structure scheduled to include lighting, a projection screen, and other technology to facilitate public, creative endeavors.

The Riverfront Park design also includes benches, seating areas, and requisite trash receptacles and bicycle racks provide basic park amenities critical to public access and enjoyment of the park. Proposed seat walls, stairs, and shaded seating structures will provide a variety of seating opportunities for park visitors. In addition, park lighting will provide safe night-time bicycle and pedestrian movements through the site and accommodate evening programming and community activities. Lighting proximate to the river along the pedestrian paths and at the overlooks will strike a balance between operating at lower light levels to be responsive to sensitive habitat areas, but bright enough to maintain a level of security critical to the overall success of the park and visitor comfort in accordance with the standards at EC 9.3155(10)(c).

The proposed circulation system and amenities within the subject site are intended to facilitate public access through the subject site and along the Willamette River while simultaneously providing visual access. Based on the above findings, the proposal ensures the continued provision of necessary and adequate public access along the river. Therefore, this criterion is satisfied.

(3) The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.

Findings of compliance with applicable Metro Plan Willamette Greenway policies are included under EC 9.8065(2) and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

(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.

The subject site is not located within the boundaries of the Willakenzie Area Plan. This criterion does not apply.

(5) 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.).

As illustrated on Sheets L1.0 and L1.1 Site Plan (Exhibit B.1), the proposal includes the establishment of a Willamette Greenway setback line to keep structures separated from the river and to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. The proposed setback line is site specific, context sensitive, and responds to existing conditions and the redevelopment vision, as described below.

Section C.3 of Goal 15 provides use management considerations and requirements for local plans and implementing measures. Subsection (k) provides for the Greenway setback. Other relevant considerations include providing adequate public access to the river, protection of significant fish and wildlife habitat, and enhancing and protecting the natural vegetative fringe along the River.

As noted above and illustrated on Sheets S1.1 and S1.1 Existing Conditions Plan, the existing natural vegetative fringe along the Willamette River is limited to the area between the water's edge and the easternmost edge of the existing Riverbank Trail, with the exception of small patches of landscaping (islands, planter strips, and foundation plantings) associated with parking areas and access drives within the site. Existing bank and riverfront conditions along the Willamette River in this section of the riverfront reflect the history of over 100 years of use of the site as the City's Water and Electric Utility. The vast majority of the subject site is prior developed and has been used for industrial and utility uses since 1908. Since that time, large volumes of fill material have been imported and placed on the subject site and the entire length of riverbank is armored with riprap with some vegetation growing through basalt rock and concrete slab revetments. Much of the vegetation within the armoring is non-native with some scattered native tree and shrub species. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat on the subject site (Exhibit G). Of the area of the subject site within the Willamette Greenway boundary, 92 percent of the site is covered by buildings or structures (approximately 5.92 acres), impermeable surfaces (approximately 9.03 acres), or other (gravel) surfaces (3.09 acres), as illustrated on Sheet R1.0 Regulatory Plan. Existing structures proposed to remain include the EWEB Headquarters, Steam Plant, and Willamette Substation.

As illustrated on Sheet R1.0 Regulatory Plan, the proposed Greenway setback varies in width from 25 feet to 125 feet adjacent the Willamette River, as delineated from the top-of-bank. The setback's variable width responds to existing site conditions and anticipated redevelopment consistent with the Downtown Riverfront Concept Plan vision. Existing structures, including the EWEB Headquarters, Steam Plant, and Willamette Substation, are excluded from the setback area. The EWEB Headquarters and Steam Plant are envisioned for adaptive reuse and are therefore excluded to enable future redevelopment.

At the northern extent of the subject site, the setback is approximately 160 feet in width and encompasses all property currently in use as open space and proposed to be Riverfront Park. The setback aligns with the eastern perimeter of the EWEB Headquarters North Building and EWEB Headquarters South Building and increases to approximately 110 feet in width to encompass the EWEB waterfront plaza and public access points between buildings. In the middle portion of the subject site, the setback aligns with the eastern edge of the proposed relocated Riverfront Trail, is approximately 120 feet in width, and includes all areas designated for Riverfront Park use between the trail and the river. Further south, the setback aligns with the eastern perimeters of the Steam Plant and Willamette Substation and includes all areas between those properties and the river. In the southern extent of the subject site, the setback is approximately 50 feet and encompasses additional areas designated for park or cultural landscape and open space uses and riparian/bank enhancement.

In total the proposed Willamette Greenway Setback will protect 3.67 acres of the subject site. Adoption of the setback ensures that no new buildings will be constructed between the setback and the river, that adequate public access is provided along the river frontage, that limited existing habitat is preserved, and that the remaining natural vegetative fringe is protected. Section C.3.K of Goal 15 provides guidance on uses allowed within the Willamette Greenway Setback in accordance with the above objectives.

> *"A setback line will be established to keep structures separated from the river in order to protect, maintain, preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway, as identified in Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses."*

Water-related uses are defined as:

> *"Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs."*

Water-dependent uses are defined as:

> *"A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water."*

As illustrated on Sheets L1.0 and L1.1 Site Plan, the proposal involves the development of a Riverfront Park within the proposed Willamette Greenway Setback, in addition to riparian restoration and enhancement. All of the proposed uses within the setback are considered water-related in their capacity to provide or enhance recreational access to the Willamette River.

Based on the above findings, and as conditioned, this criterion is satisfied.

(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.

As noted previously, the eastern portion of the subject site is within the Willamette River Greenway, a natural asset, as identified in the Metro Natural Assets & Constraints Working Papers. The Willamette River is adjacent to the development site and is identified as a Goal 5 Water Resource by the Goal 5 Water Resource Conservation Plan. As identified on the Adopted Protection Designations for the Eugene Goal 5 Wetland, Riparian, and Upland Wildlife Habitat Inventories Map dated November 14, 2005, the Willamette River is categorized as a Category A Stream. All parcels within the subject site that abut the Willamette River have /WR Water Resource Conservation overlay zoning.

Pursuant to EC 9.4920(1)(c)(1.), Category A streams with a distinguishable high bank have a 100 foot setback applied to top of bank (TOB) as part of the /WR overlay zoning. The proposed amendments do not change protections established by the 100-foot /WR conservation setback in EC 9.4920(1)(c)(1.) or affect inventoried Goal 5 Water Resources. As illustrated on Sheet R1.0 Regulatory Plan, 3.24 acres within the /WR conservation setback are prior developed in accordance with EC 9.4920(5) and are excluded from /WR conversation areas. The standards and requirements at EC 9.4900 through EC 9.4980 do not apply to prior developed areas, as specified in EC 9.3155(16), as amended. The proposal establishes a Willamette Greenway Setback line, as discussed in the findings for EC 9.8815(5)(a), which concurrent with development of the Riverfront Park, will keep structures separated from the river and increase the amount of landscape, open space, and vegetation along the river as compared to existing conditions.

According to ODFW, two salmonid populations listed under the ESA are documented as occurring within the reach of the Willamette River that flows through the project area:

- Upper Willamette River spring Chinook (*Oncorhynchus tshawytscha*) and Critical Habitat – federally threatened (FT)
- Columbia River bull trout (*Salvelinus confluntus*) Distinct Population Segment (DPS) and Critical Habitat - FT

There are no other documented occurrences of significant wildlife species within the subject site. ODFW has not made any subsequent determinations of significant sites on the subject property. Based on these findings, this criterion is satisfied.

(c) Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.

As noted previously, the subject property includes 1,500 linear of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent.

The vast majority of the subject site is prior developed and has been used for industrial and utility uses since 1908. Since that time, large volumes of fill material have been imported and placed on the subject site. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat on the subject site (Exhibit G: Riverfront Ecological Analysis and Design Report). Other on-site vegetation consists of trees, shrubs, and groundcovers within parking lot landscape islands and landscape strips adjacent to sidewalks, parking areas, and buildings; and, a narrow strip of shrubs and grasses between the westernmost edge of the Riverbank Trail and developed areas. As illustrated on Sheets S1.0 and S1.1 Existing Conditions Plan (Exhibit B.1), the natural vegetative fringe along the Willamette River is limited to the area between the water's edge the easternmost edge of the Riverbank Trail, with the exception of a small strip of landscaping along the west edge of the Riverbank Trail.

Existing riparian vegetation protection measures established by the /WR Overlay Zone in EC 9.4900-9.4980 will not be affected by the proposal. The proposal designates approximately 7.07 acres of land adjacent the Willamette River for cultural landscape and open space uses. S-DR/CL sub-district development standards are designed to facilitate the restoration and enhancement of the natural vegetative fringe along the Willamette River, as illustrated on Sheets L1.0 and L1.1 Site Plans.

As noted previously, the Riverfront Park includes three types and locations of riparian enhancement in order to protect and enhance the natural vegetative fringe along the Willamette River to the maximum extent practicable:

1) **Riparian Enhancement – Grading and Planting**
The park site is narrow at the north and south ends to accommodate existing buildings on the river, namely the EWEB Headquarters buildings to the north and the decommissioned EWEB Steam Plant to the south. The site widens between these areas, allowing for a grading back of the bank to create a gentler slope; installation of a fabric encapsulated stabilization system; seeding; and replanting with native riparian species. This work will result in a rich and diverse river's edge habitat and will maintain the roughness needed to allow for slower water through this area.

2) **Riparian Enhancement – Non-native Species Removal, Pruning, and Planting**
In the narrower areas of the site, riparian enhancement activities will be limited to removal of non-native invasive species; pruning of trees to remain for tree health and improved views; and planting in the voids of the existing bank armament structures to promote new growth on the river bank.

3) **Conservation Area Enhancement – Grading, Access, and Replanting**
At the very north end of the site between the EWEB North headquarters building and the Peter DeFazio Bridge, the project will construct an accessible path and renovate an area above the bike path with new native plantings. The area is currently overgrown with many non-native invasive species and has several concrete paths for viewing the river. This area is located within the Goal 5 Resource Conservation Setback for the Willamette River and as such will be revegetated with native riparian species. An accessible path will bring park visitors to the top of the bridge and provide additional seating and viewpoints along the way.

Based on these findings, the proposal protects and enhances the natural vegetative fringe to the maximum extent practicable without precluding the requested use. This criterion is satisfied.

(d) Preservation of scenic qualities and viewpoints as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper.

The Metropolitan Natural Assets and Constraints Working Paper does not identify any scenic qualities or viewpoints on the subject site. This criterion does not apply.

(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.

As provided by Goal 15, Willamette River Greenway, Section J (OAR 660-015-0005):

> *"Nothing in this Goal is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in allowance with law to authorize such use."*

The proposal does not encourage trespass on private property. Public safety will be maintained through the provision of several key public improvements, and all public improvements will be constructed in accordance with standards specified in EC 9.6505. Namely, the Ruth Bascom River Loop path runs along the existing top of bank through the Downtown Riverfront Park site and will be relocated and reconstructed as a key transportation connection through the west edge of the Riverfont Park. The path will be rebuilt to separate bicycles and other faster modes of transport from pedestrians with construction of two paths separated by landscaped areas. Several view corridors extend over the river bank and capture key views up and down the Willamette as it bends northward, as illustrated on Figure EC 9.3155(3). The view corridors are aligned with key street corridors that extend into the redevelopment site and are intended to reinforce a connection to the river.

In addition, secondary pedestrian paths will meander closer to the river and provide additional viewing points, as illustrated on Figure EC 9.3185. The proposed circulation system within the Riverfront Park site provides physical and visual access to and throughout the site, enhancing public safety and welcoming general occupation of the space, which will ideally reduce risk of vandalism.

