



City Council

500 E 4th Ave., Suite 302

Eugene, OR 97401

541-682-5010 • 541-682-5414 Fax

www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

June 12, 2024

12:00 p.m. CITY COUNCIL WORK SESSION

City Council Wednesday work sessions are held using virtual meeting technology.

Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of June 12, 2024; Her Honor Mayor Lucy Vinis Presiding

Councilors

Matt Keating, President

Jennifer Yeh

Mike Clark

Lyndsie Leech

Randy Groves, Vice President

Alan Zelenka

Greg Evans

Emily Semple

12:00 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: Tree Preservation & Solar Standards Overview

2. WORK SESSION: Franklin Boulevard Transformation Project Update

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



Work Session: Tree Preservation & Solar Standards Overview

Meeting Date: June 12, 2024
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contacts: Jeff Gepper & Reid Verner
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

At this work session, City Council will be provided with an overview of tree preservation and solar setback standards that apply within the City of Eugene. This information was requested by the City Council through a pair of motions during the Middle Housing Code Amendments process at the [May 18, 2022](#) City Council Work Session. This item is intended as an informational overview, and no specific Council action is requested.

BACKGROUND

Council's interest in these topics surfaced as a result of public comment received as part of the Middle Housing Code Amendments process, and for that reason, this overview covers how the City's tree preservation and solar standards function. This information provides a brief explanation of how these existing standards generally work and are applied through the City's land use application and building permit review process. As this topic arose during the Middle Housing Code Amendments, the explanations below center around new housing development. However, for both tree preservation and solar standards, middle housing is treated the same as single-unit dwellings; therefore, the discussions will cover housing development generally. More detailed information sheets summarizing these topic areas are also included as attachments for ease of reference, with summary tables and links to existing code also provided below where relevant.

Any changes to the City's tree preservation or solar setback standards would require City Council initiation of a land use code amendment process. In addition to extensive community engagement, technical research and drafting of land use code changes and legal findings, this process entails a Planning Commission public hearing and recommendation, and City Council hearing and action.

TREE PRESERVATION ON PRIVATE PROPERTY

Trees line Eugene's streets, cover the ridgelines, and occupy the banks of the rivers and streams within the City. All trees within the City are integral to reaching the City's goals for maintaining a vibrant and diverse urban tree canopy. Eugene's tree preservation measures are multifaceted, covered by different teams throughout the City depending on whether the tree is located on private property, public property, or along a street. The City's "tree preservation standards" are generally focused on trees on private property, where the City's code includes provisions to dictate the preservation, allowance for removal, and required replacement of trees. The information provided below focuses on these provisions and trees on private property. While the

June 12, 2024 Work Session – Item 1

City's street trees and trees on public lands are also integral to meeting Eugene's tree canopy goals, the City's street tree program and trees in city parks are administered and regulated separately and are not covered within this agenda item summary.

Chapter 9 (land use) and Chapter 6 (environment and health) of the Eugene Code (EC) function together to prescribe the rules for tree preservation and removal on private property. Chapter 9 provides standards for tree preservation that apply at the time of permitting (e.g. land use applications or building permits). Chapter 6 casts a wider net, prohibiting tree removal unless a property owner receives a Tree Removal Permit. Both sets of standards were crafted to balance the City's goals for compact urban development and a dense urban canopy of trees. These two Chapters and their tree preservation measures are discussed below.

Chapter 9 Tree Preservation

The City's land use code includes a wide array of zoning regulations, development standards, and procedures. The land use code applies to the development of land at the time of development permit, building permit, and land use application. The Tree Preservation and Removal standards can be found at [EC 9.6880-9.6885](#).

Land Use Applications

A primary component of the Chapter 9 regulations are land use applications, which are required for many different types of developments based on varying thresholds. As it pertains to housing and tree preservation, the most relevant types of land use applications include Planned Unit Developments (PUDs), Conditional Use Permits (CUPs), Subdivisions, Site Reviews, and Willamette River Greenway Permits. Each one of these application types has a specific set of approval criteria, which an application must meet to be approved. In certain cases, these approval criteria include their own specific tree preservation criteria, while others require compliance with the tree preservation and removal standards at [EC 9.6885](#).

