



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

October 24, 2016

7:30 p.m. CITY COUNCIL MEETING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of October 24, 2016;
Her Honor Mayor Kitty Piercy Presiding

Councilors

Greg Evans, President
George Brown
George Poling
Claire Syrett

Alan Zelenka, Vice President
Mike Clark
Chris Pryor
Betty Taylor

7:30 p.m. MEETING OF THE EUGENE CITY COUNCIL
Harris Hall, 125 East 8th Avenue

1. CEREMONIAL MATTERS

2. PUBLIC FORUM

3. CONSENT CALENDAR

(Note: Action on the Consent Calendar may be taken at the 5:30 p.m. work session.)

A. Approval of City Council Minutes

B. Approval of Tentative Working Agenda

C. Approval of Resolution Annexing Land to the City of Eugene (Stadter, John and Maureen; A 16-7)

4. PUBLIC HEARING

An Ordinance Concerning Annual Maintenance of the Land Use Code and Amending Sections 9.0500, 9.2160, 9.2451, 9.2461, 9.2600, 9.2620, 9.2750, 9.2777, 9.3165, 9.3210, 9.3215, 9.3970, 9.4130, 9.6210, 9.6640, 9.7000, 9.7015, 9.7230, 9.7405, 9.7505, 9.7810, 9.8005, 9.8085, 9.8090, 9.8215, 9.8220, 9.8320, 9.8325, 9.8360, 9.8423, 9.8430, 9.8440, 9.8445, 9.8515, 9.8520, 9.8705, 9.8710, 9.8750, 9.8755, 9.8760, 9.8810 and 9.8855 of the Eugene Code, 1971.

5. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL AND CITY MANAGER

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at ***www.eugene-or.gov***.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Ceremonial Matters

Meeting Date: October 24, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This item is to acknowledge and celebrate organization and community awards and achievements. No action is required by the City Council.

BACKGROUND

At its 1997 fall process session, the council agreed to include a monthly agenda item entitled "Ceremonial Matters." From time to time, the Mayor is asked to sign proclamations or acknowledge awards received, which serve to encourage and educate the community about important issues and events.

CITY MANAGER'S RECOMMENDATION

This is an information item only.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: October 24, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: October 24, 2016
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the following minutes: October 10, 2016, Work Session and Meeting, and October 12, 2016, Work Session.

ATTACHMENTS

- A. October 10, 2016, Work Session and Meeting
- B. October 12, 2016, Work Session

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

October 10, 2016
5:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark,
Greg Evans via phone, Claire Syrett via phone, Chris Pryor

Mayor Piercy opened the October 10, 2016, meeting of the Eugene City Council.

1. WORK SESSION: South Willamette Next Steps

MOTION AND VOTE: Councilor Brown, seconded by Councilor Clark, moved that the City Manager is directed to prepare, in consultation with the appropriate City staff and the elected boards of the four City-chartered south Eugene neighbors – Friendly Area Neighbors (FAN), Southwest Hills Neighborhood Association (SHINA), Southeast Neighbors (SEN) and Amazon Neighborhood Association (Amazon) – a proposal for a planning process that is based on the South Willamette Street Initiative (Attachment A of September 26, 2016, work session AIS).

The City Manager's proposal shall embody the basic structure and elements of the South Willamette Initiative; however, the proposal may make limited adjustments to the geographic boundaries, the composition of the planning team and other details. The proposal may also include recommendations for additional guidelines for the refinement plan process to be established by City Council.

A check-in with Council on the status and progress of the draft proposal no later than November 7, 2016.

A final draft proposal shall be presented for Council and public review no later than December 1, 2016.

Council's initial discussion and further direction to the City Manager on the proposal shall be scheduled for the December 14, 2016, Council work session.

Council's deliberation and action on the proposal shall be scheduled as soon as practicable following swearing in of the new Council in 2017.

PASSED 7:1, Councilor Syrett opposed.

Council discussion:

- Motion provides a way to move forward on planning for South Willamette with a reduced scope.
- Proposal will allow for plenty of community and staff input; will be led by residents.
- Refinement plan process provides the kind of clarity needed to accomplish goals.
- Important that process begins at the neighborhood level, within existing policy.
- Community oversight will provide clarity.
- Process should be led by neighborhood; proposal moves us in that direction.
- Proposal for a refinement plan for South Willamette area doesn't address larger issues.
- Envision Eugene commitments and goals need to be taken to the neighborhood level.
- Should be spending staff time and energy on implementing Envision Eugene across the City.
- Need to be sure doesn't have unintended consequences on other neighborhoods.
- Every refinement plan the city has approved has been developed by residents and businesses.
- This process incorporates many pillars of Envision Eugene.
- Be inclusive in the process and who's involved; limit the boundaries.
- Councilors affected by this should be involved in development of the plan.

The meeting adjourned at 6:04 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

October 10, 2016
7:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark,
Claire Syrett via phone, Chris Pryor

Councilors Absent: Greg Evans

Mayor Piercy opened the October 10, 2016, meeting of the Eugene City Council.

1. CEREMONIAL MATTERS

Mayor Piercy honored the Eugene Emeralds baseball team for being the 2016 Northwest League Champions.

The City of Eugene Urban Forestry program was awarded the Oregon Community Trees 2016 Organizational Award.

Judge Mary Jane Mori was recognized for her 22 years as a Municipal Court Judge for the City of Eugene and it was announced that a courtroom will be named the “Mary Jane Mori Courtroom.”

2. PUBLIC FORUM

1. Gail Newton – Supported enhanced swimming pool access in Eugene.
2. Jeff Winter – Supported more swimming access in Eugene and a cover for Amazon pool.
3. Paul Neville – Supported approval of HOME funds for St. Vincent de Paul housing for teens.
4. Queen Eugenia Slimesworth – Supported bringing back the Eugene Celebration parade.
5. Alden McWayne – Supported implementation of the climate recovery ordinance.
6. Wes Georgiev – Supported allocating money to the Transportation System Plan for Beltline Rd.
7. Corina MacWilliams – Supported implantation of the climate recovery ordinance and carbon tax.
8. Alfredo Gormezano – Supported helping homeowners to construct extra dwellings on property.
9. Stefan Strek – Supported community consent on projects in Eugene.
10. Joe Tyndall – Said he believes the Police Commission is censoring information.

Council discussion:

- Dakota Access Pipeline resolution is to be recognized on Indigenous Peoples Day.
- Excited for the potential of a cover for Amazon Pool.
- St. Vincent de Paul application received some of the highest scores ever by HUD.

3. CONSENT CALENDAR

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Taylor, moved to approve the items on the consent calendar. **PASSED 7:0.**

The meeting adjourned at 8:18 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

October 12, 2016
12:00 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, *George Poling via phone*,
Mike Clark, *Greg Evans via phone*, *Claire Syrett via phone*, Chris Pryor

Mayor Piercy opened the October 12, 2016, meeting of the Eugene City Council.

1. EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(e)

The City Council met in executive session pursuant to ORS 192.660(2)(e).

2. WORK SESSION City Hall Update

Design and Construction Manager Mike Penwell led the council in a discussion on rebid options on low-cost reductions, simplification of south façade, and the mechanical system.

Council discussion:

- Do not want to reduce energy efficiency and subvert City's energy goals.
- Better options may be available that aren't currently begin explored.
- Keeping all options on the table makes sense.
- Prioritizing short-term costs over long term costs is unwise.
- Request made for a drawing showing building without the second skin.
- Not having updated AV seems counterproductive; not using cedar would be a mistake.
- This process isn't eliminating options but keeps them viable.
- Each option needs to be a smart choice over the long-term.
- Shouldn't alter proposed mechanical system; keep it energy efficient.
- Reconsider EWEB site; schedule a tour of the facility.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Taylor, moved to direct the City Manager to continue with work on a rebuild option that includes the low- and no-cost reduction items presented at the work session and continue to work on a rebuild option to explore simplification of the south façade including elimination of the double skin.

PASSED 6:1, Councilor Clark opposed, Councilor Evans absent.

The meeting adjourned at 1:07p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: October 24, 2016
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 20, 2016

OCTOBER 24	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Envision Eugene		90 mins – PDD/Harding
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Ceremonial Matters		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Stadter Annexation, 4075 Gilham Rd (A 16-7)		PDD/Berg-Johansen
4. PH: Ordinance Concerning Annual Maintenance of Land Use Code		PDD/Hansen
5. Committee Reports and Items of Interest		
OCTOBER 26	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Coordinated Downtown Development		90 mins – CS/Medary
NOVEMBER 9	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: City Hall Update		90 mins – CS/Hammitt
NOVEMBER 14	MONDAY	
5:30 p.m.	Joint Work Session w/Lane County	
Harris Hall	Expected Absences:	
A. JEO WS: Downtown Planning and Development		90 mins - CS
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Pledge of Allegiance to the Flag		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
4. PH and Action: Resolution on Measure 49 Claim		PDD/CAO-Davies
5. Action: Ordinance Concerning Annual Maintenance of Land Use Code		PDD/Hansen
6. WS: Human Rights Commission Annual Report and Work Plan		30 mins – CS/Vanderhaeghen
NOVEMBER 16	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences: Evans, Taylor	
A. WS: OVE and Rest Stop Pilot Programs		90 mins – CS/Cariaga
NOVEMBER 21	MONDAY	NOTE: 5:30 P.M. WORK SESSION ADDED *
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences: Poling	
A. WS: City Hall Update		90 mins – CS/Hammitt

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 20, 2016

7:30 p.m.
Harris Hall

Council Public Hearing
Expected Absences:

1. PH: Ordinance Concerning Erosion and Sediment Control Program

PW/Gillespie

NOVEMBER 23

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

- A. WS: Contracting Equity Program Update
- B. WS: Council Communications

45 mins – CS/Silvers

45 mins – CS/Ruiz

NOVEMBER 28

MONDAY

5:30 p.m.

Council Work Session

Harris Hall

Expected Absences:

- A. WS: Downtown Update

90 mins – CS/Medary

7:30 p.m.

Council Meeting

Harris Hall

Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
3. WS: Minutes Recording Update

CS/Forrest

CS/Forrest

CS/Cariaga

NOVEMBER 30

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

- A. WS: Fireworks Ban
- B. WS: Parks and Recreation System Plan

30 mins – Fire

60 mins – PW/Burke

DECEMBER 12

MONDAY

5:30 p.m.

Council Work Session

Harris Hall

Expected Absences:

- A. WS: Rental Housing Code
- B. WS: \$15 Minimum Wage for City and Contract Employees

45 mins – PDD/Nicholas

45 mins – CS/Hammitt

7:30 p.m.

Council Meeting

Harris Hall

Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
 - c. Adoption of Resolution Acknowledging Receipt of CAFR
3. URA Action: Resolution Acknowledging Receipt of Annual Financial Report
4. URA PH and Action: Supplemental Budget
5. PH and Action: Supplemental Budget
6. Action: Ordinance Concerning Erosion and Sediment Control Program

CS/Forrest

CS/Forrest

CS/Lauderbach

CS/Lauderbach

CS/Miller

CS/Miller

PW/Gillespie

DECEMBER 14

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

- A. WS: South Willamette Next Steps
- B. WS: Enterprise Zone Task Force

45 mins – PDD/Harding

45 mins – PDD/D'Souza

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 20, 2016

COUNCIL BREAK: DECEMBER 15, 2016 – JANUARY 4, 2017

JANUARY 4	WEDNESDAY
5:30 p.m.	State of the City
Hult Center Lobby	Expected Absences:
A. State of the City	

JANUARY 11	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. Election of 2017 Council Officers	
B. WS:	
C. WS:	

JANUARY 17	TUESDAY
7:30 p.m.	Council Public Hearing
Harris Hall	Expected Absences:
1. PH:	

JANUARY 18	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

JANUARY 23	MONDAY
5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports and Items of Interest: HRC, SC, HSC, LCOG, MPC, PSCC	
B. WS:	
30 mins	
7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	
b. Approval of Tentative Working Agenda	
CS/Forrest	
CS/Forrest	

JANUARY 25	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

FEBRUARY 8	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	
45 mins –	
45 mins –	

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 20, 2016

FEBRUARY 13	MONDAY
5:30 p.m. Harris Hall	Council Work Session Expected Absences: A. Committee Reports and Items of Interest B. WS:
7:30 p.m. Harris Hall	Council Meeting Expected Absences: 1. Public Forum 2. Consent Calendar a. Approval of City Council Minutes b. Approval of Tentative Working Agenda
	CS/Forrest CS/Forrest
FEBRUARY 15	WEDNESDAY
Noon Harris Hall	Council Work Session Expected Absences: A. WS: B. WS:
FEBRUARY 21	TUESDAY
7:30 p.m. Harris Hall	Council Public Hearing Expected Absences: 1. PH: Enterprise Zone Revised Public Benefit Criteria
	PDD/D'Souza
FEBRUARY 22	WEDNESDAY
Noon Harris Hall	Council Work Session Expected Absences: A. WS: B. WS:
FEBRUARY 27	MONDAY
5:30 p.m. Harris Hall	Council Work Session Expected Absences: A. Committee Reports and Items of Interest from Mayor, City Council and City Manager B. WS:
	30 mins
7:30 p.m. Harris Hall	Council Meeting Expected Absences: 1. Public Forum 2. Consent Calendar a. Approval of City Council Minutes b. Approval of Tentative Working Agenda
	CS/Forrest CS/Forrest
MARCH 8	WEDNESDAY
Noon Harris Hall	Council Work Session Expected Absences: A. WS: B. WS:
MARCH 13	MONDAY
5:30 p.m. Harris Hall	Council Work Session Expected Absences: A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed B. WS:

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 20, 2016

7:30 p.m.
Harris Hall

Council Meeting
Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
3. PH and Action: Capital Improvement Program

CS/Forrest
CS/Forrest
CS/Streepey

MARCH 15

WEDNESDAY

Noon
Harris Hall

Council Work Session
Expected Absences:

- A. WS:
- B. WS:

COUNCIL BREAK: MARCH 16, 2017 – APRIL 10, 2017

ON THE RADAR

Work Session Polls/Council Requests

Status

- | | |
|---|-----|
| 1. Inclusionary Zoning (Taylor)..... | TBD |
| 2. Commercial Setback Code Requirement (Zelenka)..... | TBD |
| 3. Renter Protection | TBD |

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Resolution Annexing Land to the City of Eugene (Stadter, John and Maureen; A 16-7)

Meeting Date: October 24, 2016
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3C
Staff Contact: Erik Berg-Johansen
Contact Telephone Number: 541/682-5437

ISSUE STATEMENT

This item is a request to annex an approximately 0.95 acre property at 4075 Gilham Road. The property is located east of Mirror Pond Way on the east side of Gilham Road. It is located within the Urban Growth Boundary and is separated from the city only by a public right-of-way. Annexation would extend the city limits to include this property. The public right-of-way, Gilham Road, is not proposed for annexation as part of this request.

The property is zoned AG Agricultural with a /UL Urbanizable Lands Overlay. The Metro Plan and the Willakenzie Area Plan designate the subject property for low-density residential use. Annexation will allow for future development consistent with the property's designation and Eugene Code. Plans for future development of the site are not included as part of this annexation application, and no other concurrent land use applications have been submitted for the subject property.