In terms of additional safety, the improved and relocated Riverbank Trail, a multi-use path, will be lit in accordance with accessway lighting standards and designed to accommodate emergency vehicles. Benches, seating areas, and the requisite trash receptacles and bicycle racks will also provide the site with basic critical amenities. Seat walls, stairs, and shaded seating structures will provide a variety of seating opportunities, and park lighting will provide safe night-time bicycle and pedestrian movements through the site and accommodate evening programming and community activities. Lighting closer to the river along the pedestrian paths and at the overlooks will strike a balance of operating at a lower light level to accommodate habitat concerns, but bright enough to see the path and maintain a level of security critical to the overall success of the park and visitor comfort.

Overall, proposed S-DR Zone (Exhibit A) development standards, as amended, are consistent with those in the land use code and will contribute to foster public safety and protect of public and private property. Based on these findings, this criterion is satisfied.

(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.

The proposal does not involve aggregate extraction nor will it have any impact on existing aggregate resources. This criterion does not apply.

(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 noted previously, the 2018 Eugene Parks and Recreation System Plan is a 30-year strategic plan with implementation recommendations for the first 10 years. Within the Parks and Recreation System Plan, a proposed Riverfront Park on the subject site is identified as Project #C1 "Downtown Riverfront Park development at former EWEB site to serve [the City Central Neighborhood Planning area]" in Appendix A Planning District Summaries and Recommendations. The Plan allocates $9,000,000 in capital cost to the project and identifies it as a Priority 1/2 project.

The Riverfront Park concept was originally included as a key element in the prior approved EWEB Riverfront Master Plan. The S-DR Zone established a Cultural Landscape and Open Space (S-DR/CL) subdistrict and designed approximately 3-acres for parks and recreation uses. In 2013, the City and EWEB entered into an MOU that stated that EWEB would donate 3-acres of riverfront property to City of Eugene Parks in exchange for a dedication of a funds for park development in the future.

In 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west.

The proposed amendments and zone change designate land for "parks and open space" use within the S-DR Zone and the list of permitted uses is based on uses listed in the existing PRO Park, Recreation and Open Space Zone (EC 9.2630), which is the common zoning designation of parkland. Development standards for parks and open space uses are provided in EC 9.3185 (Exhibit A). Sheets WR101.1

through WR105.1 (Exhibit B.3 Water Resources Standards Review Plan Set) detail the proposed Riverfront Park improvements.

The proposal amends the S-DR Zone (Exhibit A). The S-DR Zone was designed with the specific intent of compatibility with nearby uses including recreational lands. The S-DR Zone includes height standards that restrict the maximum height of buildings as development approaches cultural landscape and open space areas adjacent to the Willamette River, thus creating a step-down effect that limits the scale of buildings near recreational areas. The maximum height of buildings in the proposed S-DR/CL sub-district, the designation for cultural landscape and open space areas, is 30 feet consistent with maximum height standards in the NR and PRO Zones.

The proposal is designed to ensure compatibility with adjacent uses. The above findings demonstrate the proposals compatibility with recreation lands, parks, and open space owned by the City. Based on these findings, this criterion is satisfied.

(6) When site review approval is required, the proposed development will be consistent with the applicable site review criteria.

The proposal does not involve or require Site Review. This criterion does not apply.

(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.

The above findings demonstrate compliance with applicable standards explicitly addressed in this application. No adjustment to standards is requested or needed. Therefore, this criterion is satisfied.

Based on the preceding findings, the request is consistent with applicable Willamette Greenway permit criteria of approval.

3.5 Tentative Subdivision

This section documents the applicable application procedures and approval criteria in accordance with EC 9.8500.

EC 9.7007 Neighborhood/Applicant Meetings.

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

(a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews;

The required neighborhood/applicant meeting took place on March 28, 2019, from 5:30 pm to 7:00 pm in the Eugene Downtown Public Library. Notices were mailed in accordance with the requirements of EC 9.7007, and three signs were posted along the perimeter of the site. The full documentation of the notice, signage, and materials provided at the meeting is provided in Exhibit F.

EC 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. (Refer to EC 9.8305 Applicability.) No development permit shall be issued by the city prior to approval of the subdivision tentative plan application.

The proposal will result in the creation of 17 lots and new public right-of-way. A Tentative Subdivision is required. As part of a comprehensive package of land use applications, the application will be processed concurrently with other applications. Rather than the Type II land use application process, the subdivision will be reviewed concurrently under the higher classification type.

EC 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.

The tentative subdivision application includes a tentative plat prepared by EGR and Associates licensed surveyors in the state of Oregon. The tentative plat (see Exhibit B.2) includes the corresponding licensure credentials and stamp. The tentative subdivision plan sheets provided for context and reference are included with the comprehensive application package. These documents were prepared by KPFF, an engineering firm that includes both licensed Professional Engineers and licensed land surveyor in the state of Oregon.

A preliminary title report is provided in the exhibits to the overall package of land use applications. See Exhibit M. This application requirement has been fulfilled.

(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.

The downtown riverfront tentative subdivision application includes all contiguous property under the ownership of the Urban Renewal Agency of the City of Eugene. The area covered by the proposed subdivision includes the following current tax lots:

- 17-03-30-44-08500
- 17-03-31-11-00100
- 17-03-31-11-00300
- 17-03-32-22-00300 (partially under viaduct)
- 17-03-32-22-00400
- 17-03-32-22-00401
- 17-03-32-22-00800
- 17-03-32-22-00801 (Steam Plant)

The Eugene City Council acts as the Agency Board of the Urban Renewal Agency (URA). Applications filed by private entities require the signature of the property owner. However, as per EC 9.7010, applications filed by public agencies are not required to provide signature of the property owner.

(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.

There is no specific phasing plan proposed; however, final platting may involve multiple final plat applications to implement the tentative approval. The tentative subdivision creates 17 lots, and certain lots created by the current proposal may involve additional final plat applications to create smaller townhome lots. Those townhome lots are depicted as a "ghost plat," thereby indicating where the larger parent lots created as part of the tentative subdivision will be further subdivided by subsequent final plats.

(4) The lot proposed to be divided in the subdivision application is a legal lot.

The proposed Tentative Subdivision will take place on the site of the former EWEB headquarters and utility yard, which is comprised of 11 legal lots of record. The preliminary title report (see Exhibit M) for all lots subject to the proposed subdivision is included as an exhibit to the comprehensive application package. This application requirement has been fulfilled.

(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.

As indicated below, the proposed Tentative Subdivision will demonstrate compliance with the General approval criteria of section EC 9.8515. This application requirement has been met.

Approval Criteria – Supporting Facts and Finding

EC 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 all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

(a) EC 9.2000 through 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would occupy either:

1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or

2. The /WQ Management Area.

The tentative subdivision area totals 15.9 acres and is entirely within the Downtown Riverfront Special Area Zone (S-DR), with several existing lots also zoned /WR Water Resources Conservation Overlay Zone. The tentative subdivision complies with the applicable standards of the S-DR zone. The S-DR zone requires neither specific lot areas and dimensions nor minimum or maximum densities. Instead, the zone relies upon tailored design standards codified in subdistricts and overlay subdistricts, as well as a height regulating plan (Figure EC 9.3155(2)), to produce the desired urban form, streetscapes, and human-scaled development.

The tentative subdivision creates 17 lots, listed in Table 5-1 below. Each lot within the tentative subdivision boundary falls within either the MU Mixed Use or CL Cultural Landscape & Open Space subdistrict in accordance with the S-DR Zone Regulating Plan on Figure EC 9.3135. Additional design standards are applied to the future development that will occur on certain lots based on inclusion in either the EC 9.3181 Mixed Use Active Overlay (see lots listed as /2 in Table 5-1., below) or EC 9.3182 Mixed Use People Overlay sub-districts (see lots listed as /1 in Table 5-1., below).

Table 5-1. Tentative Subdivision Lot Areas and Zone Details

Lot	Area	Zone/ Sub-District/ Overlay	Height Standard
Existing Lot (North of E. 4th Avenue)	12,806 SF	S-DR/ MU	A
1	51,697 SF	S-DR/ MU/ 2	A
2	16,426 SF	S-DR/ MU	A
3	18,547 SF	S-DR/ MU	A
4	16,432 SF	S-DR/ MU/ 2	A
5	3,127 SF	S-DR/ MU	A
6	12,166 SF	S-DR/ MU/ 2	B*
7	9,590 SF	S-DR/ MU/ 2	B
8	3,634 SF	S-DR/ MU/ 2	B
9	14,670 SF	S-DR/ MU/ 2	A
10	74,181 SF	S-DR/ MU/ 2	C*
11	17,479 SF	S-DR/ MU/ 1	D
12 (PARK / PLAZA)	50,530 SF	S-DR/ CL	E
13	46,831 SF	S-DR/ MU/ 2	C
14	25,232 SF	S-DR/ MU & /CL	D
15	39,704 SF	S-DR/ MU	C
16	28,490 SF	S-DR/ MU & /CL	D
17 (STEAM PLANT)	43,890 SF	S-DR/ MU & /CL	F

** The portion of Lots 6 and 10 located west of the viaduct is subject to height standard A.*

The Water Resources (/WR) Conservation Area is applied to the riparian area along the riverfront, and the associated setback extends into the area of the tentative subdivision. As per EC 9.4920, "prior developed areas" are exempt from inclusion in the conservation area. The tentative subdivision area is currently developed with buildings or paved and gravel parking, as shown on Sheets C1.0 and C1.1 Existing Conditions Plan. In 2013, the Eugene City Council enacted land use code amendments affecting the downtown riverfront redevelopment site through the adoption of Ordinance 20513. Exhibit 9 thereto established and formalized the "prior developed areas" which are effectively excluded from regulation under the /WR overlay standards. This line of prior developed areas is

shown in Exhibit B.1 (see Sheet R1.0 Regulatory Plan). Exclusion of the "prior developed areas" means that none of the lots created by the tentative subdivision will have more than 33% covered by the /WR conservation area in accordance with criterion (1)(a), described above.

The Water Resources Conservation Overlay Zone and associated setback affects the abutting riverfront park property that runs parallel to the Willamette River. Development of the public park addresses the /WR Overlay standards through the complementary and current Standards Review land use application (See Approval Criteria and Standards, Section 2.6) that is part of the comprehensive application package.

There is not a /WQ Management Area on the site. Based on the findings, this criterion is met.

(b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways; and

The site is bounded by High Street to the west, the railroad to the west and south, the City's future riverfront park to the east, and generally East 4th Avenue to the north. As a prior single-use industrial site, there were few access points and no internal streets. The subdivision establishes a street grid by extending existing City rights-of-way for East 5th Avenue, Mill Street, and Ferry Street into and through the site. The site is governed by standards in the S-DR zone. The S-DR zone includes unique standards for streets, alleys, and other public ways that are tailored to the overall site design. These design concepts and standards include right-of-way widths, widths of drive aisles, sidewalks, and accessways or paths, street tree planting, on-street parking bays, and overall block structure and street layout. The S-DR zone explicitly exempts the site from EC 9.6815 Street Connectivity Standards and EC 9.6870 Street Width Standards. As demonstrated in Exhibit B.2 (see Sheets C6.0–C6.2), the proposed subdivision complies with the EC 9.3160 standards.

High Street and West 4th Avenue are existing major collector streets that are built to rights-of-way and paving widths that exceed the minimum standards in Table 9.6870. The physical characteristics of these two streets are not controlled by the S-DR zone street design standards described above.

The S-DR zone includes both a street network map (Figure 9.3160(1)) and corresponding sections and plans for each street type, alley, or accessway. The public streets and private alley are assigned street types, as follows. The street plan and sections include the site-specific details.