The applicability of tree preservation provisions typically depends on whether an application is applied for under the "discretionary" or "clear and objective" approval criteria. Simply put, these two tracks offer applicants two potential pathways towards approval: (1) a discretionary track that allows for greater flexibility, but allows for subjectivity and discretion by the decision maker; and (2) a clear and objective track that removes discretion by providing discrete and non-subjective approval criteria, which provides less flexibility but more certainty up front.

Those applications applying under the discretionary track are typically required to demonstrate that the project will be designed and sited to preserve significant trees or stands of trees to the greatest degree attainable or feasible. They also include restoration and replacement provisions that focus restoration and replanting of trees within common areas, slopes, ridgelines, stream corridors, and wildlife habitats. An example of such a criterion can be found in the Subdivision approval criterion at [EC 9.8515\(7\)\(b\)](#).

Most housing applications proceed under the clear and objective track, which is only available to applications proposing housing, because it provides a level of certainty for prospective housing developments. For these types of projects, the recently adopted (2023) tree preservation standards at [EC 9.6885\(2\)](#) lay out a specific set of standards for determining tree preservation requirements and design. These standards may only apply to clear and objective track

applications for CUPs, PUDs, Site Reviews, Subdivisions, and Willamette River Greenway Permits. These tree preservation standards require an applicant to account for and document the trees on a site and provide specific criteria for mitigating and replanting to account for the loss of trees. Some of these tree preservation standards include:

- A Tree Preservation and Removal Plan;
- An approved species list for replacement trees suitable for Eugene; and
- Specific levels of tree preservation in the South Hills Area and near the Willamette River.

While these standards apply to new land use applications, Eugene's long history of land use applications means there are many existing land use approvals that specifically considered and now govern tree preservation on specific properties across the City. These can come in many forms. In some cases, it may be that a tree replacement is required for any tree removed and in another, entire conservation areas were established to limit impacts to specific areas of prominent trees and vegetation. Other controlling factors can include provisions outside City jurisdiction, such as Home Owner Association (HOA) rules and conditions, covenants, and restrictions (CC&Rs) which are not enforced by the City.

Building and Development Permits

Building permits and other development permits are also required to comply with the standards for Tree Preservation and Removal at [EC 9.6880-9.6885](#). In most cases, development permits are required to get a Tree Removal Permit, which is further discussed below, unless they qualify for an exemption to the tree preservation provisions. These exemptions are intended to balance the need for tree preservation with the City's need to develop. Some of the commonly used exemptions include:

- Removal of trees on residential lots under 20,000 square feet with an existing or proposed dwelling, accessory dwelling unit, or middle housing;
- Removal of trees on lots 20,000 square feet or larger may remove up to 5 significant trees within 12 consecutive months;
- Removal of trees on property with an approved land use application;
- Lots with an approved Tree Removal Permit; and
- Removal of dead, diseased, and hazardous trees.

A full list of exceptions can be found at [EC 9.6885\(1\)](#). Recognizing the broad array of exceptions listed here, it is important to note that the Chapter 6 Tree Preservation Standards discussed below are also applicable at the time of permitting and work in concert with Chapter 9 to regulate Tree Preservation.

Chapter 6 Tree Preservation

Chapter 6 implements a strict tree felling prohibition unless a Tree Removal Permit is acquired, or an exemption is warranted. As such, any time a property owner is planning to remove a tree on private land, they must comply with these requirements. The process and standards for Tree Removal Permits are included in Chapter 6's Tree Preservation provisions from [EC 6.300 to 6.330](#).

Tree removal requirements apply only to “significant trees,” which are live trees with a minimum size of 8 inches diameter at 4.5 feet above the ground. Under Chapter 6, to remove, or “fell”, a tree is defined as: *“To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning, trimming or topping of trees in accordance with standards as defined in the American National Standards Institute (ANSI) Section A300. Removal of more than 30 percent of the critical root zone of a tree or severing the cambial material on more than 50 percent of the circumference of the tree will be considered substantial destruction.”*

Tree Removal Permits

When a property owner decides to remove a tree and the property is not otherwise regulated by an approved tree removal or tree protection plan, the default rule for tree removal is that a Tree Removal Permit is required. To apply and receive approval of a Tree Removal Permit, a property owner must follow the procedures at [EC 6.310](#) and meet the applicable criteria at [EC 6.320](#). These provisions are further detailed under City of Eugene [Administrative Rule R-6.305](#), which contains more information on the definitions, permitting requirements, application procedures, and permit approval criteria for obtaining a Tree Removal Permit. Some examples of the tree removal criteria are:

- The allowance for trees to be removed if they are dead, diseased, or hazardous;
- Consideration of the effect that removing a tree will have on topography, including erosion, soil retention, stability of earth, surface waters, streams, nearby trees, and windbreaks;
- Consideration of the effect on the environmental quality of the area, including scenic and habitat values; and
- The adequacy of an applicant’s proposal to revegetate and replant to mitigate the removal of a tree.