BACKGROUND

The city's annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans; and, (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice for this annexation request was provided consistent with Eugene Code requirements. No written testimony has been received as of this date. Referral comments were provided by affected agencies including City of Eugene Public Works and EWEB. These referral comments confirm that the property can be provided with the minimum level of

key urban services consistent with the approval criteria. Given the findings of compliance and limited testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

RELATED CITY POLICIES

The Metro Plan contains the policies that are related to this annexation request. The Willakenzie Area Plan is the refinement plan applicable to the subject property. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

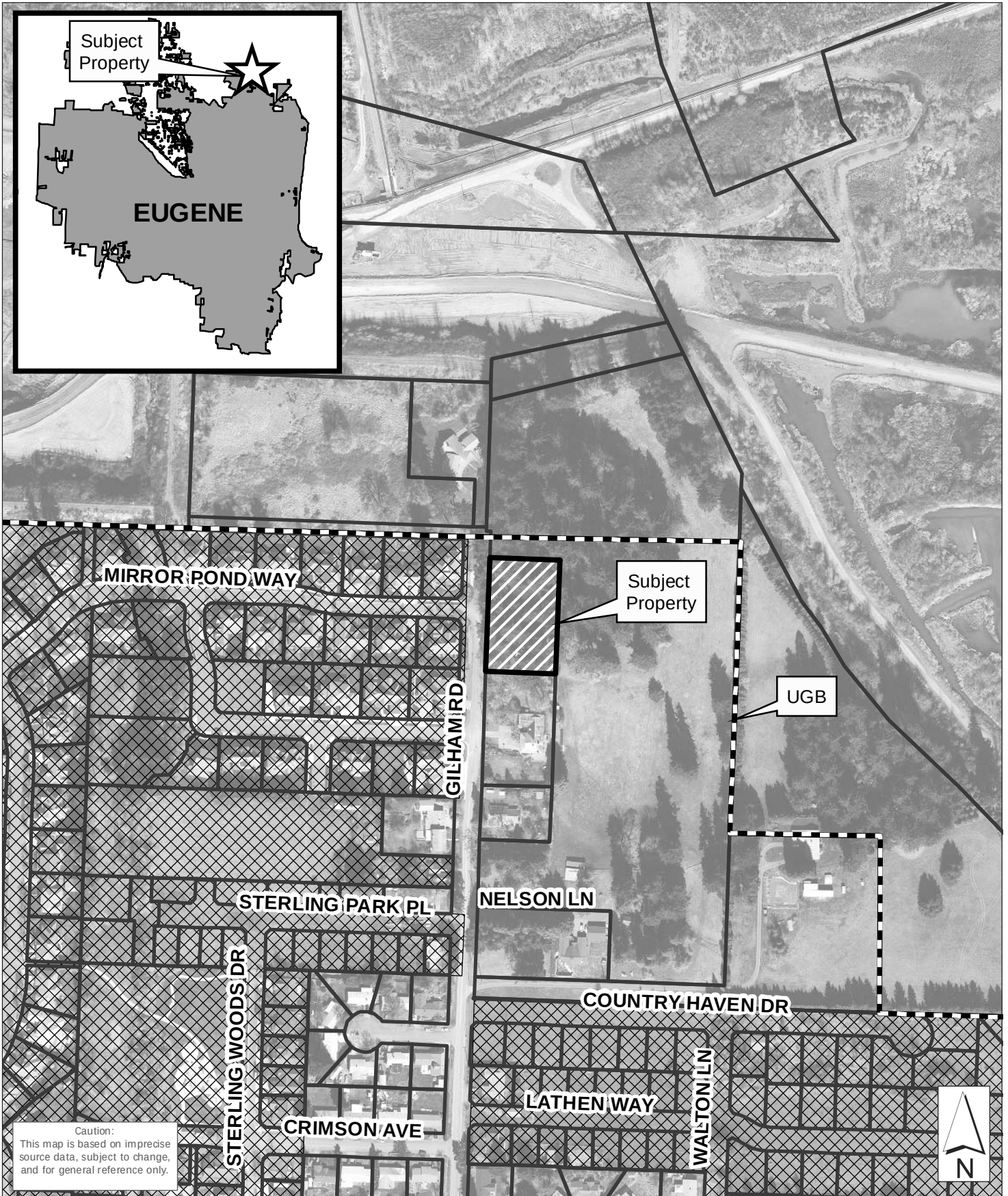
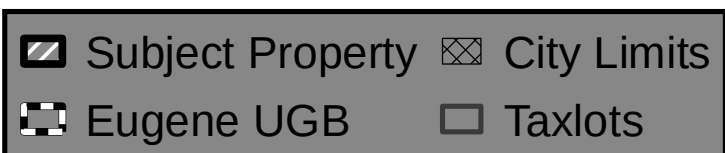
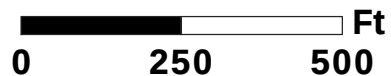
Move to adopt Resolution 5172, which approves the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

FOR MORE INFORMATION

Staff Contact: Erik Berg-Johansen
Telephone: 541/682-5437
Staff E-Mail: erik.berg@ci.eugene.or.us



RESOLUTION NO. _____

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-08-00, TAX LOT
303).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by John and Maureen Stadter on August 2, 2016, in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-03-08-00, Tax Lot 303.

B. The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation is attached as Exhibit C.

D. On September 23, 2016, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Northeast Neighbors' neighborhood association. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 24, 2016.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

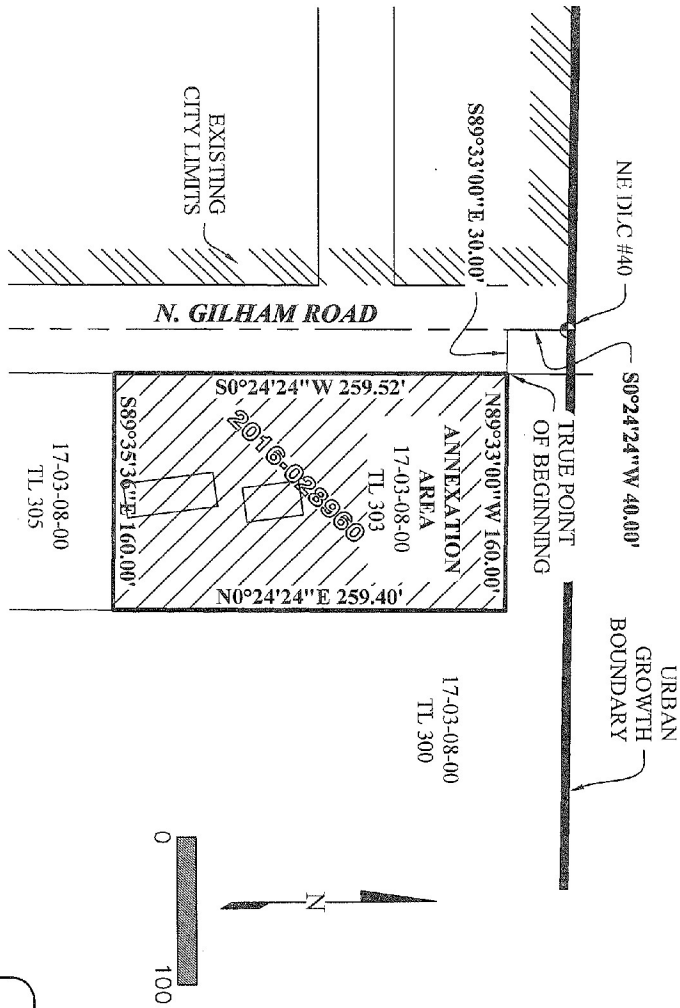
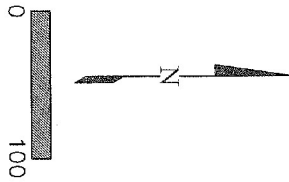
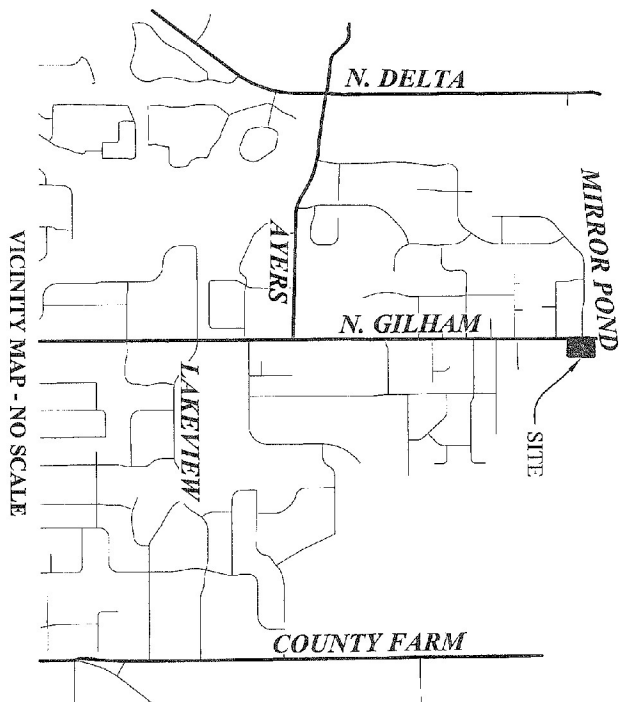
Section 1. Based on the above findings and the Planning Director's Findings and Recommendation attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-03-08-00, Tax Lot 303, depicted on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from AG/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the _____ day of October, 2016.

City Recorder

FIGURE #1
STADTER ANNEXATION
EUGENE, LAKE COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524

EXPIRES: 12/31/17

NOTE:
THIS MAP IS FOR ILLUSTRATIVE PURPOSES ONLY.
IT IS COMPOSED FROM RECORD INFORMATION
AND DOES NOT REPRESENT A BOUNDARY SURVEY.

EGR & Associates, Inc.
Engineers, Geologists, and Surveyors
25368 Prairie Road
Eugene, Oregon 97402
(541) 888-8322
Fax (541) 888-8087

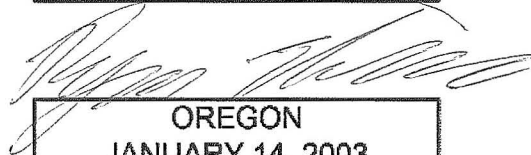
Exhibit B

Stadter Annexation

Map 17-03-08 Tax Lot 303

Beginning at the Brass Cap marking the Northeast Corner of the A.B. Stevens Donation Land Claim No. 40, Township 17 South, Range 3 West of the Willamette Meridian; thence South 0°24'24" West 40.00 feet along the East line of said Donation Land Claim No. 40; thence South 89°33'00" East 30.00 feet to an iron pin set on the East right of way line of Gilham Road marking the **True Point of Beginning**; thence South 0°24'24" West 259.52 feet along said right of way line; thence South 89°35'36" East 160.00 feet; thence North 0°24'24" East 259.40 feet along a line parallel with the East line of said Donation Land Claim No. 40 to a point marked by an iron pin; then North 89°33'00" West 160.00 feet to the True Point of Beginning, in Lane County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524LS

EXPIRES: 12/31/2017

Exhibit C



Planning Director's Findings and Recommendation Annexation Request for the Stadter Property (City File A 16-7)

Application Submitted: August 2, 2016
Applicant: John and Maureen Stadter
Property Included in Annexation Request: Tax Lot 303 of Assessor's Map 17-03-08-00
Zoning: AG Agricultural with /UL Urbanizable Lands Overlay
Location: 4075 Gilham Road (located in Northeast Eugene)
Representative: Richard Satre, Schirmer Satre Group
Lead City Staff: Erik Berg-Johansen, City of Eugene Planning Division, 541/682-5437

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city’s urban growth boundary and is:		
(a) Contiguous to the city limits; or		
(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.		
Complies		Findings: The annexation area is within the City's urban growth boundary (UGB), and as proposed, will be separated from the city only by a public right of way, consistent with subsection (b).
☒ YES	☐ NO	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.		
Complies		Findings: Several policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic</i> text): <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i> <i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i> <i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i> <i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i> <i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i>
☒ YES	☐ NO	

		<p>As addressed below under subsection (3), and consistent with these policies, a minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for Low Density Residential use. The current zoning of AG is intended to allow agricultural uses within the UGB until land is converted to urban use. Agricultural uses are considered interim uses until public facilities and services can be provided. In order for this property to further develop as residential property in the future, a zone change to R-1 Low-Density Residential will be necessary.</p> <p>The <u>Willakenzie Area Plan</u> (WAP) is the adopted refinement plan for the subject property. The subject property is located within the Unincorporated Subarea of the <u>WAP</u>. None of the general "Residential Land Use Policies" appear to be directly applicable to the subject request. The "Public Facilities and Services Element" policies of the <u>WAP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.</p> <p>As discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with the <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u>.</p>
EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.		
<p>Complies</p> <p>☒ YES ☐ NO</p>		<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u></p> <p>The nearest public wastewater system is within Mirror Pond Way, approximately 200 feet west of the subject property. There is an existing 8-inch line that could be feasibly extended east to serve the subject property. As an informational item, the depth of the existing line (in Mirror Pond) is only about 5-feet below surface, and because gravity fall is required within the public wastewater system, there is a standard minimum slope to consider with the design; therefore, extension of this segment of the public system ends up being relatively shallow at the connection point for the subject property, which may result in a need for private pumps, or an alternative solution to meet adequate slope minimums.</p> <p>Additionally, there are no capital improvements planned to install public wastewater in this area at this time, and therefore, the proposed extension of public wastewater to serve the subject property would be reviewed through the privately engineered public improvement (PEPI) process, and financial surety would be the responsibility of the private developer.</p> <p><u>Stormwater</u></p> <p>Public stormwater systems are not available to serve this property. The soil classification is Type B, which typically indicates that good infiltration rates can be expected. Development proposals must demonstrate consistency with flood control standards; on-site retention is a feasible option for this site. Compliance with applicable stormwater development standards will be ensured at the time of development. A portion of the property may be within Special Flood Hazard Area</p>

		<p>Zone A.</p> <p><u>Transportation</u> The property abuts Gilham Road, a Lane County Road. Compliance with applicable street standards, such as street connectivity, street widths, and street improvements will be evaluated at the time of development. Lane County Transportation Planning encourages the City of Eugene to annex that portion of Gilham Road adjacent to the currently proposed annexation because annexation now will provide the opportunity for future jurisdictional transfer when and if such a jurisdictional transfer is desired (however annexation of the right-of-way is not proposed or required). For informational purposes, Lane County staff note that because Gilham Road is a County road, future development of property connecting to Gilham Road is subject to the applicable requirements of Lane Code Chapter 15.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property.</p> <p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan.</p> <p><u>Planning and Development Services</u> Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u> The subject property is within Eugene School District 4J and is within the district boundary of Gilham Elementary School, Cal Young Middle School, and Sheldon High School.</p>
--	--	--

CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date is set in accordance with state law.

INFORMATION:

- ◆ Upon approval of the annexation, the base zoning of AG will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 682-5377 for more information.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

**ANNEXATION**

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17-03-08-00	303	AG/UL	0.95

Property Address: 4075 Gilham Road, Eugene, OR 97408

Plans for Future Development & Permit Number (if applicable): _____

Public Service Districts:

Name			
Parks:	Lane County Parks		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	EWEB		
Fire:	Willakezie/Eugene Rural Fire Protection District		
Schools:	Elementary: Gilham	Middle: Cal Young	High: Sheldon
Other:			

Filing Fee

- ☒ A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)

- ☒ Submit a detailed written statement describing how this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 14" sheet of paper. Site plans shall include the following information:

- ☒ Show the date & north arrow on site plan.
- ☒ Show the Assessor's Map and Tax Lot number(s) on the site plan.
- ☒ Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- ☒ Show city limits & UGB (if applicable)
- ☒ Clearly label the affected territory and any public right of ways to be annexed.
- ☒ Show all adjacent streets, alleys, and accessways.
- ☒ Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- ☒ Show the location of all existing structures.