Table 5-2. S-DR Zone Street Network per EC 9.3160 and Figure 9.3160(1)

Street	Segment	Street Type
Ferry Street	NA	1
Mill Street	NA	1
Mill Alley	NA	Alley
5th Avenue	West of Mill Alley	4
5th Avenue	Between Mill Alley & Ferry Street	5

5th Avenue	East of Ferry Street	4
Local Road 1	NA	3
Local Road 2	NA	3
Local Road 3	NA	2

While the general design of each street is consistent with the S-DR zone street typologies, specific details of each will be reviewed and approved at the time of public improvement permitting. Based on the findings above, this criterion is met.

(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.

All new public improvements will be provided consistent with the requirements of the S-DR zone or the City's public improvement design standards manual, as applicable.

EC 9.6500 Easements

The tentative subdivision plat, utilities plans (water, sewer, stormwater drainage and treatment), and street plan depict the easements needed to ensure adequate provision of public services. These include public utility easements (PUEs) that run with the various infrastructure facilities and access easements to provide alley connections (e.g., access between Lots 13 and 14), as well as bicycle and pedestrian connections to the riverfront pathway system. Additional easements may also be established separately, and the necessary vacation of any existing or conflicting public easements will occur prior to final plat approval.

EC 9.6505 Improvement - Specifications.

The proposed subdivision complies with the requirements of this section.

- *Water*. Water service will be provided in accordance with Eugene Water and Electric Board (EWEB) policies and procedures. The Water Plan depicts five connections to the existing water system around the site perimeter. Prior to final plat approval the statutorily required water availability letter from EWEB will be obtained.

- *Sewer*. Public wastewater is currently available to the subject property and available in the adjacent public rights-of-way. The proposed sewer plan (see Sheets 3.0 and 3.1) depicts a gravity-flow system for the entire site with connections to the existing city facilities at East 4th Avenue and the existing 12-inch main that bisects the northwestern block via the Mill Alley extension.

- *Streets and Alleys*. EC 9.6505(3) cross references the standards in EC 9.6870. Those standards are superseded by the S-DR zone street design standards. As noted previously, the proposed street system complies with the applicable S-DR street standards in accordance with EC 9.3160. The subdivision also includes a single public alley – an extension of Mill Alley – that complies with the standards of EC 9.3160.

- *Sidewalks*. Similar to the streets and alleys section above, the sidewalk width, placement, and amenities are included in S-DR cross sections. The subdivision complies with the standards included in the S-DR zone (see Sheets C6.2). Trees are shown on the street sections for illustrative purposes. Exact species and spacing will be refined through coordination and permitting with the City's Urban Forestry staff.

- *Bicycle Paths and Accessways*. The subdivision places access easements over several public accessways that connect to the riverfront pathway system and future riverfront park. The pathways proposed at the eastern ends of Local Roads 1 and 2 meet the 12-feet minimum width standard at EC 9.3160(6).

Construction-level details for all public improvements will be reviewed and approved by the City at the time of public improvement permitting. Based on the findings above, this criterion is met.

(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.

The tentative subdivision does not impede the future use of the adjacent properties, as access is maintained to adjacent public rights-of-way. The existing southern EWEB office building maintains existing access to East 4th Avenue and is connected to the site by the Ferry Street extension. On the southern end of the site, the adjacent substation retains access to the current Hilyard Street railroad crossing and a new access point is provided by Local Road 3.

The subdivision covers the entirety of properties under the same ownership. As described under EC 9.7010(3), the proposed subdivision is not phased; however, as indicated by the smaller townhome lots, there will be multiple final plats recorded to implement the approved tentative subdivision. Thus, the tentative subdivision will facilitate the future best use of the remainder of the property. The proposal complies with this criterion.

(3) Any existing improvements on the proposed lots are consistent with the provisions of this land use code.

The site is partially developed with four buildings and paved parking areas. Of the four structures, only the steam plant is being retained. The removal of existing buildings will otherwise occur prior to final plat approval, to ensure no encroachments within proposed lots or rights-of-way. The steam plant is located on Lot 17. When creating lots around existing structures, proposals must comply with setback standards to avoid non-conformities. In the S-DR zone, there is no minimum front or interior yard setback (EC 9.3155(2)); thus, Lot 17 and the existing steam plant siting are consistent with the provisions of this land use code. Future development on Lot 17 is subject to the S-DR development standards at EC 9.3148 regarding adaptive reuse. The proposal complies with this criterion.

(4) The proposed subdivision will be consistent with the property's designation in the comprehensive plan and applicable adopted plan policies as reflected in the sections beginning at EC 9.9500.

The site has two designations in the Metro Plan diagram. With City Council's adoption of Ordinance no. 20513, the portion of the site west of the Ferry Street Bridge viaduct is designated High Density

Residential/ Mixed Use Area, and the area beneath and east of the viaduct is designated Mixed Use Area. The entire site area is designated with a Nodal Development Area overlay. The area east of the viaduct is also within the Willamette Greenway.

The Metro Plan defines the High Density Residential (HDR) designation as areas of predominantly residential use that are developed at a density of more than 20 dwellings units per gross acre.

The Mixed Uses designation identifies "areas where more than one use might be appropriate, usually as determined by refinement plans on a local level." The EWEB Downtown Riverfront Specific Area Plan, which is being repealed as part of the comprehensive application package, provided such direction and it was subsequently adopted as the S-DR code standards. The Metro Plan notes that "[i]n the absence of a refinement plan, the underlying plan designation shall determine the predominant land use." The Specific Area Plan recognized that the area is appropriate for a mixture of uses, thereby broadening the potential development options in the area designated for HDR.

The Nodal Development Area Overlay is intended to create "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."

The subdivision creates lots that enable development that is consistent with the plan designation and overlays, as described above.

There are five adopted Metro Plan policies at EC 9.9560, however only Policy (5) is potentially relevant to the subject proposal:

> *(5) Environmental Design Element. 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. (Policy 2, page III-E-3)*

The Metro Plan policies are largely directed at the City for purposes of legislative actions and are not intended to be approval criteria for development proposals. The City of Eugene has implemented this policy guidance through the inventory and analysis of Goal 5 Resources, as well as the adoption of the /WR Water Resources Conservation Overlay zone. The site is subject to both and each is addressed herein.

It is worth noting that the site (specifically, the land area within the tentative subdivision plat) does not include any significant natural vegetation, water features, or drainage ways. As described in the findings associated with (1)(a), above, the site is developed with buildings and paved or gravel parking areas. The larger area subject to the S-DR zone includes such features, including the Willamette River riparian corridor, in the publicly owned riverfront park. The details of the proposed park development and riparian enhancements (e.g., removal of select rock rip-rap, restored native plantings, re-contoured river bank) are included in the separate Standards Review land use application.

EC 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.

The tentative subdivision is set in downtown Eugene along the Willamette River. The full S-DR zone is included in the areas of two city-adopted neighborhood refinement plans, Downtown and Whiteaker. East 4th Avenue is the boundary between the two plan areas, with the Whiteaker Plan to the north and the Downtown Plan south of the street. The tentative subdivision does not include the S-DR zoned lots north of 4th Avenue, thereby removing the Whiteaker Plan policies from consideration here.

Downtown Riverfront Specific Area Plan

City Council adopted the specific area plan as a refinement to the Metro Plan (Ordinance No. 20513). The text within the adopting ordinance states that certain sections "are adopted as land use regulations." The balance of the plan is "adopted only to serve as findings in support of this Ordinance," referring to the adopting ordinance. Therefore, the Specific Area Plan is not intended to act as approval criteria for individual projects. Instead, the plan content has been incorporated into the Eugene Land Use Code through the applicable S-DR zoning, and the specific area plan is repealed.

EC 9.9540 Eugene Downtown Plan Policies.

Previously applicable Downtown Plan policies have been repealed from the Eugene land use code (as part of the previous adoption of Ordinance No. 20513) and are no longer considered applicable to land use application reviews.

(5) The proposed subdivision will:

(a) Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns;

As described here or within the complementary applications, the subdivision will not result in unreasonable risks. The standards review application complies with standards in the /WR water resources conservation overlay. Criterion (10)(b), which follows, addresses geologic concerns. Items related to fire will be addressed at the time of building permit review. Other items that affect public health and safety are addressed throughout this application. This criterion is met.

(b) Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;

The proposed subdivision will result in the provision of adequate transportation system and all public utilities. The site layout provides an interconnected street network, extending the existing street grid into and throughout the site. As described previously and shown on the Utility Plans (see Sheet C3.0–C5.1), all utilities are available at the site. This criterion is met.

(c) Not hamper the adequate provision of publicly owned open space for recreation needs.

The subdivision is setback from and adjacent to the existing greenway, thereby providing area for adequate publicly owned open space along the riverfront. The layout provides three connections to the greenway via public rights-of-way and another through the proposed park/plaza, which is shown on the plat as Lot 12. The publicly owned open space – future riverfront park – is an integral component of the overall vision for an urban riverfront neighborhood, but it is not explicitly included within the proposed subdivision. Citywide residents and future neighbors alike will nonetheless benefit from access through the proposed subdivision to numerous recreational amenities along the river and within the public-owned park. This criterion is met.

(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 employment 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.

Downtown Eugene is a mixed-use neighborhood comprised of commercial services, employment areas, and entertainment and activity options. The riverfront development is an extension of downtown Eugene. The subdivision extends the interconnected street grid, which facilitates safe, convenient, and direct bicycle and pedestrian access. The pedestrian-friendly streets include sidewalks on both sides and pedestrians are buffered from automotive traffic by street trees and/or on-street parking. The adjacent, off-site higher classification streets – East 4th and East 5th Avenues – have bicycle facilities, and the greenway paths provide access along the entire riverfront to the points throughout the city.

Lane Transit District (LTD) provides transit service in Eugene. There are currently six routes that are "nearby and adjacent" to the site. The routes run along Coburg Road (Ferry Street Bridge/ viaduct), East 3rd Avenue, Pearl Street, and East 11th Avenue. The first three streets are within the ¼-mile pedestrian shed noted in the criterion. The latter is slightly more than ¼-mile away, and easy access to the 11th Avenue EmX service is largely contingent upon the subdivision street system connection to the railroad crossing. These routes and many others are within the 2-mile radius for cyclists. Future transit service within and through the site is welcome, but the applicant is aware that transit service cannot be speculative, as it only thrives where there are riders and destinations. LTD service planning will likely respond to the development once it occurs and demand materializes. In anticipation of potential service, proposed bus stops are identified along Local Road 3 and Mill Street (see Exhibit B.2, Sheets C6.0 and C6.1). Based on the above findings, this criterion is met.

(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 comprehensive 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.

The site has functioned as an industrial use for decades. The resultant on-site development is four industrial or office buildings, gravel and paved parking areas, and minimal landscaping in parking lot islands. According to the Riverfront Ecological Analysis and Design Report (see Exhibit G), there are no documented rare plants, wetlands, stream corridors, riparian habitat areas, or prominent topographic features such as ridgelines or rock outcrops. The 2010 analysis remains applicable as the on-site conditions are unchanged since that time. Further, there is no documented habitat for rare animal species. This industrial landscape does not support rare plant or animal species. The site is nearly flat, being devoid of topographic features. There are no identified wetlands. Lastly, the site does not include a Metro Plan Natural Resources designation.

The City's Goal 5 analysis identified the adjacent Willamette River as a "significant riparian corridor". This designation resulted in the application of the /WR overlay zone. As reviewed in (1)(a), above, the /WR Conservation area does not affect the tentative subdivision because of the "prior developed area" exemption. That zone and the resultant setback affect the City-owned riverfront park site, which is not part of the tentative subdivision. It is addressed in the Standards Review (see Approval Criteria and Standards, Section 2.6). Based on the above findings, this criterion is met.

(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.