However, there are exemptions in the code that allow for the removal of a tree without a permit. To help property owners understand when and how Tree Removal Permits are required, staff created a table to walk property owners through the various situations when a permit is required. This table is included as part of the City’s information sheet for tree removal occurring on private property (see Attachment A).

As illustrated in Attachment A, no Tree Removal Permit is required for properties less than 20,000 square feet zoned for residential use and that have an existing or proposed dwelling. There is no limit on the number of trees that can be removed in this situation. Conversely, the removal of any tree from vacant residentially zoned lots less than 20,000 square feet requires a Tree Removal Permit. Removing one or more trees from lots zoned for commercial, industrial, or any other non-residential zones that are smaller than 20,000 square feet requires a Tree Removal Permit. Regardless of the zoning, properties larger than 20,000 square feet are allowed to remove up to 5 trees within a period of 12 consecutive months without a permit, but the removal of any more than 5 trees requires a permit.

Other exemptions to the requirement for a Tree Removal Permit are provided at [EC 6.330](#). See Attachment B for a full list of the criteria included on the City’s information sheet for tree removal standards.

Other Preservation Measures

The sections outlined above for tree preservation and removal are not the only regulatory tools for promoting a robust urban tree canopy. There are many other standards and requirements that both directly and indirectly facilitate tree preservation.

For example, the City's landscaping standards include required canopy trees in most multi-unit dwelling complexes, commercial and industrial uses, around parking lots, and to buffer properties from one another ([EC 9.6200](#)). New rules for large parking areas include specific provisions to provide a dense canopy to help shade large expanses of paving ([EC 9.6420\(4\)](#)). The protections placed around the City's riparian and wetland resources as adopted Statewide Planning Goal 5 protection measure also include strict limitations on the preservation of native trees and severely limits the allowance for tree removal ([EC 9.4930\(2\)](#)). Certain adopted Refinement Plans also include specific policies to help ensure a healthy urban tree canopy. An example is the South Hills Study's policies directed toward encouraging tree preservation at higher elevations and along the City's densely forested south ridgeline.

SOLAR SETBACK STANDARDS

The solar setback standards at [EC 9.2795](#) (see Attachment C) were created to help preserve the availability of solar energy to all residential uses in the City's low and medium-density residential areas. The solar setback standards do not apply in higher density residential, commercial, employment and industrial, or special area zones. The standards apply to all structures on R-1 Low-Density Residential and R-2 Medium-Density Residential zoned lots that are at least 4,000 square feet in size and have a minimum north-south dimension of 75 feet.

Solar Setback Calculation

When applicable, the solar setback will require that a building be set back a specific distance from the northern property line, to help prevent the building from blocking the sunlight that reaches the lot(s) located to the north. The solar setback requirement for each building is calculated by a formula that considers the shade point height and the north-south dimension of the lot. The shade point is the part of the building that casts the longest shadow onto the adjacent northern lot(s). The shade point will either be the peak of the roof for steeper roof slopes or the eave for flatter roofs. The height of the shade point is measured to the lowest grade directly below the shade point. Figure 9.2795(2) (see Attachment C, Exhibit A) illustrates how to measure the shade point height for different roof pitches and building orientation.

Structures that have a higher shade point height (i.e. cast a longer shadow) will need to be setback further from the northern property line. Additionally, lots that have a greater north-south dimension measurement require that structures be setback further from the northern property line. Figure 9.2795 (see Attachment C, Exhibit B) illustrates how the north-south dimension is calculated, including for irregularly shaped lots.

There is a different solar setback formula for the R-1 and R-2 zones, and the required solar setback distance will be greater for structures in the R-1 zone. The code also includes tables showing the solar setback calculations for the R-1 and R-2 zones.