Other Application Requirements (Submit 3 paper copies and 1 digital copy of all)

- ☒ Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- ☒ Notarized Consent to Annexation form.
- ☒ A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- ☒ Summary of Urban Service Provision form.
- ☒ A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- ☒ Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

Attachment
By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined in the application. I (We), the undersigned, understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 303

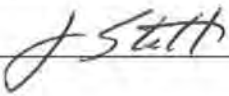
Name (print): Stadter, John

Address: 3961 Mirror Pond Way

Email: john@gofcr.com

City/State/Zip: Eugene, OR 97408

Phone: 541-643-1600 Fax: N/A

Signature: 

Date: 7/28/16

PROPERTY OWNER OF TAX LOT: 303

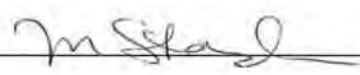
Name (print): Stadter, Maureen

Address: 3961 Mirror Pond Way

Email: maureen@gofcr.com

City/State/Zip: Eugene, OR 97408

Phone: 541-643-1666 Fax: N/A

Signature: 

Date: 7-28-16

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

Date: _____

SURVEYOR:

Name (print): Ryan Erickson

Company/Organization: EGR and Associates

Address: 2535 Prairie Road

City/State/Zip: Eugene, OR 97402

Phone: 541-688-8322 Fax: 541-688-8087

E-mail: rerickson@grassoc.com

Signature: _____

Date: _____

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 303

Name (print): Stadter, John

Address: 3961 Mirror Pond Way

Email: john@gofcr.com

City/State/Zip: Eugene, OR 97408

Phone: 541-643-1600 Fax: N/A

Signature:

Date:

PROPERTY OWNER OF TAX LOT: 303

Name (print): Stadter, Maureen

Address: 3961 Mirror Pond Way

Email: maureen@gofcr.com

City/State/Zip: Eugene, OR 97408

Phone: 541-643-1666 Fax: N/A

Signature:

Date:

PROPERTY OWNER OF TAX LOT: _____

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

SURVEYOR:

Name (print): Ryan Erickson

Company/Organization: EGR and Associates

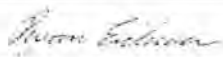
Address: 2535 Prairie Road

City/State/Zip: Eugene, OR 97402

Phone: 541-688-8322 Fax: 541-688-8087

E-mail: rerickson@grassoc.com

Signature:



Date: 02 August 2016

REPRESENTATIVE (If different from Surveyor):

Name (print): Richard M. Satre, AICP, ASLA, CSI

Company/Organization: Schirmer Satre Group

Address: 375 West 4th Ave, Suite 201

City/State/Zip: Eugene, OR 97401

Phone: 541-686-4540 Fax: 541-686-4577

E-mail: rick@schirmersatre.com

Signature:

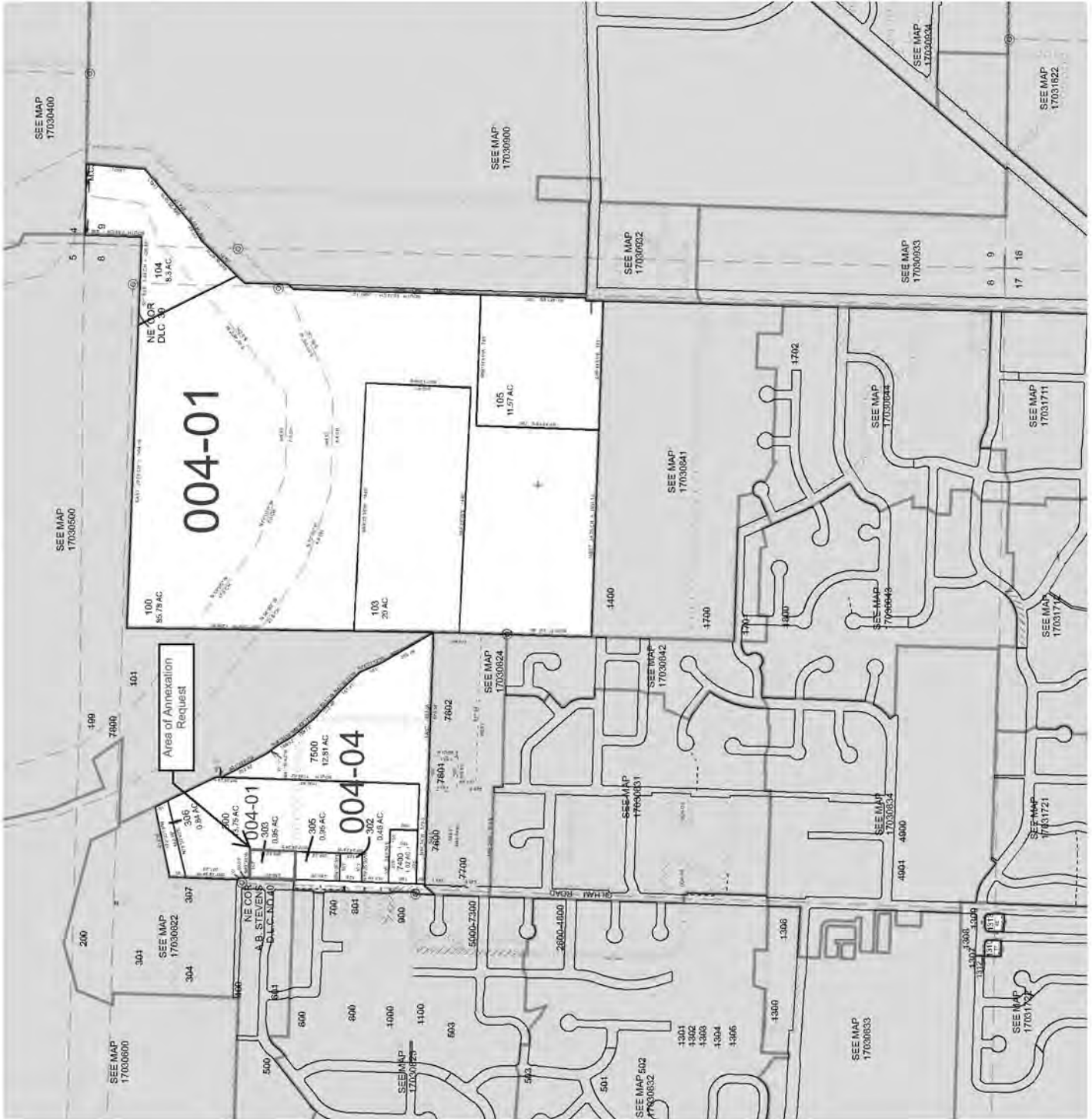


Date:

7/28/16

****Attached additional sheets if necessary.**

FOR ASSESSMENT AND
TAXATION ONLY



July 29, 2016

STADTER PROPERTY – 4075 GILHAM ROAD
Annexation Application
Map 17-03-08-00, Tax Lot 00303

WRITTEN STATEMENT

In accordance with EC 9.7800, Annexation Application Procedures and Criteria, the applicant, John and Maureen Stadter, is requesting that the City of Eugene review this annexation request and determine that the proposal complies with the approval criteria contained in EC 9.7825 and that the requested annexation of Tax Lot 303 be approved. To aid Eugene staff in this endeavor, the following information is provided.

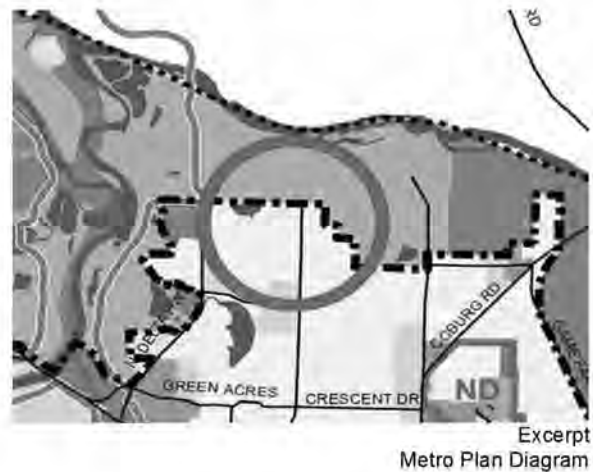
I. THE SITE AND EXISTING CONDITIONS

A. Planning Context

The use and development of the Stadter property is governed by the Eugene-Springfield Metropolitan Area General Plan (Metro Plan), the Willakenzie Area Plan and the Eugene Code. The tax lot has a Metro Plan land use designation of Low Density Residential (LDR) and a zoning of Agriculture/Urbanizable Land (AG/UL).

The tax lot is immediately contiguous to the west to a number of parcels within the City of Eugene limits. While the portion of Gilham Road adjacent to the property is a county road, EC 9.7825(1)(a) states that land proposed to be annexed can "be separated by the city only by a public right of way."

The Urbanizable Land (UL) overlay zone would be removed upon annexation. A concurrent zone change application has been submitted to request a zone change from AG to R-1.



Additional planning documents also apply to the subject property, including TransPlan and the Parks, Recreation and Open Space Project and Priority Plan (not adopted).

B. Subject Site

The property is located towards the northern end of Gilham Road, at the very edge of the urban growth boundary. The subject site is 0.95 acres in size and is in northeast Eugene. There is currently a vacant manufactured home on the property. Gilham Road is a neighborhood collector that connects to Crescent Avenue and nearby North Delta Highway, Country Farm Road, and Coburg Road. The Randy Pape Beltline is 1.5 miles from the subject site. The property is near several wetlands, ponds and waterways, as well as the McKenzie River. The subject site is half a mile from Creekside Park and a little over a mile away from RiverRidge Golf Complex and Gilham Park. It is also two miles from the Willamette River and its extensive system of paths and trails.

The subject site is 1.2 miles away from Gilham Elementary School, 1.3 miles from Cal Young Middle School, and 2.5 miles from Sheldon High School. While the property is over a mile from the nearest transit stop (on Crescent Avenue), it is within the RideSource paratransit service area.

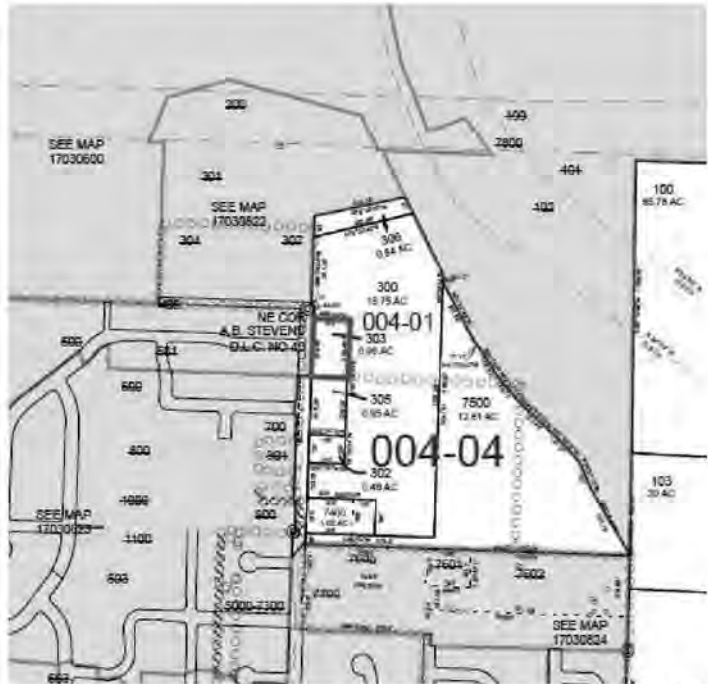


The property is located at the end of Gilham Road, which is only partially improved several blocks to the south. At the intersection of Gilham Road and Ayres Road, the road becomes fully improved with bike lanes and sidewalks.

Retail and employment centers, dining establishments, and more are located along the Delta Highway, Crescent Avenue, and Coburg Road corridors.

The site is heavily wooded. A portion of the property is the 100 year flood zone. The surrounding properties to the south and west have single-family homes. The properties to the west are also zoned R-1, Low-Density Residential.

The soil is entirely Chehalis silty clay loam and is occasionally flooded. It is not considered to be hydric.



Excerpt
Tax Map 17-03-08-00
Subject Property (Lot 00303)

II. ANNEXATION – APPROVAL CRITERIA

Annexation Approval Criteria are found in Section 9.7825 of the Eugene Code. Applicable sections of the Code are in ***bold italics***, followed by proposed findings in normal text.

9.7825 Annexation – Approval Criteria. The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

- (1) ***The land proposed to be annexed is within the city's urban growth boundary and is:***
 - (a) ***Contiguous to the city limits; or***
 - (b) ***Separated from the city only by a public right of way or a stream, bay, lake or other body of water.***

Response: The Stadter property is separated from existing City of Eugene city limits on its western side by a public right of way. Therefore, this criterion is met.

- (2) ***The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.***

Response: Applicable ***Metro Plan*** and refinement plan policies and findings in support of this annexation request are as follows:

Growth Management

- Policy 8a. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that: A minimum of key urban facilities and services can be provided to the area in an orderly and efficient manner.

Response: Minimum key urban facilities and services as defined in the Metro Plan includes wastewater, stormwater, transportation, solid waste management, water service, fire and emergency medical service, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities and public schools on a district-wide basis (Metro Plan, Chapter V, Glossary, definition 24). As documented elsewhere in this Written Statement, these key urban facilities and services are already provided, or can be provided, to the subject site. Those facilities and services not currently present can be provided to the subject site in an orderly and efficient manner.

- Policy 10. Annexation to a city through normal processes shall continue to be the highest priority.

Response: Annexation into the corporate limits of the City of Eugene is codified in the Eugene Code (EC) 9.7800-9.7835. Processes and procedures regarding application, annexation, approval criteria, effective date and notice, and withdrawal from special districts are, by submittal and processing of this Annexation Application, being followed.

- Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services.

Response: The subject site is inside the Eugene jurisdiction of the metro area's Urban Growth Boundary. By this Annexation Application herein land within the UGB (the subject site) is being annexed and, as required by applicable approval criteria, will be provided with the minimum level of urban facilities and services.

- Policy 17. As annexations to cities occur over time, existing special service districts within the UGB shall dissolve. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with the affected special service districts.

Response: The Willakenzie/Eugene Rural Fire Protection District provides services to the subject property. The City of Eugene has intergovernmental agreements with this entity. As codified in Eugene Code (EC) 9.7835, Annexation – Withdrawal from Public Service Districts Following Annexation, the Eugene City Council utilizes a set process to facilitate withdrawals from special districts.

- Policy 20a. When unincorporated territory within the UGB is provided with any new urban service that service shall be provided by the following method: Annexation to a city.

Response: Future development of the subject property will require the provision of certain urban services. Annexation is the preferred method to enable urban service provision. Approval of this Annexation Application herein will satisfy this Metro Plan policy.

The subject site is within the jurisdiction of the Willakenzie Area Plan and the "Unincorporated Subarea". Applicable policies are as follows:

Residential Policies and Proposed Actions

- Policy 1. Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.