10. Heritage trees.

The site was formerly developed with buildings, paved and gravel parking lots, and industrial maintenance yards. Currently, there are no trees on the site. Also, the tentative subdivision will not affect the street trees on East 4th Avenue or High Street. This criterion is not applicable.

(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.

The site is not included on the City's acknowledged Goal 5 inventory. As stated in (a) and (b) above, the natural features listed above did not exist on the site. Therefore, restoration or replacement is not required. The subdivision will facilitate future site development. Trees are included in the construction of streets, parks, plazas, and stormwater facilities. The end result will be a significant increase in landscape materials on the site today. Based on the above findings, this criterion is met.

(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.

There are street trees on East 4th Avenue and High Street planted adjacent to the subject site. The tentative subdivision does not propose removal of the street trees. This criterion is not applicable.

(8) On R-1 zoned property, if the subdivision results in a lot greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of lot lines and other details of layout that show future division of the lot 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.

The proposed Tentative Subdivision is taking place on property zoned Special Area Zone, Downtown Riverfront (S-DR). This criterion is not applicable.

(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.

The majority of proposed lots run at right angles to the streets upon which they face, and others are nearly right angles, as far as is practicable. The downtown riverfront site has unusual geography caused by the adjacent arc of the Willamette River on the east and the railroad to the west. These two features disrupt the rectilinear street grid that runs throughout downtown Eugene. Extensions of existing streets – East 5th Avenue, Mill and Ferry Streets – reestablish the grid and enable lots with right angles. Lots 13, 14, 15, and 16 are generally arranged at right-angles, but the eastern lots will face onto the park while the western lots orient to Local Road 3 or the cross streets of Ferry Street, Local Road 1, and Local Road 2. In all cases, the resultant lots are arranged to run at right angles to public streets or accesses or allow future development on those lots to orient at right angles to the public street or accesses. Based on the findings above, the criterion is met.

(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.

These standards do not apply because the subject property is not located within a special flood hazard area as mapped by the Federal Emergency Management Agency (FEMA). According to the Flood Insurance Rate Maps (FIRM) No. 41039C-1137-F, dated June 2, 1999, portions of the site nearest the Willamette River are in Zone X (see Exhibit L). This classification in this location means the area is within the 500-year floodplain, but it is beyond the Special Flood Hazard area. The classification recognizes the area is protected by levees from the 100-year flood event, and it results in a reduced risk from the 100-year flood event of less than 1-foot in depth.

(b) EC 9.6710 Geological and Geotechnical Analysis.

The site analysis has been conducted in compliance with the requirements of EC 9.6710. As per subsection EC 9.6710(2)(b), such an analysis is required of all developments that will construct and dedicate public streets and alleys, drainage systems, and wastewater sewers. The downtown riverfront development will construct and dedicate each of these public infrastructure systems, thereby initiating the requirement to conduct an analysis. The tentative subdivision is relatively flat, lacking any slopes that are greater than 10%. As per subsection EC 9.6710(5), a Level 1 analysis is required of all development sites with slopes less than 10% that include construction of public improvements, as is the case within the tentative subdivision project boundary.

The analysis is included as Exhibit I to the overall document.

(c) EC 9.6730 Pedestrian Circulation On-Site.

The pedestrian circulation standards are intended to create safe and efficient routes within a site. The subdivision will result in 17 lots and new public streets. The downtown riverfront is envisioned as a walkable, urban neighborhood with buildings oriented to public streets or parkland, thereby creating a public realm that is safe and efficient for pedestrians. The S-DR zone includes street sections and design standards that indicate how streets, sidewalks, and accessways will be designed.

The S-DR zone provides an exemption to EC 9.6730(3)(c). Future development will be subject to all other pedestrian circulation standards for the S-DR zone at the time of building permit review. This criterion is met.

(d) EC 9.6735 Public Access Required.

All lots in the subdivision have access to existing or proposed public rights-of-way. This is accomplished through the creation of a public street network within the site. Access is provided to Lots 14 and 16 via an access easement that connects to public rights-of-way (i.e., Local Road 1 and 2) on both ends. Access is provided in a similar manner for the future townhome lots between Mill Street and Mill Alley on Lots 2, 3, and 4. The public street network and access easements are shown in Exhibit B.2 on Sheets C6.0 and C6.1, Street Plan. Therefore, all future buildings or structures on the created lots will have legal access as describe in EC 9.6735. Based on these findings, this criterion is met.

(e) EC 9.6750 Special Setback Standards.

There are no special setback standards within the project site boundary. This criterion is not applicable.

(f) EC 9.6775 Underground Utilities.

The subdivision places all new on-site utilities underground concurrent with the planned development to occur within 12 months, unless otherwise exempt pursuant to this provision. The proposal complies with this criterion.

(g) EC 9.6780 Vision Clearance Area.

The Street Plan (see Sheet C6.0 and C6.1) include notes that describe the required Vision Clearance Areas (VCA) and its application at each proposed street intersection. The subdivision does not include any visual obstructions within the vision clearance area. Tree street placement will be undertaken through collaboration with the City's Urban Forestry staff at the time of public improvement permitting. Tree placement will not infringe upon the clear zones required by the VCA. This criterion is met and will be further enforced at the time of development.

(h) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

EC 9.6791 through 9.6797 comprises the stormwater standards required for development of all sites within the City. The standards are necessary to fulfill the general purpose of the land use code and to satisfy the requirements set forth in the City of Eugene's federal National Pollutant Discharge Elevation System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. The following findings address conformance with all applicable standards. The findings are based upon the tentative subdivision plans (see Exhibit B.2) and stormwater memo from KPFF, dated March 2019 in Exhibit J.

The standards in EC 9.6791(3) apply to all development permit applications and land use applications. The development is a proposed 17 lot subdivision of approximately 16 acres within the City of Eugene. Proposed subdivisions require tentative subdivision plan approval. Tentative subdivision plans are defined as a Type II land use application per EC section 9.7205 and Table 9.7205. Therefore, the standards in EC 9.6791(3) are applicable to this land use application.

The standards for stormwater flood control do not apply to development permit applications where the development will be served by a flood control facility that is a manmade drainage system designed to accommodate the runoff generated by the basin area. The development site is served by a manmade drainage system that was designed to accommodate the stormwater runoff generated by the stormwater basing area. However, the proposal here is a land use application and not a development permit.

(3) Standards.

(a) Stormwater flood control facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in EC Chapters 6 and 7, and the stormwater flood control provisions and the facility design requirements set forth in the Stormwater Management Manual.

This standard requires that all flood control facilities are designed and constructed according to adopted plans, policies, provisions, and standards. The development is proposing to design and construct a system of publicly owned and operated stormwater pipes and water quality facilities to serve all streets and lots in the subdivisions. Sheets C5.0 and C5.1 of the subdivision plans (see Exhibit B.2) show the proposed stormwater piping systems in the proposed public rights of way and proposed public easement areas. The conceptual piping systems and water quality facilities are designed and sized in conformance with the Public Improvement Design Standard Manual (latest edition) and the Stormwater Management Manual (latest edition). The proposed stormwater pipes connect to existing public stormwater pipes with the capacity to serve the development site in accordance with City design standards.

A discussion and verification of stormwater service capacity can be found in section EC 9.6791(3)(b) below. The site bisects 2 existing planned stormwater sub basins. The southern portion of the site is served by the existing mill race drainage pipes (existing 60" concrete pipe leading to City of Eugene stormwater outfall node 65028) and the northern portion of the site is served by the existing 36 inch stormwater pipe that outfalls to the east of the existing EWEB headquarters building (City of Eugene stormwater outfall node 65027). The points of connection are consistent with adopted Stormwater Basin Master Plans (Willamette River Basin, Volume 6 of 7). The adopted stormwater master plans did not identify any existing or future capacity deficiencies. The percentage of proposed impervious areas allowed under the S-DR zone is consistent with the existing high level of impervious areas from the prior industrial uses. All public streets are curbed to collect and control stormwater to appropriate drainage facilities and structures. The stormwater system is extended to all lots in the subdivision for service. All conveyance piping and water quality facilities will be designed and constructed in conformance with applicable, codes, polices and standards. Therefore, the development is consistent with this standard.

(b) Based on the Rational Method flow calculation, stormwater runoff from the development site for the flood control design storm shall be:

1. Discharged into existing stormwater flood control facilities that, considering all developments that have received tentative or final plan approval as of the date the applicant submits a complete application, have the capacity to handle the stormwater runoff; or

This standard ensures that stormwater runoff created by proposed development is discharged to existing or proposed stormwater systems with the capacity to serve or that stormwater runoff is retained or detained on site. The stormwater report from KPFF, dated March 2019 (see Exhibit J) estimated the peak stormwater runoff from the development site using the rational method flow calculation. The northern portion of the site is proposed to discharge into the existing 36" piped stormwater flood control facility that outfalls east of the existing EWEB headquarters building. The existing facility currently receives stormwater runoff from impervious surfaces on the site. The southern portion of the site is proposed to discharge into the existing 60" piped millrace stormwater flood control facility that outfalls directly to the east of the site. The existing facility currently receives stormwater runoff from impervious surfaces on the site. The stormwater service basins have been fully developed for a significant period of time. There are no tentative or final subdivision approvals in the vicinity that would contribute additional flows. The stormwater basin master plan did not identify any existing or future capacity deficiencies based upon future buildout of the site. The stormwater conveyance system is designed in accordance with the planned sub basins and points of discharge. The stormwater memo did not identify any existing capacity deficiencies. Therefore, there is adequate capacity to handle stormwater runoff from the site and this criterion has been met.

2. Retained or detained onsite; or

The existing stormwater flood control facilities that serve the proposed development currently have the capacity to serve the proposed development as discussed in subsection (1) above. The development is not proposing to retain or detain any stormwater runoff on site. Therefore, this standard is not applicable.

3. Discharged into a new stormwater flood control facility constructed by the applicant.

The existing stormwater flood control facilities that currently serve the development site have the capacity to serve the proposed development as discussed in subsection (1) above. The development is not proposing to construct any off-site stormwater flood control facilities. Therefore, this standard is not applicable.

(c) For development proposed within the area shown on Map 9.6791(3)(c) Special Stormwater Flood Control Area Map, the post-development peak flow rate shall not exceed the pre-development peak flow rate for the applicable flood control design storm unless the applicant submits documentation from Junction City Water Control District that the proposed flow rate is acceptable.

This standard was established to protect the conveyance ditches of the Junction City Water Control District from an increase in stormwater runoff as the result of the development and urbanization of lands with the City of Eugene's UGB. The standard applies to properties shown on EC Map 9.6791(3)(c). The standard requires the application of hydraulic flow control measures to limits the post-development peak flow rates to that of pre-development conditions. The development site is not located on a property identified on EC Map 9.6791(3)(c). Therefore, this criterion does not apply.

Furthermore, the discussion in EC 9.6791(3)(b) demonstrates stormwater runoff from the development site is directed to the Willamette River through established man-made flood control facilities and outfalls. Stormwater from the development site is not directed to facilities under the jurisdiction of the Junction City Water Control District. Therefore, this standard is not applicable.

(4) Underground Injection Control Systems. Stormwater runoff discharged in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule Chapter 340, Section 044.

This standard acknowledges that UIC's are not directly regulated by the NPDES MS4 permit and the City of Eugene beyond the verification of flood control standards identified in EC 9.6791(3) (a) and (b) of this code. UIC's have applicable statutes and regulation under the jurisdiction of the Oregon Department of Environmental Quality (ODEQ) and require additional permitting directly through a state agency. The development proposes to discharge all stormwater runoff into existing conveyances that outfall to established surface waters not under the jurisdiction of UIC regulations. No UIC's are proposed with this development. Therefore, the standards of EC 9.6791(4) are not applicable. Any UIC proposed with a future development permit shall be subject the standard of EC 9.6791(4) and the time of development permit application.