Exemptions to Solar Setbacks

The existence of certain conditions will make a building exempt from the solar setback standards. These exemptions are covered in [EC 9.2795\(3\)](#), and include the following categories:

- Slopes: lots that have an average slope of 20 percent or more in a direction greater than 45 degrees east or west of true north are exempt from the solar setback requirements.
- Existing Shade: buildings that will shade an area that is already shaded by an existing or approved building or structure, a topographic feature, or coniferous or broadleaf evergreen trees that will remain after development of the site are exempt from the solar setback requirements.
- Insignificant Benefit: buildings that will shade a non-developable area, the wall of an unheated space, the wall of a non-residential structure, or no more than 20 percent of a south wall of an existing habitable dwelling are exempt from the solar setback requirements. See Attachment C, Exhibit C for the figures that illustrate the shadow pattern.
- Neighbor Approval: the owner of the abutting property to the north, for which a certificate of occupancy has been issued, can grant an exemption to the solar setback requirement.
- Planned Unit Development (PUD) Exemption: if the PUD identifies the lot as exempt from solar setback standards or approves the proposed building locations and heights, the buildings are exempt from solar setback requirements.

A building will be exempt from the solar setback requirements when an applicant for a building permit provides evidence establishing the existence of one or more of the above conditions. To assist property owners, the City's Building and Permit Services Division provides an informational sheet on the Solar Setback Standards that explains how to measure solar setbacks and describes the available exemptions (see Attachment D).

RELATED CITY POLICIES

Climate Action Plan 2.0

Action R11. COE [City of Eugene] to increase average city-wide urban tree canopy to 30%, the ideal for a community our size. Eugene currently has ~23% average tree canopy cover. Despite a steady decline over the last decade, the trend can be reversed with a focused replanting investment, infill program, stronger tree preservation and more tree planting on both public and private property. Increase canopy coverage by 3% in years 1-5 and 7% in years 5-10. Monitor progress annually.

Envision Eugene

Pillar 6. Protect, restore, enhance natural resources.

Eugene-Springfield Metropolitan Area Plan

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

Urban Forestry Plan (1992)

Trees on Private Property Goal 1. Retain healthy, well-sited trees that do not compromise the defensible space around buildings and other structures on private property.

Trees on Private Property Goal 2. Balance the need for development with the need for trees.

PREVIOUS COUNCIL DIRECTION

[May 18, 2022 Work Session](#)

Move to direct the City Manager to schedule a work session on the Solar Lot Access Ordinance.

Passed 8:0

Move to direct the City Manager to schedule a work session on a Tree Preservation Ordinance including planting new trees and tree canopy potential.

Passed 7:1 (Opposed by Councilor Clark)

COUNCIL OPTIONS

Information only.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Tree Removal on Private Property Information Sheet
- B. Tree Removal Standards Information Sheet
- C. Solar Setbacks Standards EC 9.2795
 - Exhibit A. Shade Point Height Measurement (Figure 9.2795(2))
 - Exhibit B. North-South Dimension (Figure 9.2795)
 - Exhibit C. Solar Setback Calculations (Figure 9.2795(2)(a) and (b))
- D. Solar Setback Information Sheet

FOR MORE INFORMATION

Staff Contact: Reid Verner, Senior Planner
Telephone: 541-682-5534
Staff E-Mail: RVerner@eugene-or.gov

Staff Contact: Jeff Gepper, Senior Planner
Telephone: 541-682-5282
Staff E-Mail: JGepper@eugene-or.gov



TREE REMOVAL PERMITS ON PRIVATE PROPERTY

Trees are part of what makes Eugene a desirable place to live and work. They not only buffer the effects of traffic and development, they also fulfill essential ecological functions, such as improving air quality, reducing soil erosion, and moderating temperature extremes. To help manage these important benefits, the City of Eugene has established certain requirements for removing trees.

When is a Tree Removal Permit required?

In certain situations, City regulations require a Tree Removal Permit. Whether a permit is required depends on the number and size of trees to be removed, and the site where the trees are located. Tree Removal Permit requirements apply only to “significant trees”, which are live trees having a minimum size of 8” d.b.h. (diameter at breast height), which is the diameter of one or more trunks measured at 4.5 feet above the ground. For diseased, dying, or hazardous trees, an arborist report is submitted to the City to determine whether a tree removal permit is required. Tree removal regulations are generally contained in Eugene Administrative Rule R-6.305. The chart below summarizes current code requirements for tree removal on private property within the City limits.