Response: The property is planned for low density residential use. This annexation request does not change that.

- Policy 3. Ensure that development plans include street sizes adequate to meet future demand.

Response: This annexation request does not change the property's low density residential use and will not generate traffic significant enough to exceed the capacity of Gilham Road.

Unincorporated Subarea Policies and Proposed Actions

- Policy 2. The City shall require future developments on parcels abutting the UGB to provide an effective transition between urban and rural land uses. This transition is intended to minimize potential conflicts with adjacent agricultural and sand and gravel operations.



Willakenzie Area Plan
Unincorporated Subarea

Response: While the applicant is not proposing development, or a change in land use designation, the requested annexation will ensure for a smooth transition between adjacent agricultural and sand and gravel uses, while also fitting into the character of the existing neighborhood.

- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

Response: The minimum level of key urban facilities and services are available and have sufficient capacity to serve the site. The conditions applicable to the site are as follows:

Wastewater

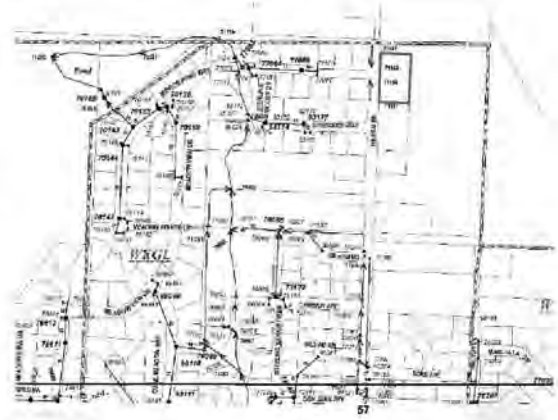
Wastewater service is not currently available to the site. However, there is an 8 inch line that serves Mirror Pond Way that, according to verbal conversations with Eugene staff, can be extended to the subject site. Wastewater service on Gilham Road does not begin until Crimson Avenue. As the property is to be designated low-density residential, only a limited amount of wastewater capacity is required.



Wastewater (2013)

Stormwater

There is an existing stormwater facility along Mirror Pond Way. Prior to or during development, the public line can be extended to the subject property. While Gilham Road does have stormwater facilities, they terminate at the intersection of Gilham Road and Meadow Pointe Lane.



Stormwater (2013)

Transportation

Streets – The property is accessible by Gilham Road, a paved local street. The section of Gilham Road that abuts the subject site is under the jurisdiction of Lane County. There is no development proposed with this annexation application.

Transit – The subject site is a little over a mile away from the nearest transit stop. However, it is within the service area of RideSource.

Bike – There are bike lanes along Gilham Road, beginning at the intersection of Gilham Road and Ayres Road.



Solid Waste Management

Solid waste collection is operated by private firms, whose franchise territory granted by the City of Eugene includes the site. Regional disposal sites are operated by Lane County.

Water and Electric Service

This property will be served by Eugene Water and Electric Board (EWEB), who will provide electric and water service to the site. The water main closest to the property is in Gilham Road. It is an 8-inch pipe and able to serve the subject property.

There is sufficient capacity to serve the property at its designated low-density residential (LDR) capacities.

Fire and Emergency Medical Services

Willakenzie/Eugene Rural Fire Protection District provides fire service to the subject property (by and through a contract with the City of Eugene). Upon annexation, service will be provided directly by the City of Eugene.

Police Protection

Police protection is currently provide by Lane County. Upon annexation, the City of Eugene will provide police protection. With annexation, police protection will be consistent with service provision by Eugene Police Department throughout the city.

City-Wide Parks and Recreation

The site is currently within the jurisdiction of Lane County Parks. Upon annexation, the site will be within the jurisdiction of City of Eugene Parks and Recreation.

Land Use Controls

The subject property is inside the Eugene portion of the Metro Plan Urban Growth Boundary. The City of Eugene provides land use controls for the site.

Communication Facilities

CenturyLink and a variety of other telecommunications providers offer communication services throughout the Eugene/Springfield Area.

Public Schools on a District-Wide Basis

Eugene School District is the K-12 education service provider. The subject site is 1.2 miles away from Gilham Elementary School, 1.3 miles from Cal Young Middle School, and 2.5 miles from Sheldon High School.

Given the above regarding public and private facility availability, this criterion is met.

III. CONCLUSION

Based on the information contained in this written statement, the applicant believes that the requested annexation can be approved.

If there are any questions regarding the above information, please do not hesitate to contact Richard M. Satre, AICP, ASLA, CSI, at Schirmer Satre Group, 541-686-4540 or rick@schirmersatre.com.

Application #: C * 2008 - _____
For City Use Only

* CB = Coburg CG = Cottage Grove
CR = Creswell EU = Eugene
FL = Florence JC = Junction City
OA = Oakridge SP = Springfield

PETITION

Petition Signature Sheet
Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City)*:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
1. <i>J. Stadler</i>	7/28/16	John Stadler	3961 Mirror Pond Way, Eugene, OR 97408	17-03-08-00-00303	X	✓	0.95
2. <i>Maureen Stadler</i>	7/28/16	Maureen Stadler	3961 Mirror Pond Way, Eugene, OR 97408	17-03-08-00-00303	X	✓	0.95
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, Trisha Martinez (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
Trisha Martinez (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

Carol J. Stadler
Lane County Department of Assessment and Taxation
8-2-2016
Date Certified