EC 9.6792 Stormwater Quality.

(2) Applicability and Exemptions.

* * *

(f) The standards in EC 9.6792(3) do not apply to land use applications or development permit applications within the S-DR Downtown Riverfront Special Area Zone. Instead, the standards at EC 9.3155(17) apply.

The standards at EC 9.6792 for Stormwater Quality do not apply to land use applications or development permit applications within the S-DR Downtown Riverfront Special Area Zone. This development is fully within the S-DR Downtown Riverfront Special Area Zone, so the standard at EC 9.3155(17) applies instead. The following includes findings demonstrating consistency with the standards of the S-DR Downtown Riverfront Special Area Zone.

EC 9.3155 S-DR Downtown Riverfront Special Area Zone General Development Standards (applicable to all property).

(17) Stormwater Quality Control Standards. The Stormwater Quality Control standards at EC 9.6792(3) are not applicable in the S-DR Zone. The following standards apply, instead.

(a) For land use applications proposing the construction of a public or private street, stormwater facilities shall be selected from the Stormwater Management Manual and may be sized to also treat some or all the stormwater runoff from future development on lots adjoining the street.

This standard requires the construction of water quality facilities in conformance with the Stormwater Management Manual for land use applications proposing the construction of a public or private street. The development is proposing the construction of public streets to serve the development site. Stormwater facilities have been selected from the Stormwater Management Manual to treat all impervious surfaces in the proposed public streets. The stormwater treatment plans shown on sheets C7.0 and C7.1 of the application show the conceptual location of the water quality facilities. The stormwater memo from KPFF, dated March 2019 (see Exhibit J) calculates the runoff from the required water quality design storms and calculates the required treatment area. The development has also proposed to oversize the treatment facilities to accommodate the stormwater runoff from future lots on adjoining streets. The development has proposed to capture and treat stormwater runoff from the existing Ferry Street viaduct to be used as an equivalent on-site treatment area, as allowed by the Stormwater Management Manual, for hydraulically isolated areas and future buildings with zero lot line construction where a traditional vegetated water quality facility is difficult or impossible to implement. The technique also allows the development to capture and treat existing high pollutant runoff that would otherwise be discharged to the Willamette River untreated. This better meets the City's permit requirements consistent with the intent of this standard. The specific design and size of the facilities will be further refined in the public improvement design process. The potential treatment capacity will be made available to adjoining lots, to potentially be utilized under agreement as allowed in EC 9.3155(17), and will be documented as a part of the public improvement process. Therefore, this standard is met.

(b) Applications for a development permit shall comply with (17)(c) at the time of development permit application unless the applicant has entered into an agreement with the City of Eugene demonstrating that a stormwater facility approved pursuant to (a) will treat all of the stormwater runoff from the development being proposed by the applicant.

The proposed tentative subdivision is a land use application and does not include any associated development permits. Therefore, this standard does not apply to the tentative subdivision. Future development of buildings and other site improvements on individual lots created by the subdivision will need to conform to the standard at the time of permits.

(c) An application for a development permit that is not exempt under (b), including an application pertaining to a development that is subject to an agreement with the City of Eugene demonstrating that a stormwater facility approved pursuant to (a) will treat some, but not all, of the stormwater runoff from the proposed development:

1. Shall include stormwater quality facilities selected from the Stormwater Management Manual based on the following priority order: infiltration, filtration, off-site stormwater quality management.

2. If selecting a filtration treatment facility, shall include a report that demonstrates at least one of the following development site conditions exist:

a. Infiltration rates are less than 2 inches per hour;

b. Bedrock is less than 5 feet below the ground surface;

c. Groundwater elevations are less than 6 feet; or,

d. Ground surface slopes are greater than 10%.

3. If selecting off-site stormwater quality management by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the City's system development charge methodology, shall include a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards.

4. Shall design the selected stormwater quality facilities to treat all stormwater runoff from all new or replaced impervious surface areas, or an equivalent on-site area, that will result from the water quality design storm, in combination with any agreement with the City for off-site treatment of some stormwater runoff from the proposed development site. The selected stormwater quality facility does not need to treat the stormwater runoff from new or replaced impervious surface that is 500 sq. feet or less and does not gravity-feed into the selected treatment facility.

5. Shall site, design and construct all stormwater quality facilities according to the water quality provisions and the facility design requirements set forth in the Stormwater Management Manual.

6. The standards in EC 9.3155(17)(c) may be adjusted based on the criteria set out at EC 9.8030(24)(a) and (b).

The proposed tentative subdivision is a land use application and does not include any associated development permits. Therefore, this standard does not apply. Future development of buildings and other site improvements on individual lots created by the subdivision will need to conform to the standard at the time of permits.

EC 9.6793 Stormwater Flow Control (Headwaters).

The standards set forth in EC 9.6793(3) protect headwaters streams from the erosive effects of increased stormwater runoff from development. The standards for Stormwater Flow Control apply to all land use applications for development sites within a headwaters stream or pipe that discharges into a headwater steam. The development site is not located in the headwater areas. It does not discharge stormwater to a head waters steam or a pipe that discharges to a headwaters stream. Therefore, the standards set forth in EC 9.6793 are not applicable to this application.

EC 9.6794 Stormwater Oil Control.

The standards set forth in EC 9.6794 protect the City's stormwater system from impervious areas on properties that produce high concentrations of oil and grease in stormwater runoff. The standards for Stormwater Oil Control apply to certain types of development on properties with the characteristics listed in EC 9.6794(2)(a-d). As the proposed subdivision does not include specific development plans for individual lots to be created by the subdivision, an evaluation of these standards (to the extent applicable) will occur at the time of future building and site development permits.

EC 9.6795 Stormwater Source Controls.

The standards set forth in EC 9.6795(3) prevent stormwater pollution by eliminating pathways that may introduce pollutants to stormwater. The standards for Stormwater Source Control apply to certain types of development on properties with the characteristics listed in EC 9.6795(2)(a-h). As the proposed subdivision does not include specific development plans for individual lots to be created by the subdivision, an evaluation of these standards (to the extent applicable) will occur at the time of future building and site development permits.

EC 9.6796 Dedication of Stormwater Easements.

The standards set forth in EC 9.6796 ensure that City maintained stormwater facilities can be accessed for routine and emergency maintenance. The standards for Dedication of Stormwater Easements apply to all land use applications and development permits that result on the construction of City maintained stormwater facilities. The proposed subdivision includes the conceptual design and construction of City maintained stormwater facilities. Therefore, the standards set forth in EC 9.6796 apply to this development.

(3) Standards. The applicant must dedicate public easements approved by the city over city maintained stormwater management facilities provided the city makes findings to demonstrate consistency with constitutional requirements. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:

(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.

(c) Where necessary to extend public drainage facilities and services to adjoining undeveloped property.

(d) To provide necessary drainage from the public right-of-way.

(e) Where the facility will provide treatment for runoff from the public right-of-way and the City will be maintaining the facility.

The development is proposing new City maintained stormwater flood control and water quality facilities. The development does not contain lands identified in the City's acknowledged Goal 5 inventory. The proposed stormwater piping systems are located in proposed public rights of way. Stormwater easements are proposed on Lots 10 and 12 (see Exhibit B.2, sheets T1.1 and T1.2) for water quality facilities outside the public right of way. Public drainage facilities are extended adjoining undeveloped property through proposed public rights of way. Public Utility Easements are proposed for stormwater laterals to the rear of all future townhome lots. Stormwater services are provided to each lot by right-of-way and easements. All proposed easements will be dedicated on the final plat. Other easements may be necessary through the more detailed design and public improvement permitting process. Any additional easements will be dedicated separately for the final plat, as necessary and determined through subsequent permitting process prior to construction. Therefore, this standard is met.

EC 9.6797 Stormwater Operation and Maintenance.

All proposed public stormwater facilities will be operated and maintained in accordance with the Eugene Code requirements and the Stormwater Management Manual. All proposed facilities will be publicly owned and maintained. Runoff from the right-of-way will be designed and constructed through the public improvement process, located in public rights-of-way and easements, and selected from the list of facilities in the Stormwater Management Manual, as required by these standards.

(i) The proposed subdivision complies with other applicable development standards for features explicitly included in the application.

The tentative subdivision creates 17 lots to accommodate a mixture of uses as envisioned in the updated concept for redevelopment of the downtown riverfront, and the S-DR zone. Subsequent final plats will likely create additional smaller townhome lots, which are depicted on the tentative subdivision plans for reference.

The future development that will occur on lots created through this process is not included as part of the tentative subdivision. All buildings will be developed consistent with the development and design standards of the S-DR zone and corresponding sub-districts and overlays, as applicable. Table 1, included under criterion (1)(a) above, provides cross reference to the S-DR zone sub-districts and height regulating plan applicable to each lot. The overlay areas are also more precisely located and shown on the tentative subdivision plat. Applicable overlay standards will be applied to development proposals during the building permit process.

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.

There are no adjustments requested. This section does not apply.

(11) The proposal complies with the Traffic Impact Analysis Review provisions of EC 9.8650 through 9.8680 where applicable.

The proposed subdivision is entirely located within the Downtown Plan boundary. To facilitate development within the Downtown Plan area, the City provides an exemption to the Traffic Impact Analysis (TIA) application review that is required elsewhere in the community. The downtown

riverfront site was previously excluded from the downtown TIA exemption area. One of the code amendments within the comprehensive application package expands the exemption area to include the full area covered by the tentative subdivision. This expanded exemption area is included in the land use code on EC Map 9.8670 Downtown Traffic Impact Analysis Exempt Area (as amended). Based on this exemption, the criterion is not applicable.

(12) For applications intended to implement an approved tentative or final planned unit development for the site:

(a) The proposed subdivision is consistent with the approved planned unit development plan;

(b) If full compliance with a tentative subdivision criterion in this section would cause an inconsistency between the tentative subdivision plan and an approved tentative or final planned unit development for the site, the city shall require compliance with that subdivision criterion only to the extent that it can do so without creating the inconsistency.

The proposed tentative subdivision application is not part of a planned unit development. This criterion is not applicable.

3.6 Standards Review

As illustrated on Exhibit B.3: Standards Review Plan Set, the proposal includes a new Riverfront Park on the subject site. An inviting and accessible public park along the Willamette River has long been a critical component to creating a new riverfront neighborhood district in Downtown Eugene. The proposal requests approval to develop the riverfront to serve as an anchor amenity for new development and create access points to the riverfront for the community.

The 2018 Eugene Parks and Recreation System Plan is a 30-year strategic plan with implementation recommendations for the first 10 years. The plan includes new parks and trails, improved access to the Willamette River, revitalized pools and community centers, and more recreation opportunities in underserved areas. The Plan was shaped by more than 12,000 residents during an extensive and inclusive outreach process that garnered two citizen engagement awards for the City.

Within the Parks and Recreation System Plan, a proposed Riverfront Park on the subject site is identified as Project #C1 "Downtown Riverfront Park development at former EWEB site to serve [the City Central Neighborhood Planning area]" in Appendix A Planning District Summaries and Recommendations. The Plan allocates $9,000,000 in capital cost to the project and identifies it as a Priority 1/2 project.[13]

The Riverfront Park concept was originally included as a key element in the prior approved "EWEB Riverfront Master Plan". The S-DR Zone established a Cultural Landscape and Open Space (S-DR/CL) subdistrict and designed approximately 3-acres for parks and recreation uses. In 2013, the City and EWEB entered into an MOU that stated that EWEB would donate 3-acres of riverfront property to City of Eugene Parks in exchange for a dedication of a funds for park development in the future.