Size of Parcel	Use	Proposed Tree Removal	Tree Removal Permit Required?
Less than 20,000 square feet (and not regulated by an approved land use application* or overlay zone**)	Residential: Existing home, or a building permit for a home has been issued:	–	No tree permit required. Can remove any number of trees.
	Residential: No residence, & building permit not yet issued:	Removal of any tree	Tree permit required; Verify options with staff.
	Commercial & others	Removal of any tree	Tree permit required
Larger than 20,000 square feet (and not regulated by an approved land use application* or overlay zone**)	–	Removal of up to 5 trees per 12 consecutive months	No permit required
		More than 5 trees per 12 consecutive months	Tree permit required

For property outside of the City limits, but within the Urban Growth Boundary (with /UL overlay zone), contact Land Use staff at 541-682-8336 or landuseinfo@ci.eugene.or.us. Please contact the Urban Forestry office at 541-682-4800 for removal of a tree located in the public right-of-way.

www.eugene-or.gov/bps

Tree Removal Permits on Private Property

- * If the property is part of an approved subdivision, planned unit development, site review, or conditional use permit that includes a tree removal/preservation plan or conditions related to tree removal, then the land use agreement and approved plans regulate the tree removal process. Check with staff for tree removal criteria for your particular site.
- ** If the property has an overlay zone such as /WP (Waterside Protection Overlay Zone), /WQ (Water Quality Overlay Zone), /WB (Wetland Buffer Overlay Zone), or /WR (Water Resource Overlay Zone), City approval is required prior to any tree removal or other activities that may affect natural resources on the site. Check with staff for tree removal criteria for your particular site.

What is the process for obtaining a Tree Removal Permit?

Submittal requirements

The following forms are available online at www.eugene-or.gov/bps or at the City of Eugene Permit and Information Center located at 99 W. 10th Avenue:

- Tree Removal Permit Application,
- Tree Removal Permit Checklist, and
- Tree Removal Standards (Admin. Rule R-6.305).

Review process

During permit review, the City determines whether the application contains the needed information for review and addresses the permit approval criteria in the tree removal standards. For example, the application must demonstrate that tree removal is necessary due to proposed construction. As stated previously, an arborist report is required for diseased, dying, or hazardous trees in order to determine whether a tree removal permit can be approved.

Environmental impacts must also be addressed, such as erosion and wildlife habitat values. The City's review of a Tree Removal Permit application takes approximately 10 working days for 10 or fewer trees. For more than 10 trees, a 15-day public comment period is required, and permit approval can take up to 45 working days.

Fees

Fees for a Tree Removal Permit are based on the number of trees to be removed and whether or not public notice is required by code. Surrounding properties must be mailed public notice when a tree removal application proposes to remove more than 10 trees. The following permit fee (includes 9% administrative fee) must be submitted with a Tree Removal Permit Application:

• 1-10 trees	\$ 87.20
• 1-10 trees with public notice	\$ 174.40
• 11-50 trees	\$ 348.80
• 51-100 trees	\$ 566.80
• 100+ trees	\$ 566.80 + \$1.09 per tree over 100 trees

For more information on Tree Removal Permits on private property within the City limits, please contact Land Use staff at 541-682-8336 or landuseinfo@eugene.or.us.

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

www.eugene-or.gov/bps

Planning & Development
Building Permit Services

99 W. 10TH Avenue; Eugene, OR 97404
P 541.682.5086 * F 541.685.5593



TREE REMOVAL STANDARDS

Eugene Code Chapter 6

Tree Preservation

6.300 Definitions. As used in section 6.305 to 6.330 of this Code, the following definitions apply:

Fell. To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal trimming, pruning, or topping of trees.

Heritage tree. Any tree of exceptional value to our community based on its size (relative to species), history, location, or species, or any combination of these criteria. The specific methodology for classifying a tree as a heritage tree shall be established by administrative rule of the city manager adopted pursuant to section 2.019 of this code.