Maureen Stadler
Lane County Clerk or Deputy Signature
8/2/16
Date Certified

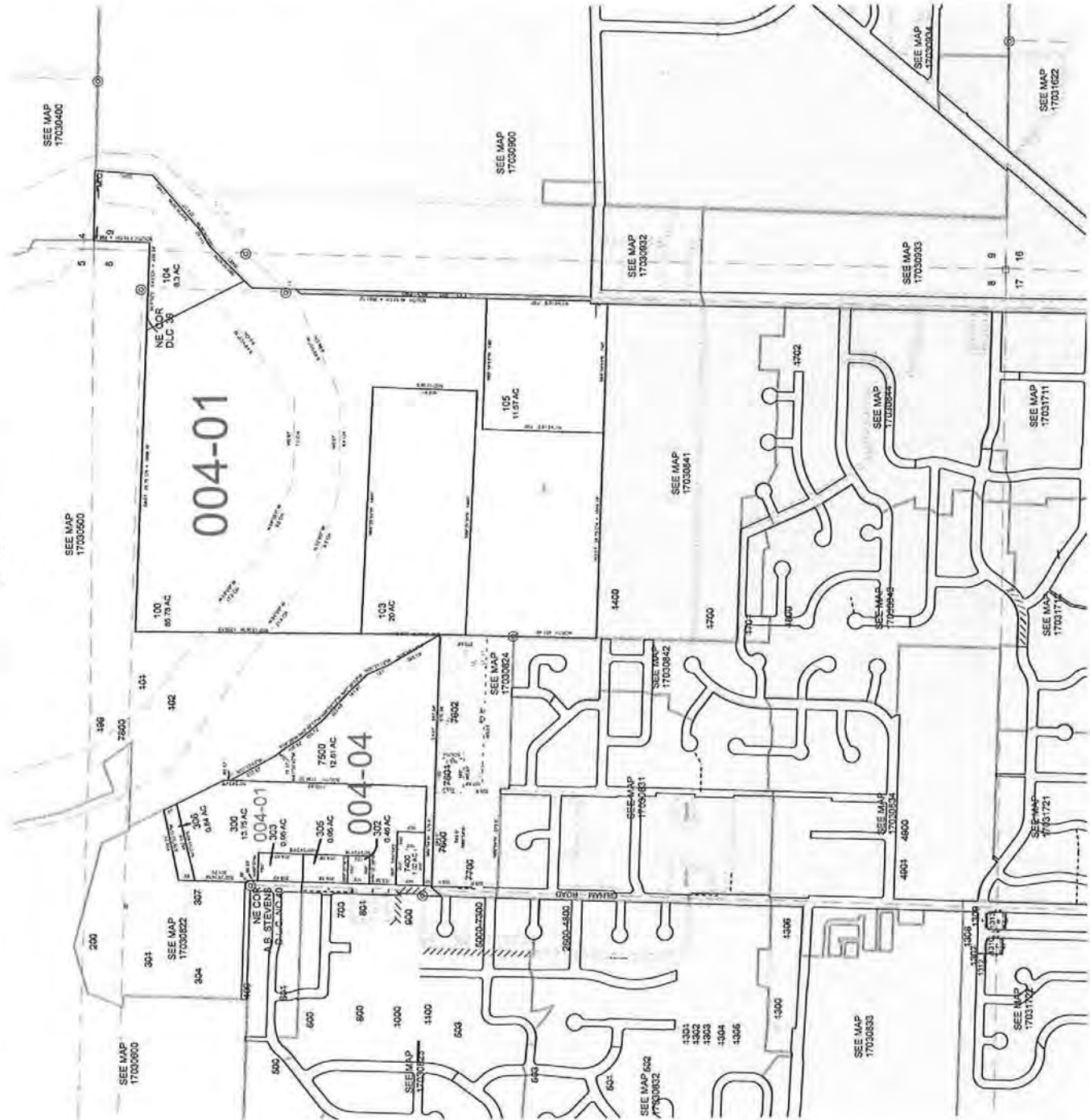
RECEIVED

AUG 02 2016

LANE COUNTY
ASSESSMENT & TAXATION

17030800
EUGENE

LEATJXG - 2015-07-10 11:05



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PREFORMANCE
01/12/2011 - LGAT103 - CONVERT MAP TO GAB
04/12/2013 - LGAT104 - CDDC CHAP TO FVOC
05/12/2013 - LGAT105 - AMENDATION 11, 7700
06/12/2013 - LGAT106 - LGAT 7700 TO NEW MAP 17350624
07/12/2013 - LGAT107 - CDDC 7700 TO NEW MAP 17350624
08/12/2013 - LGAT108 - REMAP FROM 1735060081 TO 17350623
09/12/2013 - LGAT109 - REMAP FROM 1735060081 TO 17350623
10/12/2013 - LGAT110 - CDDC CHAP TO FVOC, 7651 & 7652
11/12/2013 - LGAT111 - CDDC 7652 INTO COUSINTRY MAP 17348

```

EUGENE
17030800



LANE COUNTY

Property Account Summary

As Of 8/2/2016 Status: Active

Account No.: 0146082 **Alternate Property Number:** 1703080000303
Account Type: Real Property **Primary Host Property**
TCA: 00404
Situs Address: 4075 GILHAM RD
 EUGENE OR 97408
Legal: Township 17 Range 03 Section 08 Quarter 00 TL 00303

Parties:

Role	Name & Address
Owner	STADTER JOHN & MAUREEN 3961 MIRROR POND WAY EUGENE OR 97408
Taxpayer	STADTER JOHN & MAUREEN 3961 MIRROR POND WAY EUGENE OR 97408

Property Values:

Value Name	2015	2014	2013	2012	2011
MKTTL	\$182,435	\$176,955	\$171,449	\$198,497	\$199,143
AVR	\$79,599	\$77,281	\$75,030	\$72,845	\$70,723
TVR	\$79,599	\$77,281	\$75,030	\$72,845	\$70,723

Property Characteristics:

Tax Year	Characteristic	Value
2015	Property Class	109 Res conforming mhome
	Change Property Ratio	1XX Residential
	Size	0.95
	Code Split	N
	Neighborhood	441502

Exemptions:

(End of Report)

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-03-08-00-00303 Address: 4075 Gilham Road

Legal Description: See Attached Legal Description

In the corporate limits of said city, which is owned by the undersigned

DATED this 28 day of July, 2016.

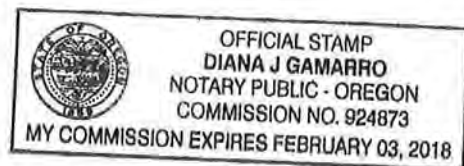
J Stett
In State

STATE OF OREGON)

County of Lane)ss
)

On this 28 day of July, 2016, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Diana J Gamarro, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Diana J Gamarro
Notary Public for Oregon
My Commission Expires 02/03/2018



SCHIRMER SATRE GROUP
Planners, Landscape Architects and Environmental Specialists
 375 West 4th Avenue, Suite 201, Eugene, Oregon 97401
 (541) 686-4540 • Fax (541) 686-4577 • www.schirmersatre.com

TRANSMITTAL

TO:	City of Eugene	DATE:	September 1, 2016
	Permit and Information Center	PROJECT:	Stadter Property – 4075 Gilham
	99 West 10 th Avenue		Road - Annexation
	Eugene, OR 97401	CITY JO. #:	A 16-7
ATTN:	Erik Berg-Johansen	SSG PROJ #:	1639

TRANSMITTED:	Herewith	☒	DISPOSITION:	For Your Approval	☐
	Separate Cover	☐		For Your Information/Use	☒
	Other	☐		For Reply	☐

TRANSMITTED:				
# Copies	Item	Dated	No. Pages	
		(In addition to this cover page)		
1 original and 2 paper copies of:				
Completeness Review Response		8-31-16	3 each	

REMARKS: This Completeness review Response submittal includes the following documents:

1. Signed Certificate of Description.
2. Signed Legal Description.
3. Signed Annexation Map.

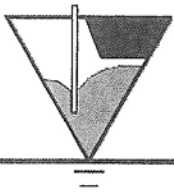
RECEIVED

SEP 02 2016

CITY OF EUGENE
 PLANNING & DEVELOPMENT

We look forward to your assistance with the project. Don't hesitate to contact us should you have any questions or need any additional information. Thank you.

COPIES TO:		BY:	
File	☒		
Owner	☒		
Agency	☐		
Consultant Team	☐		
Other	☐		
		Richard M. Satre, AICP, ASLA, CSI	



EGR & Associates, Inc.

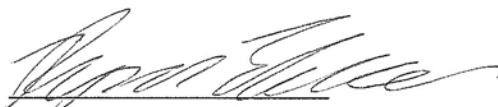
Engineers, Geologists and Surveyors

2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

Attachment C

**Stadter Annexation
Certification of Description**

Pursuant to Eugene Code 9.7810(7), Annexation Application Requirements, I hereby certify that the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: 
Professional Surveyor

Print Name: Ryan M. Erickson

Date: 31 August, 2016

Seal:

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524LS

EXPIRES: 12/31/2017

Stadter Annexation

Map 17-03-08 Tax Lot 303

Beginning at the Brass Cap marking the Northeast Corner of the A.B. Stevens Donation Land Claim No. 40, Township 17 South, Range 3 West of the Willamette Meridian; thence South $0^{\circ}24'24''$ West 40.00 feet along the East line of said Donation Land Claim No. 40; thence South $89^{\circ}33'00''$ East 30.00 feet to an iron pin set on the East right of way line of Gilham Road marking the **True Point of Beginning**; thence South $0^{\circ}24'24''$ West 259.52 feet along said right of way line; thence South $89^{\circ}35'36''$ East 160.00 feet; thence North $0^{\circ}24'24''$ East 259.40 feet along a line parallel with the East line of said Donation Land Claim No. 40 to a point marked by an iron pin; then North $89^{\circ}33'00''$ West 160.00 feet to the True Point of Beginning, in Lane County, Oregon.

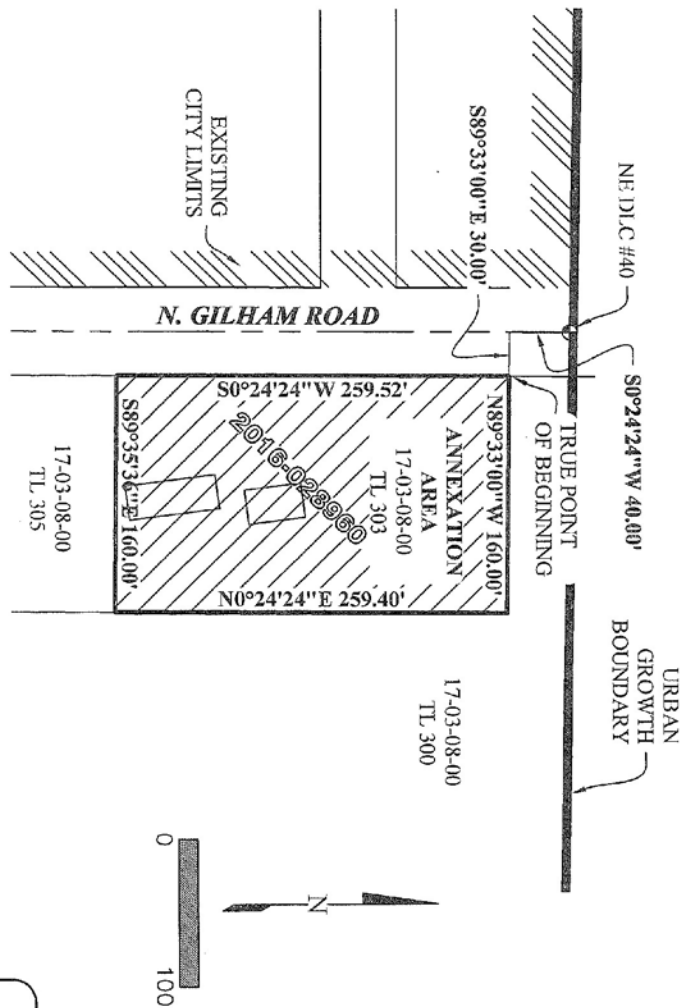
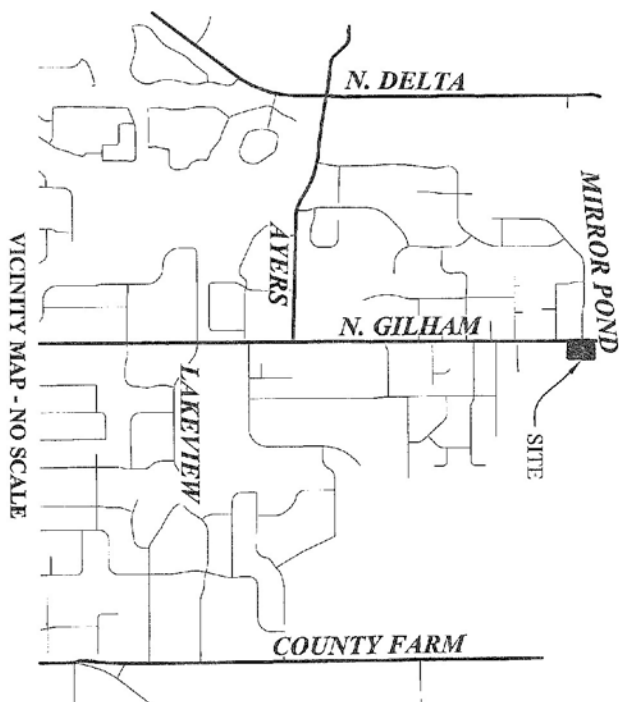
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Ryan M. Erickson
OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524LS

EXPIRES: 12/31/2017

S:\Projects\6850 Steinert\6-0088 N Gilham Rd Survey\AutoCad\N Gilham Rd Annexation.dwg LAYOUT=Annexation Map Aug 31, 2016 - 6:06pm

FIGURE #1
STADTER ANNEXATION
EUGENE, LAKE COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 14, 2003
RYAN M. ERICKSON
55524

EXPIRES: 12/31/17



EGR & Associates, Inc.

Engineers, Geologists, and Surveyors

25368 Prairie Road
Eugene, Oregon 97402

(541) 888-8322
Fax (541) 888-8087

NOTE:
THIS MAP IS FOR ILLUSTRATIVE PURPOSES ONLY.
IT IS COMPOSED FROM RECORD INFORMATION
AND DOES NOT REPRESENT A BOUNDARY SURVEY.

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

John and Maureen Stadter

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

17-03-08-00, Tax Lot 00303

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

 will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

X will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

The wastewater line can be extended from Mirror Pond Way.

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

If yes,
location? _____

If no, how will stormwater be handled after development? -

There is an existing stormwater facility in Mirror Pond Way. The public line
can be extended to the subject property.

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. Gilham Road provides access to the subject site.

Will dedication for additional street right-of-way be required upon further development of this site?

_____ Yes X _____ No _____ Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

_____ Yes X _____ No _____ Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004).)

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

Creskide Park is a half mile away from the subject site and Gilham Park
is one mile away.

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

N/A Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

N/A River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service -- Which electric company will serve this site?

EWEB.

Water Service -- Please provide the size and location of the water main closest to your property._____.

The water main closest to the subject site in Gilham Road, an 8 inch pipe that can serve the site.

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

Census Information Sheet – CONFIDENTIAL

Please complete the attached survey and return it with your annexation application. It is not necessary to include the names of all individuals. Addresses and number of people living at each address is essential and sex and age information is helpful. If you have any questions, please contact the Planning Department at 541-682-5377.

City of Eugene Address: 4075 Gilham Road, Eugene, OR 97408

HOUSING TYPE

TENURE

Single Unit Structure	()	Owner-Occupied	()
Multiple Unit Structure	()	Renter-Occupied	()
Trailer or Mobile Home	(✓)	Vacant	(✓)
Seasonal	()		

RESIDENTS

	Last Name	First Name	Sex	Age
Respondent	_____	_____	_____	_____
2.	The Property is Vacant		_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Annual Maintenance of the Land Use Code and Amending Sections 9.0500, 9.2160, 9.2451, 9.2461, 9.2600, 9.2620, 9.2750, 9.2777, 9.3165, 9.3210, 9.3215, 9.3970, 9.4130, 9.6210, 9.6640, 9.7000, 9.7015, 9.7230, 9.7405, 9.7505, 9.7810, 9.8005, 9.8085, 9.8090, 9.8215, 9.8220, 9.8320, 9.8325, 9.8360, 9.8423, 9.8430, 9.8440, 9.8445, 9.8515, 9.8520, 9.8705, 9.8710, 9.8750, 9.8755, 9.8760, 9.8810 and 9.8855 of the Eugene Code, 1971.
(City File CA 16-3)

Meeting Date: October 24, 2016
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Alissa Hansen
Contact Telephone Number: 541-682-5508

ISSUE STATEMENT

The City Council will hold a public hearing to consider land use code amendments related to annual maintenance of the code.

BACKGROUND

Last year, in recognition of the need to regularly improve and maintain the land use code, City Council initiated the code maintenance program. This program addresses corrective or legal issues, which, if left unaddressed, pose a challenge in the administration of the land use code. The first set of code maintenance amendments was approved by City Council in July 2015.

Consistent with the program intent, this year's set of amendments consists of a modest number of discrete amendments that address:

- Corrective amendments that are intended to fix errors or conflicts by correcting code references, removing obsolete language or adding language that was inadvertently omitted. These amendments do not affect policy or the intent of the code.
- Legal amendments that respond to changes in state law (such as revisions to Oregon Revised Statutes) to remove conflicts between provisions in the code and state regulations.

A summary of the proposed amendments and draft code language is provided as Attachment A.

Code maintenance amendments will be brought forward on an annual basis. To ensure that the code maintenance amendments remain manageable within existing resources, the amendments do not address policy issues or topics associated with other Planning Division work program

items. Future amendments that do address policy issues or other Planning Division work program items will be brought forward separately as part of the code improvement program following adoption of the Eugene-specific urban growth boundary. Staff will engage the Planning Commission to help prioritize the topics and return to City Council to seek initiation before proceeding with future amendments under the code improvement program.

Public Hearing Notice

Notice of the City Council public hearing was mailed on October 7, 2016, to interested parties and all neighborhood associations. No testimony has been received to date. Any additional written comments received after the preparation of this agenda item summary will be provided to the City Council prior to the public hearing for inclusion into the public record.

Planning Commission Process

The Planning Commission held a public hearing on July 12, 2016, to consider the annual code maintenance amendments. No testimony regarding the amendments was provided at the public hearing, or in response to the public hearing notice sent prior to the public hearing. Immediately following the hearing, the Planning Commission voted unanimously (6-0) to recommend approval of the land use code amendments with one slight modification related to the determination of park classifications.

RELATED CITY POLICIES

Findings addressing consistency with related City policies, including provisions of the Metro Plan, are included as an exhibit to the proposed ordinance (Exhibit B of Attachment B).

COUNCIL OPTIONS

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for November 14, 2016.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Following the public hearing and City's receipt of any testimony, the City Manager will make a recommendation to be included in the council packet for action on November 14, 2016.

SUGGESTED MOTION

No motion is proposed as this item is scheduled for a public hearing only. Following the public hearing and the City's receipt of any testimony, the City Manager will make a recommendation and associated motion to be included in the council packet for action on November 14, 2016.

ATTACHMENTS

- A. Summary of Proposed Amendments
- B. Draft Ordinance

FOR MORE INFORMATION

Staff Contact: Alissa Hansen
Telephone: 541-682-6508
Staff E-Mail: alissa.h.hansen@ci.eugene.or.us

A complete set of record materials are available for review on line at www.eugene-or.gov/codeamendments.

Annual Maintenance of the Land Use Code

Proposed Amendments – October 2016

1. Definition of Reconfiguration		Type: Legal																																																				
<p>Issue: State law has changed to allow removal of a platted lot or parcel line through a property line adjustment (as opposed to a replat). Currently, applications for property line adjustments must be consistent with the definition of “reconfiguration of a lot or parcel” which precludes the removal of a platted lot line. For consistency with state law, this portion of the definition needs to be removed.</p>	<p>Proposed Change:</p>																																																					
	<p>9.0500 <u>Definitions.</u> A[-]s used in this land use code, unless the context requires otherwise, the following words and phrases mean:</p> <p>Reconfiguration of Lots or Parcels. Changes to legal lot lines that result in any of the following:</p> <p>(A) Creation of an additional lot or parcel;</p> <p>(B) More than 2 changes to any of the boundaries of an individual lot or parcel within 1 calendar year;</p> <p>(C) A change in the size of a lot or parcel by more than 200 percent; or</p> <p>(D) Creation of substandard public facilities or services, including, but not limited to, streets (access and widths), access easements, and public utility easements[; or</p> <p>(E) A change in the number of platted lots and parcels].</p>																																																					
2. Commercial Zone Land Uses and Permit Requirements		Type: Corrective																																																				
<p>Issue: Per Table 9.2160, parks and non-publicly owned open spaces are allowed in the C-2, C-3 and GO zones, subject to (8) of the Special Use Limitations. However, (8) is no longer the correct reference, due to the addition of a new (8) as part of the Employment/Industrial Zone Code Amendments (Ordinance No. 20528). The reference needs be corrected to reflect the update.</p> <p>Additionally, as part of the Employment/Industrial Zone Code Amendments, the allowance for a new homeless shelter (subject to a conditional use permit), as well as</p>	<p>Proposed Change:</p>																																																					
	<table><tr><th colspan="5">Table 9.2160 Commercial Zone Land Uses and Permit Requirements</th></tr><tr><th></th><th>C-1</th><th>C-2</th><th>C-3</th><th>GO</th></tr><tr><td colspan="5">Entertainment and Recreation</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Park and Non-Publicly Owned Open Space Use (See EC 9.2620):</td><td></td><td>S[(8)] (9)</td><td>S[(8)] (9)</td><td>S[(8)] (9)</td></tr><tr><td>Uses not specifically listed in this Table 9.2160 that are listed under the “Entertainment and Recreation” category in Table 9.2630.</td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td colspan="5">Lodging</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>[Homeless Shelter not in existence as of January 1, 1984]</td><td></td><td></td><td></td><td></td></tr></table>					Table 9.2160 Commercial Zone Land Uses and Permit Requirements						C-1	C-2	C-3	GO	Entertainment and Recreation										Park and Non-Publicly Owned Open Space Use (See EC 9.2620):		S[(8)] (9)	S[(8)] (9)	S[(8)] (9)	Uses not specifically listed in this Table 9.2160 that are listed under the “Entertainment and Recreation” category in Table 9.2630.										Lodging										[Homeless Shelter not in existence as of January 1, 1984]			
Table 9.2160 Commercial Zone Land Uses and Permit Requirements																																																						
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Lodging																																																						
[Homeless Shelter not in existence as of January 1, 1984]																																																						

the allowance for regional distribution centers and wholesale trade were removed from the C-4 Commercial/Industrial zone, when the C-4 zone was changed to the E-2 Mixed Use Employment zone (the uses are allowed in the E-2 zone). However, the use listings were not removed from the commercial zone table, and need to be corrected.

Trade (Retail and Wholesale)				
[Regional Distribution Center]				
[Wholesale Trade (excluding regional distribution center)]				

3. Employment and Industrial Zone Land Use and Permit Requirements

Type: Corrective

Issue: Certain commercial uses, such as personal services and wholesale and retail trade are allowed in the E-2 Mixed Use Employment zone if the property is located on a major arterial street. Although the intent of this provision to allow these uses only on properties with frontage on a major arterial street is documented as part of the record for the adoption process for the Employment/Industrial Zone Code Amendment, there has been confusion as to the standard for lots that do not front such streets. As such, this section needs to be amended to clarify the applicability. Additionally, the provision needs to clarify that the 30,000 square foot limitation specifically relates to the size of a building, not the entire use (which would include parking areas, associated landscaping, etc).

Proposed Change:

9.2451

Special Use Limitations for Table 9.2450.

(2) **Special Allowances for properties with frontage on major arterial streets in the E-2 zone.** On lots with frontage on a major arterial street, the uses allowed in Table 9.2450 subject to this standard shall not exceed 30,000 square feet **of building area** per development site. This square footage limitation shall apply only to new development, and it shall not preclude reuse of existing buildings. ***Such uses are not allowed on lots without frontage on major arterial streets.***

4. Employment and Industrial Zone Development Standards					Type: Corrective	
Issue: As part of the Employment/Industrial Zone Code Amendments, Table 9.2461 was amended to require the High <i>Wall</i> Landscape (L-3) standard in I-2 and I-3 zones adjacent to a street, to screen outdoor storage. However, the intended standard is the High <i>Screen</i> Landscape Standard (L-3) (not High Wall, which is L-4). To correct this internal inconsistency, the name of the landscape standard needs to be corrected.	Proposed Change:					
	Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping					
			E-1	E-2	I-2	I-3
	Outdoor Storage					
	Adjacent to a street.	Permitted:	Yes	Yes	Yes	Yes
	Setback:	20 feet	15 feet	10 feet	10 feet	
	Landscape:	Low Screen Landscape Standard – (L-2)	Low Screen Landscape Standard – (L-2)	High [Wall] Screen Landscape Standard – (L-3)	High [Wall] Screen Landscape Standard – (L-3)	
5. Park, Recreation and Open Space Zone					Type: Corrective	
Issue: The Eugene Parks and Recreation Plan was repealed in 2006 (Ordinance No. 20362). However, two references to this plan remain in the land use code, and need to be removed.	Proposed Change:					
	9.2600	<u>Purpose of PRO Park, Recreation, and Open Space Zone.</u> The Park, Recreation, and Open Space Zone (PRO) is intended to accomplish all of the following:				
		(1) Implement the <u>Metro Plan</u> [Eugene Parks and Recreation Plan] and other applicable plans by providing areas that will conserve and preserve a variety of parks, recreation areas, and open spaces to maintain livability of the metropolitan area.				