In 2018, the City officially took ownership of the Riverfront Park site from EWEB and finalized the concept design for the Riverfront Park. In addition to the original three acres, one additional acre of upland Park Plaza was added to the site as part of the redevelopment acreage to the west.

The Riverfront Park spans approximately 1,300 linear feet along the Willamette River between the EWEB Steam Plant and the Peter DeFazio bicycle and pedestrian bridge. Existing conditions on the site are reflective of the long-term use of the site as a largely industrial and operational facility. Much of the upland areas of the site are currently paved in asphalt with very little vegetation and are crisscrossed with multiple underground utility lines. A significant section of the Ruth Bascom Trail, Eugene's riverfront bicycle path, runs along the top of the riverbank and is in need of relocation and replacement. The bank itself is steep and also in relatively poor condition with significant basalt rock rip-rap and concrete armoring, blackberries and other non-natives, along with some native species and riparian vegetation. The river turns north in this location, creating a scour-side bank condition currently secured by this structured armoring system. The piped outfall of the Millrace is also part of the existing bank condition.

The vision for the Riverfront Park is to reconnect Downtown Eugene with the Willamette River. While this section of river bank is steep and the speed of the river is quick, visual access through view corridors and bank enhancements have become the hallmark of the vision for the redevelopment site. In order to see the river's surface currently, one has to come right to the top of the riverbank. By

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[13] Eugene Parks and Recreation System Plan. Appendix A Planning District Summaries and Recommendations. July 2018.

providing a more gradual bank condition with significantly enhanced riparian native plantings, views to the river's surface and riparian habitat conditions will be greatly improved. Key design features include:

- Extensive riparian habitat enhancement;
- Construction of a new bike path as a multi-modal pathway separating wheeled and pedestrian path users;
- Viewpoints reaching out over the river bank providing views up and down the river as it bends north;
- Integrated interpretive elements addressing themes of energy, ecology, industry and culture on the site;
- Vibrant landscape design and native planting landscapes;
- Public art;
- Site lighting, benches, and other park furniture;
- Programmable open space for markets, food carts, performance and other public events; and
- Play areas for families and children.

As such, specific design goals for the park are to:

- Enhance riparian habitat conditions and develop visible stormwater treatment landscape connections within the new park.
- Significantly improve the section of the Ruth Bascom Riverfront Path and provide inclusive and easy access from downtown to the Riverfront and across the river at the Peter DeFazio Bridge.
- Create viewpoints that reach from the adjacent new development site out to river overlooks within the park.
- Integrate history and culture into the landscape via art-based interpretive elements.
- Provide opportunities for activities, play, and programming within the park to encourage visitors from the community and around the world to experience and engage in the landscape of the river.
- Create a safe and inclusive park experience at any time of day or night for park visitors.

As identified on the Adopted Protection Designations for the Eugene Goal 5 Wetland, Riparian, and Upland Wildlife Habitat Inventories Map dated November 14, 2005, the Willamette River is categorized as a Category A Stream. All parcels within the subject site that abut the Willamette River have /WR Water Resource Conservation overlay zoning. Pursuant to EC 9.4920(1)(c)(1.), Category A streams with a distinguishable high bank have a 100 foot setback applied to top of bank (TOB) as part of the /WR overlay zoning. The Willamette River adjacent the development site features a distinguishable high bank. The existing high bank was surveyed by OBEC Consulting Engineers on June 13, 2011 and is shown on Sheets S1.0 and S1.1 Existing Conditions Plans (Exhibit B.1) and labeled as "top of bank". Exhibit N: Wetland Delineation Report identifies jurisdiction wetland and waters boundaries along the Willamette River.

Pursuant to EC 9.4920(5)(a) and (d), areas which the applicant has shown to be developed prior to November 14, 2005, are excluded from /WR conservation areas. As demonstrated on Sheets R1.0 Regulatory Plan (Exhibit B.1), the subject site contains buildings on a concrete foundation, pursuant EC 9.4920(5)(a), as well as paved and gravel parking areas that serve administrative and operations uses in adjacent buildings, pursuant to EC 9.4920(5)(d), that were developed prior to November 14, 2005; the date specified in EC 9.4920(5). Sheet R1.0 Regulatory Plan illustrates "/WR Prior Developed Areas" consistent with EC 9.4920(5); and, "/WR Conservation Areas" and "/WR Conservation Setback Areas."

As illustrated on Sheet R1.0 Regulatory Plan, 3.24 acres within the /WR conservation setback are prior developed in accordance with EC 9.4920(5) and are excluded from /WR conversation areas. The standards and requirements at EC 9.4900 through EC 9.4980 do not apply to prior developed areas, as specified in EC 9.3155(16), as amended.

The proposal involves two uses subject to Standards Review within /WR conservation areas in accordance with EC 9.4930(3); specifically:

> **(b) Construction of public improvements (including but not limited to streets, bridges, paved bikeways and pedestrian paths, and public utilities) required by this land use code or specified in adopted plans. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (1) through (11).**
>
> **(f) Wetland or riparian area enhancement, restoration or creation activities. Subject to EC 9.4980 /WR Water Resources conservation Overlay Zone Development Standards (2) through (5).**

The applicant has submitted a prior Standards Review application for Phase One of the Riverfront Park, which includes uses in subsection (f) above, that is currently under review.[14] This proposal requests approval for uses pursuant to subsection (b), specifically construction of public improvements.

Regarding Phase One, all of the riparian area enhancement work includes a laying back of the existing steep bank in an approximately 500 linear foot section of the Willamette River; securing of the new bank condition with fabric encapsulated stabilization methods; re-planting of the bank with a high diversity of native trees, shrubs, and forbs; and relocation of two separate utility lines and associated equipment for underground electrical service and high-speed fiber away from the existing top of bank.

Riparian enhancement work will occur over two seasons, 2019 and 2020. Utility relocation work will occur in the first season (2019) and is necessitated by the proposed bank enhancement work as the existing utilities are located at a depth that will be exposed by the proposed bank layback.

The following findings demonstrate that the construction of public improvements, associated with Phase Two of the Riverfront Park, complies with /WR development standards (1) through (11), as specified in subsection (b) above.

EC 9.4980 /WR Water Resources Conservation Overlay Zone - Development Standards. The following standards apply only as specifically required by EC 9.4930(3) or EC 9.8030(21):

> **(1) Enhancement. Where the /WR conservation area is reduced, or uses are approved within the /WR conservation area, the remaining /WR conservation area shall be enhanced consistent with this subsection and by removing non-native plant species and planting native plant species consistent with subsections (2) and (3) below.**

[14] SDR 19-001. Downtown Riverfront Park Standards Review Application. City of Eugene. May 19. 2019.

(a) All refuse, toxic materials and any fill that limits or decreases the capacity of the conservation setback area to filter pollutants from runoff that flows across the conservation setback area shall be removed (not including stormwater collected and discharged from impervious surfaces).

Existing conditions on the Riverfront Park site consist of mostly paved parking areas, cyclone fences, a paved bike path, and heavily armored steep banks down to the edge of the Willamette River. Armoring methods in the area of proposed riparian enhancements include heavy basalt rip-rap, large slabs of concrete, and some limited vegetative growth in between.

As a result of the site's long history as an industrial and operations property for the last 100 years, most areas of the Downtown Riverfront site are governed by an Oregon State Department of Environmental Quality mandated Contaminated Media Management Plan (CMMP). Soil toxins on the site are currently understood to be mostly low levels of petroleum contaminants which have been deemed unfit for approvable off-site clean fill. However, the DEQ has agreed that soils on site can be moved around within the site per the CMMP, which includes provisions for regular on-site inspections as the site is excavated and other worker safety provisions. All existing soil will, however, be capped with a minimum of 12" of imported top soil to assure long term plant health and minimize human contact with potentially contaminated native soils.

The contractor will be required under the construction contract with the City of Eugene to comply with all Erosion Prevention and Hazardous Materials requirements mandated by City Code while the site is under construction. These requirements will be made clear in the construction bid documents and associated contract language issued by the City and the construction contractor will be required to implement these measures under contract with the City.

The development of the Riverfront Park will significantly enhance these river bank conditions by laying back the river bank along approximately 500 linear feet of the river; removing all basaltic rip rap and non-native species and replanting with riparian native species; and removing large areas of upland paving and replacing them with stormwater treatment and other types of landscape area. Reference attached plan sheets WR 104.1 and 104.2 for additional information on planting areas within the proposed park development area.

As a result of significant pavement removal and replacement with landscape areas, this standard is met.

(b) Where practicable, finished grades shall encourage sheet flow of runoff across conservation setback areas to maximize filtering and infiltration of precipitation and runoff within conservation setback areas (not including stormwater collected and discharged from impervious surfaces).

All proposed grades for improvements inside and outside of the /WR conservation areas are shown to drain towards the Willamette River through new or enhanced areas of riparian vegetation. All impervious surfaces will be treated through vegetative landscape areas prior to reaching the river. Reference attached Grading Plans sheets WR103.1 and WR103.2 (Exhibit B.3: Standards Review Plan Set) for additional information.

Therefore, this standard is met.

(c) On sites where the slope within the conservation setback area exceeds 15 percent, measures (e.g., planting and contouring) shall be taken to slow the flow of runoff to the maximum extent practicable (not including stormwater collected and discharged from impervious surfaces).

Several areas of the conservation setback area on this site exceed 15% and these areas are scheduled for enhancement as described below.

1. Removal of non-native species within existing rip rap or other bank armoring structures to remain, backfilling of these areas with new soil, and replanting with native species.
2. Approximately 500 linear feet of the riverbank between the existing electrical tower and the future 5th Avenue overlook will be laid back to a much less steep condition in a broader curve than currently exists. This entire area will be backfilled and the bank rebuilt with lifts of fabric encapsulated soil then densely replanted with riparian native species plants.
3. Between the Peter DeFazio Bridge and the EWEB North Headquarters building the area within the conservation setback west of the existing bike path will be regraded, new soil placed, a new path constructed, and then the bank will be planted with new beds of native plants.

More details of these grading and planting strategies are detailed on the attached grading and planting design sheets (WR 103 and 104 (Exhibit B.3: Standards Review Plan Set)). In all cases, the filtration and flow slowing ability of these steep river bank slopes will either be moderately or greatly enhanced using the above listed bank enhancement strategies.

Therefore, this standard is met.

(d) Non-native plants shall be permanently removed to the maximum extent practicable and replaced with native plant species in accordance with subsection (3) below.

The Riverfront Park project will be permitted in two phases through the construction seasons of 2019 and 2020. Phase One work, permitted through a Standards Review application (SDR-19-001) submitted separately and currently under review, includes most of the work to permanently remove non-native invasive species and enhance the quality of the riparian vegetation along the river bank. Non-native species removal in the area adjacent to the Peter DeFazio Bridge will occur in the 2020 construction season with grading and replanting work scheduled for in conjunction with improved ADA access to the bridge from the existing bicycle path. Dense planting will follow these removals along with significant soil replacement and watering to ensure long term success of the new plantings.

Therefore, this standard is met.

(e) Except as required by EC 9.4980(2)(c), EC 9.4980(3)(d) and EC 9.4980(3)(e), site work to enhance the conservation setback area shall be completed prior to or concurrent with other site development, unless appropriate native plant species are not available within that time frame.

The plan to approach the re-development of the Riverfront Park site over two construction seasons has been set in place to allow for long-term success when working to regrade and restore the river bank along the Willamette River. Phase One work (Summer of 2019) will include removal of all existing paving and rip rap in areas shown for bank regrading; laying back of the river bank; removal

of non-native species within existing armored bank areas; and replanting within the voids of these armored areas. Following this work, and prior to the winter weather, the graded bank will be temporarily held with basalt rip-rap until the Summer of 2020 when full park development work is scheduled to commence.

Once the riverfront park improvements are completed along with the installation of the fabric encapsulated soil lifts, final planting will occur. Appropriate phasing of construction activities and locations will assure optimal protection of soil and riparian conditions over the long term. The alternative of trying to do all of this work within one construction season is at best inconvenient and very expensive (too many contractors on the site at one time), and at worst will be detrimental to the final quality of the river bank enhancements. The two-phase approach allows for time and associated space for the work to be completed methodically and using best site construction practices for environmental protection, quality construction, and coordinated construction efforts with the adjacent Downtown Redevelopment site.

Therefore, this standard is met.

(2) Vegetation Removal. Vegetation removal within the /WR conservation area and within areas removed from the /WR conservation area shall comply with the following standards:

(a) Vegetation removal shall be limited to:

1. Plant species that are non-native and invasive;

2. Dead or dried native plants or grasses only when they constitute an imminent fire hazard;

3. Living native or non-native vegetation, when its removal is necessary to facilitate or encourage the growth of other native species (e.g., native wet prairie plant species) consistent with adopted plans or policies; or

4. The minimum area of native vegetation removal necessary to accommodate uses approved in accordance with EC 9.4930(3)(a) through EC 9.4930(3)(k), and uses approved through an adjustment approved in accordance with EC 9.8030(21).

Given the existing condition of most of the site as operational site parking lots, paved paths, and basalt rip rap, there is relatively little vegetation that will be removed from the site. All vegetation removal along the river bank will be performed in the first phase of the project permitted under SDR 19-001, associated with the Phase One riparian area enhancement work. Details of vegetation removal in Phase One are included in documentation associated with the Phase One SDR application.

Vegetation removal work associated with the park development activities in Phase Two will be limited to the area north of the EWEB North Headquarters building and the Peter DeFazio Bridge, and to the west of the existing Ruth Bascom Path. This area will be cleared and re-graded to accommodate a new fully accessible pedestrian path to the top of the DeFazio Bridge which will subsequently be fully replanted with native species included on the Goal 5 Native Species list.

Existing vegetation in this area is predominantly shrubby and in poor to very poor condition. While this area is one that is maintained by City of Eugene Parks and Open Space Operations staff, low funding and staffing levels have made this area a significantly lower priority than other more visible park assets. It is unirrigated, is often overgrown, and isn't manicured or welcoming in any way. Homeless camping and other illicit activities are frequent in this area as well. As a result, Blackberry, Ivy and other non-native weedy species are present in the area along with some native trees scheduled for preservation.

Removal of this vegetation and the subsequent regrading work will make way for a significant public path improvement for pedestrians, as well as a much healthier and well-cared for native landscape area surrounding this new pathway.

No additional vegetation removal is scheduled for any other areas of the park development site in this phase of work.

Therefore, this standard is met.

(b) Clearing of more than 500 square feet of vegetation must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.

The entire Riverfront Park development project will be governed by an Erosion Prevention Permit from the City. This permitting will occur using the provisions of the City's existing 1200C ECM permit with the State of Oregon. Erosion Prevention plans will be included in the contract bid documents and the requirements and practices established therein will be met on site by the construction contractor under contract with the City of Eugene.

Therefore, this standard is met.

(c) Any clearing of vegetation that is not within the footprint of uses approved in accordance with EC 9.4930(3)(a) through EC 9.4930(3)(k), or uses approved through an adjustment approved under EC 9.8030(21), must be followed by replanting in accordance with the requirements of subsection (3) below.

All disturbed areas will be over-seeded or replanted with native species, or prior to the beginning of the rainy season per Erosion Prevention Permit requirements. All areas scheduled for permanent replanting will be planted with shrubs, trees and forbs in compliance with requirements of subsection (3) below prior to final completion of the project.

Therefore, this standard is met.

(3) Planting and Replanting. Planting or replanting within the /WR conservation area shall comply with the following standards:

(a) Areas of existing bare soil and areas which have been cleared or graded in accordance with subsection EC 9.4980(2) or EC 9.4980(5) shall be planted with native plant species. Except as required in (b) and (c) below, plant species and plant spacing used for such plantings shall be appropriate to increasing to the greatest extent practicable the capacity of the conservation setback area to filter pollutants from runoff that flows across the conservation setback area (not including stormwater

collected and discharged from impervious surfaces). Where existing native vegetation already serves this function to some extent, additional native plants shall be planted in order to augment native vegetation already existing. Plant species selected for all plantings shall be appropriate to the site given its topography, hydrology, soil, and existing native plant species.

Bank Enhancement Area
Phase One of the riparian area enhancement work scheduled for the Summer of 2019 includes a regrading of the riverbank along approximately 500 linear feet of the Willamette River between the existing electrical tower and the future extension of 5th Avenue. This regraded bank will be temporarily secured with basalt rip-rap and seeding for overwintering prior to the 2020 construction season. This initial phase of work is permitted under the Phase One Standards Review application (SDR 19-001).

Construction and replanting work in this area for Phase Two will include removal of the temporary rip rap, installation of a fabric encapsulation stabilization (burrito) system followed by extensive replanting with native tree, shrub, and forb species. See sheets WR104.1 and WR104.2 (Exhibit B.3: Standards Review Plan Set) for planting information and details. This planting scheme will be the final condition for this area which represents a significant improvement in bank conditions for this area from a steep rip-rap condition, to a gentler fully planted condition. These improvements will assure a higher diversity of plants, greater distances for storm water filtration and infiltration prior to entering the river, and potentially better habitat for birds, insects, and ideally fish.

Bridge Access Path Area
All work in this area will be completed in Phase Two under this approval. Grading in this area will facilitate the construction of a new path and create new planting opportunities all around the path. All stormwater runoff from the path will be treated per applicable City Code prior to entering the river, and all new plantings will be species from the Goal 5 Native plant list. These new plantings will be irrigated and maintained in the future as a developed park amenity maintaining the safety of the path and views to the river. Again, the proposed condition will be a significant improvement over the existing steep bank and non-native and invasive species vegetation in this location.

Therefore, this standard is met.

(b) Planting or replanting within 25 feet of a Category B, C, or D stream within the /WR conservation area shall include native tree or large shrub species and located so as to provide substantial shading of the channel during times of peak solar input.

(c) Where non-native or damaged trees are removed within 25 feet of a Category B, C, or D stream within the /WR conservation area, they shall be replaced with native tree or large shrub species and located so as to achieve equal or greater shading of the channel during times of peak solar input as the trees removed.

The Willamette River is a category 'A' stream, therefore these standards are not applicable.

(d) 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.

All construction activity for the Riverfront Park will occur approximately between May and November of 2020 and above the ordinary high-water line of the river bank. All replanting will occur in compliance with Erosion Prevention code requirements assuring that all exposed soil areas will be replanted or otherwise protected prior to the beginning of the rainy season.

Completion of the newly graded bank will include removal of temporary basalt armoring, placement of fabric encapsulated soil lifts and subsequent heavy planting with native species. The primary goal is to assure that sufficient bank planting and stabilization are all in place prior to any type of potentially erosive activity such as rain, high river flows, high wind or other weather-related events. All planting will occur within 90 days of bank disturbance during the construction season, although seed establishment may take longer.

Within the new bridge access path area, all plantings will be completed in fall of 2020 to assure compliance with Erosion Prevention requirements.

Therefore, this standard is met.

(e) Plantings shall not adversely affect adjacent protected water resources or existing native vegetation through shading or invasion by plant species introduced into the setback.

Bank Enhancement Area
All plantings will occur above the ordinary high-water line and are shown to either replace existing non-native invasive species or provide significant habitat enhancement to the bank of the Willamette River in this area. Native vegetation preservation below the Ordinary High-Water line is essential for continued bank stabilization and river edge shading during and post-construction. All trees and shrubs scheduled to remain will be preserved and protected with new plantings being maintained into the future to assure overall Willamette River bank enhancement and health in this prominent City location.

No non-native invasive species plantings are proposed for this area as they would be detrimental to the substantial investment in native riparian plantings scheduled for enhancement areas.

Bridge Access Path Area
All new planting areas are well above the ordinary high-water line in this area and will serve to provide a significantly enhanced area of the park that is currently unusable by the public, overgrown, and in overall poor condition. New paths and plantings will ensure a healthy native landscape, clear views, and a higher diversity of plantings. No existing native species will be shaded out by new plants in this area as new plantings will largely consist of shrubs and forbs.

Therefore, this standard is met.

(4) Construction Practices. Construction within the /WR conservation area, and within areas removed from the /WR conservation area shall comply with the following standards:

(a) For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, or damaging or compacting soil. The following standards shall apply to use of heavy machinery within the /WR conservation area:

1. On sites where soils are susceptible to severe compaction or structural damage when wet or saturated, use of heavy machinery shall be limited to the period between June 15 and September 30, unless otherwise approved by the planning director.

The Riverfront Park site has been used as an industrial and utility operations site for decades and the riverbank in this area is also heavily armored with basalt rip rap and concrete slabs. As such, the existing soil conditions are already heavily compacted. Construction activities for the Riverfront Park project will assure the following:

- Tree protection fencing around the critical root zone of all trees scheduled to be preserved and protected for the project as shown on attached plans (See Sheets WR 104.1 and 104.2) (Exhibit B.3: Standard Review Plan Set).
- Removal of temporary basalt rip rap on the newly graded river bank in Phase 1 of the project and the subsequent addition of healthy soil to assure long term success of extensive new vegetation along the river bank.
- Established construction routes and removal of highly compacted or impervious soil conditions to be replaced by planted native landscapes.

Therefore, this standard is met.

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

Heavy equipment use will be necessary within the conservation setback areas for several components of the park development project.

Bank Enhancement Area
Heavy equipment will be necessary to remove existing temporary rip rap armoring off of the bank from the previous season's work. Following this removal activity, additional heavy equipment will be required to place new soil in fabric encapsulated lifts to create the new plant-able riverbank stabilization base.

Pedestrian Path and Overlook Construction
Heavy equipment will be necessary to do the rough grading for developed parks components within /WR conservation areas. This rough grading will establish subgrades for paths, planting areas, and river overlooks that will be important components of the developed park project. From there, additional heavy equipment may be needed to pour concrete, although it is somewhat likely that the concrete will be pumped from trucks outside of the /WR conservation areas.

Bridge Access Path Area
Heavy equipment will be necessary to do the rough grading for the walks and new planting areas within the /WR conservation areas for this new path area. This rough grading will establish subgrades for paths, low retaining walls, and planting areas along this upland bank area. Additional heavy equipment may be needed to pour concrete and add soil, but these activities may occur via pumps or blowers from areas at the top of bank, outside of the conservation setback areas.

Careful project planning, on-site haul route establishment and construction activity phasing and coordination will prioritize efficiencies and minimizing soil compaction within the /WR conservation areas as excavation and re-grading work is planned and implemented across the project site.

Therefore, this standard is met.

(b) Petroleum products, chemicals, or other deleterious materials used in the construction process shall not be allowed to enter a stream or wetland that is within a /WR conservation area.

The contractor will be required under the construction contract with the City of Eugene to comply with all Erosion Prevention and Hazardous Materials requirements mandated by City Code while the site is under construction. These requirements will be made clear in the construction bid documents and associated contract language issued by the City and the construction contractor will be required to implement these measures under contract with the City.