	9.2620	<u>PRO Zone Terms.</u> The determination of park classification shall be based on [the Eugene Parks and Recreation Plan or] <i>Eugene’s applicable parks plan, or in the absence of a plan</i> , by the city manager. As used with reference to this zone, unless the context requires otherwise, the following words and phrases mean:				

6. Residential Zone Development Standards		Type: Corrective																																																						
<p>Issue: New standards for existing alley access lots in the R-1 Low Density Residential zone were adopted as part of the Single Family Code Amendments (Ordinance No. 20541). These standards were intended to only apply in the R-1 zone, and the special development standards are titled “Alley Access Lots in R-1” (see EC 9.2751(18)). However, the table preceding these specific standards did not provide the same clarity regarding applicability to R-1. As such, the table needs to be revised consistent with the standards.</p>	<p>Proposed Change:</p> <table><tr><th colspan="6">Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</th></tr><tr><th></th><th>R-1</th><th>R-1.5</th><th>R-2</th><th>R-3</th><th>R-4</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td colspan="6">Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</td></tr><tr><td>Main Building. Does not include main building on Alley Access Lot <i>in R-1</i></td><td>30 feet</td><td>35 feet</td><td>35 feet</td><td>50 feet</td><td>120 feet</td></tr><tr><td>Main Building on Alley Access Lot <i>in R-1</i></td><td>See (18)</td><td>--</td><td>--</td><td>--</td><td>--</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td colspan="6">Maximum Lot Coverage (17), (18)</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>		Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)							R-1	R-1.5	R-2	R-3	R-4							Maximum Building Height (2), (3), (4), (5), (16), (17), (18)						Main Building. Does not include main building on Alley Access Lot <i>in R-1</i>	30 feet	35 feet	35 feet	50 feet	120 feet	Main Building on Alley Access Lot <i>in R-1</i>	See (18)	--	--	--	--							Maximum Lot Coverage (17), (18)											
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Maximum Lot Coverage (17), (18)																																																								
7. Duplex Division - Average Lot Width		Type: Corrective																																																						
<p>Issue: The method for measuring lot width was revised several years ago to eliminate the use of “average” lot width. However, one reference to average lot width remains and needs to be deleted.</p>	<p>Proposed Change:</p> <p>9.2777 <u>Duplex Division Lot Standards.</u> (2) <u>Land Division Regulations.</u> All applicable regulations for the type of land division process being used must be met except where the duplex division lot standards create different requirements. (a) The existing lot must contain at least 8,000 square feet. (b) The resulting lots will be relatively equal in size with the maximum difference equal to 10 percent or less of the total area of the original lot. (c) The [average] lot width is at least 40 feet. (d) The minimum lot area is at least 3,600 feet.</p>																																																							
8. Bicycle Parking Requirements - References		Type: Corrective																																																						
<p>Issue: When the bicycle parking standards were revised in conjunction with the multi-family standards (Ordinance No. 20492)</p>	<p>Proposed Change:</p> <p>9.3165 <u>S-DR Downtown Riverfront Special Area Zone Parking Requirements.</u></p>																																																							

some of the code sections within the bicycle parking standards were renumbered. Two references to these standards found elsewhere in the land use code were not changed accordingly. These sections need to be updated to reflect the correct code references.

(3) Bicycle Parking. The minimum and maximum parking standards in Table EC 9.3165(3) apply instead of the standards in Table 9.6105[(4)](5).

9.3970

S-WS Walnut Station Special Area Zone Development Standards Applicable to All Properties in the Walnut Station Special Area Zone.

(4) Parking Requirements.

- (e) Bicycle parking. The following minimum bicycle parking standards apply instead of the standards in Table 9.6105[(4)](5). Uses shall provide a minimum number of bicycle parking spaces as designated in Table 9.3970(4)(e) below. Where two options are provided (e.g., 4 spaces, or 1 per dwelling), the option resulting in more bicycle parking shall be used. The remaining standards in EC 9.6105 [(1-3)](1-4) and EC 9.6110 are applicable within the S-WS zone.

9. Downtown Westside Special Area Zone Uses and Permit Requirements

Type: Corrective

Issue: Within the Downtown Westside Special Area Zone (S-DW zone), a bed and breakfast is a permitted use subject to the Bed and Breakfast Standards at EC 9.5100. However, EC 9.5100 provides standards for bed and breakfasts in the AG, R-1, R-2, R-3 and R-4 zones only (not the S-DW zone). To clarify which of the standards are intended to apply in Downtown Westside, the reference in the table needs to be revised. In this case, because the S-DW provides that residential development be subject to the standards established for the R-4 zone, the standards for R-4 zone (High Density Residential) apply.

Proposed Change:

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Lodging	
Bed and Breakfast ([See] Comply with EC 9.5100(3) for the R-4 zone)	S

10. Downtown Westside Special Area Zone Development Standards	Type: Corrective						
<p>Issue: The Downtown Westside Special Area Zone requires that 20 percent of a development site be landscaped with living plant material. Table 9.3215 provides this standard for Minimum Landscape Area, and specifically excludes required landscaping for parking areas from counting towards this minimum requirement. However, the special standards associated with this table conflict with this provision, and state that any required landscaping, such as for off-street parking areas, can be applied towards minimum landscape requirements. To resolve this conflict, the table needs to be amended to be consistent with the special standards.</p>	<p>Proposed Change:</p> <table border="1" data-bbox="594 245 1787 501"> <tr> <th colspan="2">Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards</th></tr> <tr> <th></th><th>S-DW</th></tr> <tr> <td>Minimum Landscape Area (8) (Excludes required landscaping for parking areas. Landscape areas may include rooftops or terraces accessible to building occupants.)</td><td>20% of development site</td></tr> </table> <p>9.3216 <u>Special Development Standards for Table 9.3215.</u></p> <p>(8) Landscape Standards.</p> <p>(a) <u>Minimum Landscape Area Required.</u> At least 20% of the development site shall be landscaped with living plant materials. All required landscaping shall comply with landscape standards beginning at EC 9.6200 <u>Purpose of Landscape Standards</u>. Any required landscaping, such as for required front yard setbacks or off-street parking areas, shall apply toward the minimum landscape requirements for the development site.</p>	Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards			S-DW	Minimum Landscape Area (8) (Excludes required landscaping for parking areas. Landscape areas may include rooftops or terraces accessible to building occupants.)	20% of development site
Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards							
	S-DW						
Minimum Landscape Area (8) (Excludes required landscaping for parking areas. Landscape areas may include rooftops or terraces accessible to building occupants.)	20% of development site						
11. Commercial Airport Safety Overlay Zone	Type: Corrective						
<p>Issue: The height limitations in the Commercial Airport Safety overlay zone reference Runway 3-21, which has been decommissioned, per the Eugene Airport Master Plan. As such, reference to it needs to be removed.</p>	<p>Proposed Change:</p> <p>9.4130 <u>Use Limitations.</u> In the Commercial Airport Safety overlay zone, the following limitations and standards apply to all uses permitted outright or conditionally in the base zone to which the overlay is applied:</p> <p>(3) Height.</p> <p>[Runway 3-21 Approach Sectors. Runway 3-21 is a non-precision runway. The inner edge of the runway's approach sectors coincide with the width of the runway's primary surface and are 500 feet wide. The approach sectors expand outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Their centerlines are a continuation of the runway centerline beginning at the centerpoint coordinates. The surfaces of the Runway 3-21 approach sectors slope 34 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surface and extend to a horizontal distance of 10,000 feet along the extended runway centerline.]</p>						

12. Low Screen Landscape Standards	Type: Corrective
<p>Issue: Because the Low Screen Landscape Standard is required along both streets lot lines and interior lot lines, depending on the circumstance, the word “street” needs to be removed for clarification.</p>	<p>Proposed Change:</p> <p>9.6210 <u>Description of Landscape Standards.</u> (2) <u>Low Screen Landscape Standard (L-2).</u> (a) <u>Required Plant Materials.</u> Low Screen Landscape Standard (L-2) requires the installation and maintenance of all of the following:</p> <ol style="list-style-type: none"> 1. Low shrubs to form a continuous screen at least 30 inches high within 3 years and maintained at a height not to exceed 42 inches. 2. 1 canopy tree per 30 linear feet as measured along the [street] lot line. 3. Living plant materials covering a minimum of 70 percent of the required landscape area within 3 years of planting.
13. Application Completeness Review	Type: Corrective
<p>Issue: Consistent with changes to state law, final plat applications for partitions or subdivisions became subject to the Type I (administrative review) land use application requirements several years ago. Previously they were subject to the Type II (Planning Director review) requirements. As a result of this change in process, and recognition that the requirement for completeness review is not practical because these applications are not technically complete until the official final plat is ready to be signed and recorded (which is at the very end of the review process and can often take more than 180 days), final plat applications need to be exempt from this requirement.</p>	<p>Proposed Change:</p> <p>9.7015 <u>Application Completeness Review.</u> The city shall review an application, <i>other than a partition or subdivision final plat</i>, and, within 30 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:</p> <ol style="list-style-type: none"> (1) Upon receipt of all of the missing information requested by the city; or (2) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or (3) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided. <p>On the 181st day after being first submitted, the application will be void if the applicant has been notified of the missing information and has not complied with (1), (2), or (3) of this section.</p>

14. Type II Application Expiration	Type: Corrective								
<p>Issue: Site review and standards review application approvals are effective for 18 months. This is problematic when these applications are processed concurrently with tentative subdivisions or planned unit developments, which are effective for 36 months. This can result in a situation where an approved subdivision or planned unit development is in effect, but the concurrent approved site review or standards review applications have expired, and new application must be submitted and approved before the concurrent subdivision or planned unit development can be implemented. The proposed change is similar to that already provided for adjustment reviews and traffic impact analysis applications processed currently with other land use applications.</p>	<p>Proposed Change:</p> <p>9.7230 <u>Expiration.</u> (6) <i>Approvals for [S]site review and standards review [approvals] not considered as part of another land use application</i> and modifications of such approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit a final plan and an application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period. <i>Site review or standards review approvals that are considered as part of another land use application shall be effective for the same time period as the primary land use application.</i></p>								
15. Type IV Application Requirements and Criteria	Type: Legal								
<p>Issue: To be consistent with state law (and current practice), this section needs to be revised to provide for site specific code amendments as Type IV applications, as opposed to a Type V or legislative application process.</p>	<p>Proposed Change:</p> <p>9.7405 <u>Type IV Application Requirements and Criteria Reference.</u> The following applications are reviewed under the Type IV review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7405.</p> <table border="1" data-bbox="730 1312 1969 1440"> <thead> <tr> <th colspan="2" data-bbox="730 1312 1633 1344">Table 9.7405 Type IV Application Requirements and Criteria</th></tr> <tr> <th data-bbox="730 1344 1633 1377">Type IV Applications</th><th data-bbox="1633 1344 1969 1377">Beginning Reference</th></tr> </thead> <tbody> <tr> <td data-bbox="730 1377 1633 1409">Refinement Plan Amendment, Site Specific Change</td><td data-bbox="1633 1377 1969 1409">EC 9.8421</td></tr> <tr> <td data-bbox="730 1409 1633 1440"><i>Land Use Code Amendment, Site Specific Change</i></td><td data-bbox="1633 1409 1969 1440"><i>EC 9.8060</i></td></tr> </tbody> </table>	Table 9.7405 Type IV Application Requirements and Criteria		Type IV Applications	Beginning Reference	Refinement Plan Amendment, Site Specific Change	EC 9.8421	<i>Land Use Code Amendment, Site Specific Change</i>	<i>EC 9.8060</i>
Table 9.7405 Type IV Application Requirements and Criteria									
Type IV Applications	Beginning Reference								
Refinement Plan Amendment, Site Specific Change	EC 9.8421								
<i>Land Use Code Amendment, Site Specific Change</i>	<i>EC 9.8060</i>								

		Street Name Change	EC 9.8475																
		Zone Changes Processed Concurrent with a site specific Refinement Plan amendment*	EC 9.8850																
		*A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260.																	
	9.7505	<u>Type V Application Requirements and Criteria Reference.</u> The following applications are reviewed under the Type V review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7505:																	
		<table><tr><th colspan="2">Table 9.7505 Type V Application Requirements and Criteria</th></tr><tr><th>Type V Applications</th><th>Beginning Reference</th></tr><tr><td>Land Use Code Amendments <i>that are not limited to a specific site</i></td><td>EC 9.8060</td></tr><tr><td>Refinement Plan Amendments to policies and/or maps that are not limited to a specific site</td><td>EC 9.8421</td></tr><tr><td>Refinement Plan Adoption or Update</td><td>EC 9.8421</td></tr><tr><td>Zone Change concurrent with a Code Amendment</td><td>EC 9.8850</td></tr><tr><td>Special Area Zone Establishment or Amendment</td><td>EC 9.3000</td></tr><tr><td>Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation</td><td>EC 9.4260</td></tr></table>		Table 9.7505 Type V Application Requirements and Criteria		Type V Applications	Beginning Reference	Land Use Code Amendments <i>that are not limited to a specific site</i>	EC 9.8060	Refinement Plan Amendments to policies and/or maps that are not limited to a specific site	EC 9.8421	Refinement Plan Adoption or Update	EC 9.8421	Zone Change concurrent with a Code Amendment	EC 9.8850	Special Area Zone Establishment or Amendment	EC 9.3000	Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation	EC 9.4260
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Special Area Zone Establishment or Amendment	EC 9.3000																		
Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation	EC 9.4260																		
	9.8855	<u>Applicability.</u> Changes in zoning, including the application of or change of an overlay zone or special area zone shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures, with the following exceptions: (4) The proposed zone change is processed concurrently with an amendment to this land use code; in which case, the zone change shall be processed as a Type IV or Type V application as provided in EC 9.7400 through EC 9.7455 Type IV Application Procedures [for in] and EC 9.7500 through EC 9.7560 Type V Application Procedures.																	
16. Annexation Application Requirements		Type: Corrective																	
Issue: Applications for annexations are required to include a full-sized cadastral map from Lane County Assessment and Taxation for noticing the Oregon Department of Revenue at the end of the process. Due to a change in state process,		Proposed Change:																	
	9.7810	<u>Annexation – Application Requirements.</u> An application for annexation under the provisions of EC 9.7800 – 9.7835 may be initiated by motion of the city council or by the filing of an application for an annexation. In addition to the provisions in EC 9.7010 Application Filing, an application for annexation shall include the following: (8) [A county assessor's cadastral map of the land proposed for annexation.] *Renumber remainder of section																	

this map is no longer needed and reference to it needs be removed.	
17. Walnut Station Special Area Zone References	Type: Corrective
<p>Issue: As a result of the Walnut Station Special Area Zone being added to the land use code (Ordinance No. 20460), sections EC 9.3950 through EC 9.3980 were added at the end of the alphabetical listing of all base zones. Numerous references to all base zones (which previously were EC 9.2000 Agricultural Zone through EC 9.3915 Whiteaker Special Area Zone) need to be changed to include the Walnut Station Special Area Zone standards. As such, there are a number of references to EC 9.3915 that need to be changed to EC 9.3980.</p>	<p>Proposed Change:</p> <p>9.6640 <u>General Provisions.</u> (4) <u>Location Standards.</u> (a) <u>Setbacks.</u> All signs shall comply with the setback requirements beginning at EC 9.2000 through EC [9.3915] 9.3980 and EC 9.6745 <u>Setbacks - Intrusions Permitted.</u> Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the E-1 zone may be installed at least 5 feet from the front property line.</p> <p>9.8005 <u>Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.</u> (1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through [9.3915] 9.3980, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through 9.7885, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.</p> <p>9.8090 <u>Conditional Use Permit Approval Criteria - General.</u> A conditional use permit shall be granted only if the proposal conforms to all of the following criteria: (8) The proposal complies with all applicable standards, including but not limited to: (a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions, solar standards, and density requirements for the subject zone;</p> <p>9.8215 <u>Partition, Tentative Plan Approval Criteria- General.</u> The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria: (1) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone: (a) Lot standards of EC 9.2000 through [9.3915] 9.3980 regarding applicable parcel dimensions and density requirements. Within the <i>WR</i> Water Resources Conservation Overlay Zone or the <i>WQ</i> Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p>

- | | |
|--|--|
| | <p>9.8220 <u>Partition, Tentative Plan Approval Criteria- Needed Housing.</u> The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 <u>Partition, Tentative Plan Approval Criteria- General</u>, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria:</p> <p>(2) The proposed partition complies with all of the following:</p> <p>(a) Lot standards of EC 9.2000 through [9.3915] 9.3980 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p>
<p>9.8320 <u>Tentative Planned Unit Development Approval Criteria- General.</u> The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions shall be based on compliance with the following criteria:</p> <p>(10) The PUD complies with all of the following:</p> <p>(a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p>
<p>9.8325 <u>Tentative Planned Unit Development Approval Criteria - Needed Housing.</u> The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 <u>Tentative Planned Unit Development Approval Criteria - General</u>, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:</p> <p>(7) The PUD complies with all of the following:</p> <p>(a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p> |
|--|--|

	<p>9.8440 <u>Site Review Approval Criteria-General.</u> The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:</p> <p>(5) The proposal complies with all of the following standards:</p> <p>(a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions and density requirements for the subject zone.</p> <p>9.8445 <u>Site Review Approval Criteria- Needed Housing.</u> The planning director shall approve, conditionally approve, or deny the site review application. Unless the applicant elects to use the general criteria contained in EC 9.8440 <u>Site Review Approval Criteria - General</u>, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a site review based on compliance with the following criteria:</p> <p>(4) The proposal complies with all of the following standards:</p> <p>(a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions and density requirements for the subject zone.</p> <p>9.8515 <u>Subdivision, Tentative Plan Approval Criteria - General.</u> 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:</p> <p>(1) The proposed subdivision complies with the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:</p> <p>(a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p> <p>9.8520 <u>Subdivision, Tentative Plan Approval Criteria - Needed Housing.</u> The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515 <u>Subdivision, Tentative Plan Approval Criteria- General</u>, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:</p> <p>(3) 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:</p> <p>(a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation</p>
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Overlay Zone or *WQ* Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

- 9.8750** **Purpose of Variances.** The provisions of EC 9.5750(9), 9.6708, and 9.8750 through 9.8760 allow for partial or full exemption from specific land use code standards only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of those regulations would deny the property owner uses enjoyed by other property owners in the vicinity and under identical zones. Any variance granted shall be subject to conditions that ensure the variance does not constitute a granting of special uses inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The city shall not grant variances which allow uses not on the applicable list of allowed uses specified in EC 9.2000 through ~~[9.3915]~~ **9.3980** of this land use code.
- 9.8755** **Applicability.** Unless specified otherwise in another land use code section, the planning director may grant variances only to the standards prescribed in:
(1) EC 9.2000 to ~~[9.3915]~~ **9.3980** for the following:
 (a) Building Height.
 (b) Fences and Walls.
 (c) Front Yard Setbacks.
 (d) Interior Yard Setbacks.
- 9.8760** **Approval Criteria for Variances.** The planning director shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon following a Type II process. Approval, or conditional approval shall be based on compliance with all the following criteria:
(4) In addition to the above criteria, the following 3 criteria apply to variances from code sections that apply to EC 9.6410 Motor Vehicle Parking Standards, and from EC 9.2000 to ~~[9.3915]~~ **9.3980** base zone regulations as applied to fences and walls.

18. Final Planned Unit Development Application Requirements

Type: Corrective

Issue: The requirements for a final planned unit development (PUD) application stipulate that individual phases of a PUD may not be submitted for final approval until the phases are legal lots. For PUDs that are intended to create separate

Proposed Change:

- 9.8360** **Planned Unit Development, Final Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to PUD final plan applications:
(1) Applications shall contain final maps and supplemental materials required to demonstrate compliance with tentative plan conditions of approval.

<p>lots (such as a residential PUD), this creates a situation that is impossible to meet, as the subdivision (which creates the legal lots) cannot be approved until the implementing PUD is finalized. The approved plans for a final PUD are intended to set up the phase boundaries, to be implemented through the subsequent subdivision process. Accordingly, this provision needs to be removed.</p>	<p>(2) Final PUD plans may be submitted in phases, if such phases were approved as part of the tentative PUD consideration. The boundaries of each phase of the final PUD plans shall coincide with the boundaries of the phasing areas approved at the tentative plan stage. Requests to extend the time frame for a specific phase shall be subject to EC 9.7340 <u>Expiration</u>.</p> <p>(3) Individual phases of a PUD may not be submitted for final PUD review until the boundaries of the phases are legal lots as defined in this land use code, and documents necessary to assure permanent maintenance, at no expense to the city, of buildings, common use facilities, landscaping, open space, and outdoor living areas have been executed and recorded.]</p> <p>*renumber remaining section</p>
19. Metro Plan Amendment Process References	Type: Corrective
<p>Issue: As a result of the Metro Plan Amendment Process Code Amendments (Ordinance No. 20400) EC 9.7800 through 9.7885 were repealed, and new sections EC 9.7800 through 9.7835 were added. There are several references to EC 9.7885 throughout the code that need to be amended to EC 9.7835, to reflect these changes.</p>	<p>Proposed Change:</p> <p>9.7000 <u>Introduction.</u> Review of an application to annex property, divide land, develop or use property, or amend this land use code, the <u>Metro Plan</u>, or a refinement plan, shall be processed as provided in sections 9.7000 through [9.7885] 9.7835.</p> <p>9.8005 <u>Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.</u></p> <p>(1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through 9.3915, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through [9.7885] 9.7835, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.</p> <p>9.8085 <u>Conditional Use Permit Application Requirements.</u> Conditional use applications shall be processed in accordance with the application procedures contained in EC 9.7000 through [9.7885] 9.7835, Application Procedures. When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of that conditional use permit. If the proposal includes needed housing, as defined by state statutes, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the general approval criteria</p>

in EC 9.8090 Conditional Use Permit Approval Criteria - General instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria - Needed Housing.

- 9.8423** **General Requirements.** Applications for refinement plan amendments shall be submitted on a form approved by the city manager and reviewed under a Type IV process for site specific amendments or otherwise, a Type V process according to EC 9.7000 through [9.7885] **9.7835** Application Procedures.
- 9.8705** **Applicability of Vacation Procedures.**
(3) Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC 9.7000 through [9.7885] **9.7835** Application Procedures.
- 9.8710** **Vacations, Application Requirements.**
(1) Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC 9.7000 through [9.7885] **9.7835** and the approval criteria contained in EC 9.8715. In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.
(2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC 9.7000 through [9.7885] **9.7835** and the approval criteria contained in EC 9.8720. In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.
- 9.8810** **General Requirements.**
(1) Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC 9.7000 through EC [9.7885] **9.7835** Application Procedures unless considered concurrently with a Type IV or Type V application.

20. Site Review Applicability	Type: Legal
<p>Issue: The requirement that applications proposing needed housing (including conditional use permits, partitions, subdivisions and planned unit developments) also complete a site review application is redundant, and results in unreasonable cost and delay, which is inconsistent with state law. As such, this provision needs to be removed.</p>	<p>Proposed Change:</p> <p>9.8430 <u>Applicability.</u> Site review provisions shall be applied when any of the following conditions exist:</p> <ul style="list-style-type: none"> (1) Property is zoned with the /SR overlay zone and the proposal would result in either of the following: <ul style="list-style-type: none"> (a) New development of vacant sites (excluding partitions and any development that consists only of new or expanded parking areas). (b) An expansion of 20 percent or more of the total existing building square footage on the development site. (2) The proposed use on the property is identified as a use which requires site review under other provisions of this land use code and the proposal would result in either of the following: <ul style="list-style-type: none"> (a) New development of vacant sites (excluding development that consists only of new or expanded parking areas). (b) An expansion of 20 percent or more of the total existing building square footage on the development site. [(3)] The application proposes needed housing, as defined by State statutes. Applications proposing needed housing shall be reviewed through the Type II site review procedures utilizing the criteria at EC 9.8445 Site Review Approval Criteria – Needed Housing unless the applicant specifically request in the application that the city apply the criteria at EC 9.8440 Site Review Approval Criteria – General.] <p>In lieu of site review, an application that falls within (1)[,] or (2)[, or (3)] above, may obtain approval through the Planned Unit Development process. No development permit shall be issued by the city prior to approval of the site review application, or the final planned unit development application.</p>

ORDINANCE NO. _____

AN ORDINANCE CONCERNING ANNUAL MAINTENANCE OF THE LAND USE CODE AND AMENDING SECTIONS 9.0500, 9.2160, 9.2451, 9.2461, 9.2600, 9.2620, 9.2750, 9.2777, 9.3165, 9.3210, 9.3215, 9.3970, 9.4130, 9.6210, 9.6640, 9.7000, 9.7015, 9.7230, 9.7405, 9.7505, 9.7810, 9.8005, 9.8085, 9.8090, 9.8215, 9.8220, 9.8320, 9.8325, 9.8360, 9.8423, 9.8430, 9.8440, 9.8445, 9.8515, 9.8520, 9.8705, 9.8710, 9.8750, 9.8755, 9.8760, 9.8810 AND 9.8855 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of “Reconfiguration of Lots or Parcels” in Section 9.0500 of the Eugene Code, 1971, is amended to provide as follows:

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

Reconfiguration of Lots or Parcels. Changes to legal lot lines that result in any of the following:

- (A) Creation of an additional lot or parcel;
- (B) More than 2 changes to any of the boundaries of an individual lot or parcel within 1 calendar year;
- (C) A change in the size of a lot or parcel by more than 200 percent; **or**
- (D) Creation of substandard public facilities or services, including, but not limited to, streets (access and widths), access easements, and public utility easements[; ~~or~~
- ~~(E) A change in the number of platted lots and parcels].~~

Section 2. The entry for “Park and Non-Publicly Owned Open Space Use” in the “Entertainment and Recreation” section of Table 9.2160 of the Eugene Code, 1971, is amended as set out below. The entries for “Homeless Shelter not in existence as of January 1, 1984” in the “Lodging” section, and “Regional Distribution Center,” and “Wholesale Trade (excluding regional distribution center)” in the “Trade (Retail and Wholesale)” section of that Table, are repealed.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Entertainment and Recreation				
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Uses not specifically listed in this Table 9.2160 that are listed under the "Entertainment and Recreation" category in Table 9.2630.		S[(8)] (9)	S[(8)] (9)	S[(8)] (9)
Lodging				
[Homeless Shelter not in existence as of January 1, 1984]				
Trade (Retail and Wholesale)				
[Regional Distribution Center]				
[Wholesale Trade (excluding regional distribution center)]				

Section 3. Subsection (2) of Section 9.2451 of the Eugene Code, 1971, is amended to provide as follows:

9.2451 Special Use Limitations for Table 9.2450.

(2) **Special Allowances for properties with frontage on major arterial streets in the E-2 zone.** On lots with frontage on a major arterial street, the uses allowed in Table 9.2450 subject to this standard shall not exceed 30,000 square feet *of building area* per development site. This square footage limitation shall apply only to new development, and it shall not preclude reuse of existing buildings. ***Such uses are not allowed on lots without frontage on major arterial streets.***

Section 4. The entry for "Adjacent to a street" in the "Outdoor Storage" section of Table 9.2461(8) of the Eugene Code, 1971, is amended to provide as follows:

Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping					
		E-1	E-2	I-2	I-3
Outdoor Storage					
Adjacent to a street.	Permitted:	Yes	Yes	Yes	Yes
	Setback:	20 feet	15 feet	10 feet	10 feet

Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping					
		E-1	E-2	I-2	I-3
	Landscape:	Low Screen Landscape Standard – (L-2)	Low Screen Landscape Standard – (L-2)	High [Wall] Screen Landscape Standard – (L-3)	High [Wall] Screen Landscape Standard – (L-3)

Section 5. Subsection (1) of Section 9.2600 of the Eugene Code, 1971, is amended to provide as follows:

- 9.2600 Purpose of PRO Park, Recreation, and Open Space Zone.** The Park, Recreation, and Open Space Zone (PRO) is intended to accomplish all of the following:
- (1) Implement the Metro Plan [~~Eugene Parks and Recreation Plan~~] and other applicable plans by providing areas that will conserve and preserve a variety of parks, recreation areas, and open spaces to maintain livability of the

Section 6. The introductory paragraph of Section 9.2620 of the Eugene Code, 1971, is amended to provide as follows:

- 9.2620 PRO Zone Terms.** The determination of park classification shall be based on [~~the Eugene Parks and Recreation Plan or~~] **Eugene's applicable parks plan, or in the absence of a plan**, by the city manager. As used with reference to this zone, unless the context requires otherwise, the following words and phrases mean:

Section 7. The entries for "Main Building" and "Main Building on Alley Access Lot" in the "Maximum Building Height" section of Table 9.2750 of the Eugene Code, 1971, and the "Maximum Lot Coverage" section title of that Table, are amended to provide as follows:

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Main Building. Does not include main building on Alley Access Lot in R-1	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot in R-1	See (18)	--	--	--	--
Maximum Lot Coverage (17), (18)					

Section 8. Subsection (2) of Section 9.2777 of the Eugene Code, 1971, is amended to provide as follows:

9.2777 Duplex Division Lot Standards.

- (2) **Land Division Regulations.** All applicable regulations for the type of land division process being used must be met except where the duplex division lot standards create different requirements.
- (a) The existing lot must contain at least 8,000 square feet.
 - (b) The resulting lots will be relatively equal in size with the maximum difference equal to 10 percent or less of the total area of the original lot.
 - (c) The ~~average~~ lot width is at least 40 feet.
 - (d) The minimum lot area is at least 3,600 feet.

Section 9. Subsection (3) (excluding Table 9.3165(3)) of 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.

- (3) **Bicycle Parking.** The minimum and maximum parking standards in Table EC 9.3165(3) apply instead of the standards in Table 9.6105~~[(4)]~~(5).

Section 10. The “Lodging” section of Table 9.3210 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Lodging	
Bed and Breakfast ([See] Comply with EC 9.5100(3) for the R-4 zone)	S

Section 11. The “Minimum Landscape Area (8)” section of Table 9.3215 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards	
	S-DW
Minimum Landscape Area (8) ([Excludes required landscaping for parking areas.] Landscape areas may include rooftops or terraces accessible to building occupants.)	20% of development site

Section 12. Subsection (4)(e) of Section 9.3970 of the Eugene Code, 1971, is amended to provide as follows:

9.3970 S-WS Walnut Station Special Area Zone Development Standards Applicable to All Properties in the Walnut Station Special Area Zone.

(4) Parking Requirements.

- (e) Bicycle parking. The following minimum bicycle parking standards apply instead of the standards in Table 9.6105~~[(4)]~~**(5)**. Uses shall provide a minimum number of bicycle parking spaces as designated in Table 9.3970(4)(e) below. Where two options are provided (e.g., 4 spaces, or 1 per dwelling), the option resulting in more bicycle parking shall be used. The remaining standards in EC 9.6105 ~~[(1-3)]~~**(1-4)** and EC 9.6110 are applicable within the S-WS zone.

Section 13. The “Runway 3-21 Approach Sectors” section in subsection (3) of Section 9.4130 of the Eugene Code, 1971, is repealed.

9.4130 Use Limitations. In the Commercial Airport Safety overlay zone, the following limitations and standards apply to all uses permitted outright or conditionally in the base zone to which the overlay is applied:

- (3) Height.** The maximum height of structures and objects shall normally be the same as the zones to which the commercial airport safety overlay zone is added. However, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to penetrate the surface heights of the various sectors as described below and shown on the Airspace plan. These sectors include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Eugene Airport. An area located in more than one sector is considered to be only in the sector with the most restrictive height limit. For purposes of this overlay zone, to determine height limits, the datum is mean sea level elevation unless otherwise specified.

~~[Runway 3-21 Approach Sectors. Runway 3-21 is a non-precision runway. The inner edge of the runway's approach sectors coincide with the width of the runway's primary surface and are 500 feet wide. The approach sectors expand outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Their centerlines are a continuation of the runway centerline beginning at the centerpoint coordinates. The surfaces of the Runway 3-21 approach sectors slope 34 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surface and extend to a horizontal distance of 10,000 feet along the extended runway centerline.]~~

Section 14. Subsection (2)(a) of Section 9.6210 of the Eugene Code, 1971, is amended to provide as follows:

9.6210 Description of Landscape Standards.

(2) Low Screen Landscape Standard (L-2).

- (a) Required Plant Materials. Low Screen Landscape Standard (L-2) requires the installation and maintenance of all of the following:
1. Low shrubs to form a continuous screen at least 30 inches high within 3 years and maintained at a height not to exceed 42 inches.
 2. 1 canopy tree per 30 linear feet as measured along the ~~[street]~~ lot line.
 3. Living plant materials covering a minimum of 70 percent of the required landscape area within 3 years of planting.