Perhaps more importantly, and as a result of the site's history as an industrial and operations property for the last 100 years, most areas of the Downtown Riverfront site are governed by an Oregon State Department of Environmental Quality mandated Contaminated Media Management Plan (CMMP). Soil toxins on the site are currently understood to be mostly low levels of petroleum contaminants which have been deemed unfit for approvable off-site clean fill. However, the DEQ has agreed that soils on site can be moved around within the site per the CMMP, which includes provisions for regular on-site inspections as the site is excavated and other worker safety provisions. All existing soil will, however, be capped with a minimum of 12" of imported top soil to assure long term plant health and minimize human contact with potentially contaminated native soils.

As a result of this additional State-mandated site material management protocol, the limitations of work above the Willamette River ordinary high-water line, and City Code required erosion prevention permitting measures, the proposal will comply with the above standard.

Therefore, this standard is met.

(5) Filling, Grading and Excavating. Filling, grading and excavating within the /WR conservation area and within areas removed from the /WR conservation area shall comply with the following standards:

(a) Filling, grading or excavating of more than 500 square feet must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.

The entire Riverfront Park development project will be governed by an Erosion Prevention Permit from the City. This permitting will occur using the provisions of the City's existing 1200C ECM permit with the State of Oregon. Erosion Prevention plans will be included in the contract bid documents and the requirements and practices established therein will be met on site by the construction contractor under contract with the City of Eugene.

Therefore, this standard is met.

(b) Grading and excavating conducted as part of restoration or enhancement projects, and bank and channel reconfiguration shall result in topography that resembles landscapes shaped only by natural processes, for example, incorporating the undulations, meanders and slopes found in such landscapes. 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 at elevations of 500 feet or less.

All grading and park development and enhancement work within the /WR conservation areas is shaped to meet the aesthetic established by this standard using undulating and swooping geometry reflective of the movement of water. In addition, in Phase One of this project permitted under Standards Review (SDR 19-001), approximately 500 linear feet of the steep rip-rap covered bank will be laid back to create more gentle slopes within the new Riverfront Park. The new bank condition provides the opportunity for extensive replanting, removal of a structural bank armament condition, and much better views to the River from the top of the bank.

Within this area, however, new public improvements will be constructed including two new overlooks (North Overlook at 5th Avenue and South Overlook near the Steam Plant); construction of pedestrian walks and seat walls; installation of a shade pavilion (5th Avenue); and construction of wood viewing decks and seating structures. These areas will also be served by site lighting, additional park furniture, interpretive art installations and storm water treatment and meadow landscape planting areas. These are all important components of the public improvements to the Riverfront Park envisioned in the EWEB Master Plan and subsequent design work that was heavily informed by public input and long term downtown planning for decades. These fully accessible park elements provide critical visual access to the Willamette River and the landscape beyond and around the park site.

From a filling, grading and excavation perspective, the proposed overlooks will likely have the greatest impact to /WR conservation areas. Concept level cross sections shown on Sheet WR 105.1 (Exhibit B.3: Standards Review Plan Set) are the most helpful to identify areas where concrete footings and other support structures will be constructed and their relative heights, depths, and square footage areas. These overlooks provide key arrival points at the River at the end of view corridors identified as critical design components of the Downtown Riverfront redevelopment site.

Landscape areas surrounding these overlooks and associated developed park components are largely planted with native species and the additional riparian bank enhancement area created by reducing the slope of the riverbank between the two overlooks more than mitigates for the areas of pavement included as improvements in the area.

Therefore, this standard is met.

(6) Impervious Surfaces. Within the /WR conservation area, construction of new impervious surfaces shall comply with the following standards:

(a) Impervious surfaces are prohibited within the /WR conservation area unless they are part of a use approved in accordance with EC 9.4930(3).

As noted previously the proposal involves uses pursuant to subsection EC 9.4930(3)(b), specifically construction of public improvements. Therefore, this standard is met.

(b) Impervious surfaces that are part of a use approved in accordance with EC 9.4930(3) shall be no larger than the minimum necessary for the approved use. For sites with wetlands, impervious surfaces shall be located as far from the boundaries of locally significant wetlands as practicable. For riparian and upland wildlife habitat sites, impervious surfaces shall be located as far from the line of ordinary high water as practicable.

As noted previously, the Riverfront Park spans approximately 1,300 linear feet along the Willamette River between the EWEB Steam Plant and the Peter DeFazio bicycle and pedestrian bridge. A significant section of the Ruth Bascom Trail, Eugene's riverfront bicycle path, runs along the top of the riverbank and is in need of relocation and replacement. The bank itself is steep and also in relatively poor condition with significant basalt rock rip-rap and concrete armoring, blackberries and other non-natives, along with some native species riparian vegetation.

In addition to the Ruth Bascom Trail, proposed impervious surfaces include two new overlooks (North Overlook at 5th Avenue and South Overlook near the Steam Plant); pedestrian walks and seat walls; a shade pavilion (5th Avenue); and wood viewing decks and seating structures.

As illustrated on Sheets WR 102.1 and WR 102.2, the majority of impervious surface are proposed for construction outside of /WR conservation areas. The only features that extend into /WR conservation areas are the 5th Avenue Overlook, the South Overlook near the Steam Plant, a portion of concrete seat wall between the overlooks, an architectural shade structure, and small portions of the Ruth Bascom Path. The proposed extensions within /WR conservation areas are minimal and responsive to the existing steep bank and non-native and invasive species vegetation along its extent.

The proposed impervious surfaces associated with the Riverfront Park design are important components of the public improvements to the Riverfront Park envisioned in the EWEB Master Plan and subsequent design work that was heavily informed by public input and long term downtown planning for decades. The proposed improvements are designed to be fully accessible and provide critical visual access to the Willamette River and the riparian landscape beyond. The overlooks provide key arrival points at the River at the end of view corridors identified as critical design components of the Downtown Riverfront redevelopment site. Landscape areas surrounding these overlooks and associated developed park components are largely planted with native species and the additional riparian bank enhancement area created by reducing the slope of the riverbank between the two overlooks more than mitigates for the areas of impervious surfaces included as improvements in the area.

Therefore, this standard is met.

(c) Durable porous paving treatments or other infiltration devices approved by the planning director or decision-maker shall be used in lieu of standard impervious paving surfaces to increase infiltration of stormwater where practicable. This standard shall apply only to low volume parking areas, foot paths or lightly used access roads, where porous soils and flat topography will facilitate infiltration of runoff. For the purposes of this subsection, gravel surfaces are not acceptable as porous paving or as an infiltration device.

The proposal does not include low-volume parking areas, foot paths, or lightly used access roads. Therefore, this standard does not apply.

(7) Site Layout. On sites where the /WR conservation area is reduced, high intensity uses within the entire development site, including high volume traffic lanes and truck loading docks, shall be designed and located so that adverse impacts to wetland and riparian habitats within the /WR conservation area are minimized to the greatest extent practicable.

The proposal does not involve the reduction of /WR conservation areas for the construction of high intensity uses. As noted previously, proposed impervious surfaces include the Ruth Bascom Trail, two new overlooks (North Overlook at 5th Avenue and South Overlook near the Steam Plant); pedestrian walks and seat walls; a shade pavilion (5th Avenue); and wood viewing decks and seating structures. The proposed impervious surfaces associated with the Riverfront Park design are important components of the public improvements and designed to be fully accessible and provide critical visual access to the Willamette River and the riparian landscape beyond.

Therefore, this standard is met.

(8) Lighting. Within the /WR conservation area, and within areas removed from the /WR conservation area, outdoor area lighting shall be prohibited, except to illuminate walkways, bike paths, pedestrian gathering areas, and parking areas, where these facilities are intended to be used after dark. Outdoor area lighting is lighting designed to illuminate an outdoor activity area, trail or bicycle path. Where lighting is to be provided within the /WR conservation area and within areas removed from the /WR conservation area, the following standards shall apply:

(a) Illumination for walkways, pathways or pedestrian gathering areas shall be no more than an average maintained luminance of 0.5 foot-candle at grade.

The proposed Riverfront Park design includes site lighting for the Ruth Bascom Trail (a bike path), walkways, and gathering areas including overlooks, a shade pavilion, viewing decks, and seating structures, which are all planned for use after dark. Site lighting is an integral component of public safety. All proposed lighting of walkways, pathways, and pedestrian gathering areas will not exceed an average maintained luminance of 0.5 foot-candle at grade, as assured through review and approval of the Construction Permit for the Riverfront Park project.

Accordingly, this standard is met.

(b) Output from all other light sources shall be no more than an average maintained luminance of 0.9 foot-candle at grade.

All proposed output from other light sources will not exceed an average maintained luminance of 0.9 foot-candle at grade, as assured through review and approval of the Construction Permit for the Riverfront Park project.

Accordingly, this standard is met.

(c) All lighting fixtures shall be designed to direct light downward to areas intended for human use after dark, and shall be shielded such that light shining toward /WR conservation areas is minimized to the maximum extent practicable.

All proposed lighting fixtures are designed to direct light downward to areas intended for human uses after dark, as noted above, and will be shielded such that light shining toward /WR conservation areas is minimized, as assured through review and approval of the Construction Permit for the Riverfront Park project.

Accordingly, this standard is met.

(9) Trails. Within the /WR conservation area, trails shall be constructed of gravel, wood chips or other pervious material, 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.

The proposal does not involve trails within the /WR conservation area. Therefore, this standard does not apply.

(10) Stream and Channel Crossings. Bridges or other structures that cross streams or wetlands within the /WR conservation area or areas removed from the /WR conservation area 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) Bridges across Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall, where practicable, be designed to avoid channel constriction when flows reach the top of high bank. Where practicable, bridges shall span a distance 1.2 times the width of the stream channel from top of high bank to top of high bank to help prevent scouring within the structure or at the outlet during less frequent floods.

(b) Crossings over Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall utilize bridges or natural substrate culverts where possible. Where practicable, the lower lip of any natural substrate culvert shall be embedded at least 1 foot for box culverts and pipe arches, and at least 25% of the pipe diameter for pipe culverts. The substrate within the structure shall match the composition of the substrate in the natural stream channel at the time of construction. The substrate shall either resist displacement during flood events or the structure shall be designed to maintain an appropriate bottom through natural bed load transport.

(c) Bridges and culverts on Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall be constructed so that the "openness ratio" of the structure is equal to or greater than

0.25. The "openness ratio" is the cross-sectional area of the passage area under or within the structure divided by the length of the stream segment it crosses over. For a box culvert, the openness ratio shall be (height x width)/length.

(d) Culverts shall not substantially increase or decrease water depth or flow rate conditions upstream or downstream from the culvert.

(e) The lower lip of all culverts shall meet the stream or channel bed at or below grade.

(f) Culverts shall be the minimum length practicable, and fill on top of the culvert shall have the minimum footprint practicable.

The proposal does not involve stream or channel crossings within the /WR conservation area. Therefore, this standard does not apply.

(11) Interpretive Facilities. Within the /WR conservation area, boardwalks, viewing platforms, interpretive information kiosks, trail and interpretive signs 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. The number of signs shall be the minimum necessary to accomplish project objectives.

As illustrated on Sheets WR 102.1 and WR 102.2, the majority of impervious surface are proposed for construction outside of /WR conservation areas. The only features that extend into /WR conservation areas are the 5th Avenue Overlook, the South Overlook near the Steam Plant, a portion of concreate seat wall between the overlooks, an architectural shade structure, and small portions of the Ruth Bascom Trail. The proposed extensions within /WR conservation areas are minimal and responsive to the existing steep bank and non-native and invasive species vegetation along its extent.

The proposed overlooks as architectural shade structure function as viewing platforms and include interpretive signs integrated with the facilities. Proposed signs will conform to the dimensional standards noted above, as assured through review and approval of the Construction Permit for the Riverfront Park project. The proposal does not include any signs intended to be read from moving automobiles or kiosks within the /WR conservation area.

Therefore, this standard is met.