- A masonry wall or a berm between 30 and 42 inches high shall be permitted as a substitute for the required low shrubs, but the trees and other plant materials are still required. When applied along street lot lines, the masonry wall is to be placed farthest from the street with the required landscaping in between the wall and street. When applied along an abutting property the masonry wall may be placed along the interior lot line. **(See Figure 9.6210(2) Low Screen Landscape L-2.)**

Section 15. Subsection (4)(a) of Section 9.6640 of the Eugene Code, 1971, is amended to provide as follows:

9.6640 General Provisions.

(4) Location Standards.

- (a) Setbacks. All signs shall comply with the setback requirements beginning at EC 9.2000 through EC ~~[9.3915]~~ **9.3980** and EC 9.6745 Setbacks - Intrusions Permitted. Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the E-1 zone may be installed at least 5 feet from the front property line.

Section 16. Section 9.7000 of the Eugene Code, 1971, is amended to provide as follows:

- 9.7000 Introduction.** Review of an application to annex property, divide land, develop or use property, or amend this land use code, the Metro Plan, or a refinement plan, shall be processed as provided in sections 9.7000 through ~~[9.7885]~~ **9.7835.**

Section 17. Section 9.7015 of the Eugene Code, 1971, is amended to provide as follows:

- 9.7015 Application Completeness Review.** The city shall review an application, ***other than a partition or subdivision final plat***, and, within 30 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the

application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information.

The city shall begin review of the application either:

- (1) Upon receipt of all of the missing information requested by the city; or
- (2) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or
- (3) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided.

On the 181st day after being first submitted, the application will be void if the applicant has been notified of the missing information and has not complied with (1), (2), or (3) of this section.

Section 18. Subsection (6) of Section 9.7230 of the Eugene Code, 1971, is amended to provide as follows:

9.7230 Expiration.

- (6) ***Approvals for [S]ite review and standards review [approvals] not considered as part of another land use application*** and modifications of such approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit a final plan and an application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period. ***Site review or standards review approvals that are considered as part of another land use application shall be effective for the same time period as the primary land use application.***

Section 19. Section 9.7405 of the Eugene Code, 1971, is amended to provide as follows:

9.7405 Type IV Application Requirements and Criteria Reference. The following applications are reviewed under the Type IV review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7405.

Table 9.7405 Type IV Application Requirements and Criteria	
Type IV Applications	Beginning Reference
Refinement Plan Amendment, Site Specific Change	EC 9.8421
<i>Land Use Code Amendment, Site Specific Change</i>	<i>EC 9.8060</i>
Street Name Change	EC 9.8475
Zone Changes Processed Concurrent with a site specific Refinement Plan amendment*	EC 9.8850

*A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260.

Section 20. Section 9.7505 of the Eugene Code, 1971, is amended to provide as follows:

- 9.7505 Type V Application Requirements and Criteria Reference.** The following applications are reviewed under the Type V review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7505:

Table 9.7505 Type V Application Requirements and Criteria	
Type V Applications	Beginning Reference
Land Use Code Amendments <i>that are not limited to a specific site</i>	EC 9.8060
Refinement Plan Amendments to policies and/or maps that are not limited to a specific site	EC 9.8421
Refinement Plan Adoption or Update	EC 9.8421
Zone Change concurrent with a Code Amendment	EC 9.8850
Special Area Zone Establishment or Amendment	EC 9.3000

Section 21. Subsection (8) of Section 9.7810 of the Eugene Code, 1971, is repealed and the subsequent subsections are renumbered to provide as follows:

- 9.7810 Annexation – Application Requirements.** An application for annexation under the provisions of EC 9.7800 – 9.7835 may be initiated by motion of the city council or by the filing of an application for an annexation. In addition to the provisions in EC 9.7010 Application Filing, an application for annexation shall include the following:
- ~~[(8) A county assessor's cadastral map of the land proposed for annexation.]~~
 - (98)** A list of the public service districts presently providing services to the land proposed for annexation (See EC 9.7835).
 - (109)** A written narrative addressing the proposal's consistency with the approval criteria set out at EC 9.7825.

Section 22. Subsection (1) of Section 9.8005 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8005 Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.**
- (1)** Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through ~~[9.3915]~~ **9.3980**, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through ~~[9.7885]~~ **9.7835**, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.

Section 23. Section 9.8085 of the Eugene Code, 1971, is amended to provide as follows:

9.8085 **Conditional Use Permit Application Requirements.** Conditional use applications shall be processed in accordance with the application procedures contained in EC 9.7000 through ~~[9.7885]~~ **9.7835**, Application Procedures. When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of that conditional use permit. If the proposal includes needed housing, as defined by state statutes, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria - General instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria - Needed Housing.

Section 24. Subsection (8)(a) of Section 9.8090 of the Eugene Code, 1971, is amended to provide as follows:

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

(8) The proposal complies with all applicable standards, including but not limited to:

(a) EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding lot dimensions, solar standards, and density requirements for the subject zone;

Section 25. Subsection (1)(a) of Section 9.8215 is amended to provide as follows:

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

(1) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

(a) Lot standards of EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding applicable parcel dimensions and density requirements. Within the *WR* Water Resources Conservation Overlay Zone or the *WQ* Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

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.

Section 26. Subsection (2)(a) of Section 9.8220 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8220 Partition, Tentative Plan Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria:
- (2)** The proposed partition complies with all of the following:
- (a) Lot standards of EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding applicable parcel dimensions and density requirements. Within the *WR* Water Resources Conservation Overlay Zone or *WQ* Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
 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.

Section 27. Subsection (10)(a) of Section 9.8320 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8320 Tentative Planned Unit Development Approval Criteria- General.** The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions shall be based on compliance with the following criteria:
- (10)** The PUD complies with all of the following:
- (a) EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding lot dimensions and density requirements for the subject zone. Within the *WR* Water Resources Conservation Overlay Zone or *WQ* Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
 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.

Section 28. Subsection (7)(a) of Section 9.8325 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing.** The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria -

General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:

- (7) The PUD complies with all of the following:
- (a) EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
 - 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.

Section 29. Subsection (3) of Section 9.8360 of the Eugene Code, 1971, is repealed and the subsequent subsections are renumbered to provide as follows:

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

- ~~[(3) Individual phases of a PUD may not be submitted for final PUD review until the boundaries of the phases are legal lots as defined in this land use code, and documents necessary to assure permanent maintenance, at no expense to the city, of buildings, common use facilities, landscaping, open space, and outdoor living areas have been executed and recorded.]~~
- (43)** When a PUD or any phase thereof is submitted for final approval, each design team member shall provide written certification that the portion of the project in which he or she was involved continues to comply with the approved tentative plan conditions of approval.
- (54)** Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
 - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
 - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.

Section 30. Section 9.8423 of the Eugene Code, 1971, is amended to provide as follows:

9.8423 General Requirements. Applications for refinement plan amendments shall be submitted on a form approved by the city manager and reviewed under a Type IV process for site specific amendments or otherwise, a Type V process according to EC 9.7000 through ~~[9.7885]~~ **9.7835** Application Procedures.

Section 31. Subsection (3) of Section 9.8430 of the Eugene Code, 1971, is repealed.

- 9.8430 Applicability.** Site review provisions shall be applied when any of the following conditions exist:
~~[(3) The application proposes needed housing, as defined by State statutes. Applications proposing needed housing shall be reviewed through the Type II site review procedures utilizing the criteria at EC 9.8445 Site Review Approval Criteria - Needed Housing unless the applicant specifically request in the application that the city apply the criteria at EC 9.8440 Site Review Approval Criteria - General.]~~

Section 32. Subsection (5)(a) of Section 9.8440 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8440 Site Review Approval Criteria-General.** The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:
(5) The proposal complies with all of the following standards:
 (a) EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding lot dimensions and density requirements for the subject zone.

Section 33. Subsection (4)(a) of Section 9.8445 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8445 Site Review Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the site review application. Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a site review based on compliance with the following criteria:
(4) The proposal complies with all of the following standards:
 (a) EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding lot dimensions and density requirements for the subject zone.

Section 34. Subsection (1)(a) of Section 9.8515 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8515 Subdivision, Tentative Plan Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:
(1) The proposed subdivision complies with the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
 (a) EC 9.2000 through ~~[9.3915]~~ **9.3980** regarding lot dimensions and density requirements for the subject zone. Within the AWR Water

Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

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;

Section 35. Subsection (3) of Section 9.8520 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing.** The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:
- (3)** 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 ~~[9.3915]~~ **9.3980** regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
 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.

Section 36. Subsection (3) of Section 9.8705 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8705 Applicability of Vacation Procedures.**
- (3)** Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC 9.7000 through ~~[9.7885]~~ **9.7835** Application Procedures.

Section 37. Subsections (1) and (2) of Section 9.8710 of the Eugene Code, 1971, are amended to provide as follows:

- 9.8710 Vacations, Application Requirements.**
- (1)** Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC 9.7000 through

[9.7885] **9.7835** and the approval criteria contained in EC 9.8715. In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.

- (2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC 9.7000 through [9.7885] **9.7835** and the approval criteria contained in EC 9.8720. In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.

Section 38. Section 9.8750 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8750 Purpose of Variances.** The provisions of EC 9.5750(9), 9.6708, and 9.8750 through 9.8760 allow for partial or full exemption from specific land use code standards only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of those regulations would deny the property owner uses enjoyed by other property owners in the vicinity and under identical zones. Any variance granted shall be subject to conditions that ensure the variance does not constitute a granting of special uses inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The city shall not grant variances which allow uses not on the applicable list of allowed uses specified in EC 9.2000 through [9.3915] **9.3980** of this land use code.

Section 39. Subsection (1) of Section 9.8755 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8755 Applicability.** Unless specified otherwise in another land use code section, the planning director may grant variances only to the standards prescribed in:
- (1) EC 9.2000 to [9.3915] **9.3980** for the following:
- (a) Building Height.
 - (b) Fences and Walls.
 - (c) Front Yard Setbacks.
 - (d) Interior Yard Setbacks.

Section 40. Subsection (4) of Section 9.8760 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8760 Approval Criteria for Variances.** The planning director shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon following a Type II process. Approval, or conditional approval shall be based on compliance with all the following criteria:
- (4) In addition to the above criteria, the following 3 criteria apply to variances from code sections that apply to EC 9.6410 Motor Vehicle Parking Standards,

and from EC 9.2000 to ~~[9.3915]~~ **9.3980** base zone regulations as applied to fences and walls.

- (a) Neither present nor anticipated future traffic volumes generated by the use of the site or uses of the sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
- (b) The granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- (c) The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this land use code.

Section 41. Subsection (1) of Section 9.8810 of the Eugene Code, 1971, is amended to provide as follows:

9.8810 General Requirements.

- (1) Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC 9.7000 through EC ~~[9.7885]~~ **9.7835** Application Procedures unless considered concurrently with a Type IV or Type V application.

Section 42. Subsection (5) of Section 9.8855 of the Eugene Code, 1971, is amended to provide as follows:

9.8855 Applicability. Changes in zoning, including the application of or change of an overlay zone or special area zone shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures, with the following exceptions:

- (5) The proposed zone change is processed concurrently with an amendment to this land use code; in which case, the zone change shall be processed as a **Type IV or** Type V application as provided **in EC 9.7400 through EC 9.7455 Type IV Application Procedures** ~~[for in]~~ and EC 9.7500 through EC 9.7560 Type V Application Procedures.

Section 43. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 44. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 45. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 46. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

____ day of _____, 2016

City Recorder

Approved by the Mayor this

____ day of _____, 2016

Mayor

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Findings

Annual Maintenance of the Land Use Code (City File CA 16-3)

Findings

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

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

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

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

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on June 6, 2016. A public hearing was scheduled before the Planning Commission on July 12, 2016. A public hearing before the City Council was held October 24, 2016. Consistent with code requirements, the Planning Commission public hearing and the City Council public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, community groups and individuals who have requested notice. In addition, notice of the Planning Commission public hearing was also published in the Register Guard. Information concerning the proposed amendments, including the dates of the public hearings, were posted on the City of Eugene websites.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is consistent with Statewide Planning Goal 1.

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

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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Goal 3 - Agricultural Lands. To preserve agricultural lands.

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

Goal 4 - Forest Lands. To conserve forest lands.

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

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

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

- (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.

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

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

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

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

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

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

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

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

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

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

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise*

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projected to not meet the performance standards identified in the TSP or comprehensive plan.

The amendments do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the preformation of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (a), (b) or (c). Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

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

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

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

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

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

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

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

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

The amendments do not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the amendments comply with the above criterion.

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

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