Logging plan. A document describing the equipment to be used on site, the access roads, grading, skid paths and any other environmental change that will be affected to permit logging, as well as mitigation efforts designed to protect from the negative effects of the logging process all wetlands, riparian zones, habitat, neighboring residences, and such other areas as the city manager or designee determines is appropriate.

Occupied parcel. Real property within the boundaries of an ad valorem tax lot description as found in the Lane County, Oregon, ad valorem tax records with one or more dwellings thereon, or a parcel which has been approved for a dwelling.

Parcel. Real property within the boundaries of an ad valorem tax lot description as found in the Lane County, Oregon, ad valorem tax records.

Plot plan. Final subdivision plat, final PUD plan, or final major or minor partition, encompassing an entire contiguous ownership.

Street tree. A living, standing woody plant typically having a single trunk at least 1-1/2 inch in diameter at a point six inches above mean ground level at the base of the trunk, that is located within the street right-of-way.

Tree. A living, standing, woody plant having a trunk 25 inches in circumference (or approximately eight inches in diameter) at a point 4-1/2 feet above mean ground level at the base of the trunk.

(Section 6.300 added by Ordinance No. 17072, enacted May 20, 1974; amended by Ordinance No. 18122, enacted February 22, 1978; Ordinance No. 18123, enacted March 13, 1978; Ordinance No. 18779, enacted April 22, 1981; Ordinance No. 19927, enacted July 12, 1993; and Ordinance No. 20056, enacted August 5, 1996, effective September 4, 1996.)

www.eugene-or.gov/bps

Tree Removal Standards

Page 2 of 15

6.305 Tree Felling Prohibition.

- (1) Except as provided in section 6.330, no person may fell more than five trees within a period of 12 consecutive months from a parcel of private property consisting of 20,000 or more square feet of area without a permit.
- (2) Except as provided in section 6.330, no person may fell one or more trees from a parcel of private property consisting of less than 20,000 square feet of area without a permit.
- (3) Notwithstanding subsections (1) and (2) of this section and section 6.330(b) of this code, no person shall remove a street tree without first obtaining a permit from the city manager specifically authorizing the removal of a street tree. Permit approval may be conditioned upon replacement of the street tree with another tree pre-approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the Guide for Plant Appraisal published by the International Society of Arboriculture Council of Tree Landscape Appraisers.
- (4) Notwithstanding subsections (1) and (2) of this section and section 6.330(b) of this code, no person shall fell a heritage tree from within the public right-of-way except where such removal, and authorization for its removal, has been granted by the city because its removal is necessary to protect the public health, safety, or welfare.

(Section 6.305 added by Ordinance No. 17072, enacted May 20, 1974; amended by Ordinance No. 18122, enacted February 22, 1968; Ordinance No. 18123, enacted March 13, 1978; Ordinance No. 19927, enacted July 12, 1993; and Ordinance No. 20056, enacted August 5, 1996, effective September 4, 1996.)

6.310 Procedure for Obtaining Tree Felling Permit.

- (1) A person shall apply to the city manager or designee for a tree felling permit, on an application form developed by the city manager or designee.
- (2) The application shall be accompanied by an application fee in an amount established by the city manager pursuant to section 2.020 of this code.
- (3) The application also shall be accompanied by a logging plan if the applicant proposes to fell more than ten trees.
- (4) If the applicant proposes to fell ten or less trees, then the city manager or designee shall act on the permit within ten business days of receiving a completed application. The city manager or designee may extend the response time to up to 30 days if he/she determines that public notice of the application should be given and public comment taken pursuant to subsection (6) of this section, because substantial impacts on neighboring properties or on other natural values are anticipated.
- (5) If the applicant proposes to fell more than ten trees, then the city manager or designee shall act on the permit within 30 days of receiving a completed application, but only after giving public notice of the application and an opportunity to provide comments as provided in subsection (6) of this section.

www.eugene-or.gov/bps

Tree Removal Standards

Page 3 of 15

- (6) Where public notice and a comment period is required before acting on an application, the city manager or designee shall identify abutting properties and others which are partly or wholly within 200 feet of the site on which the trees are to be felled. Written notice of the application shall be mailed by the city manager or designee to the owners and occupants of the identified properties, as well as to persons who have requested such notice. The notice shall provide that persons may submit written comments on the application as directed in the notice, for a period of 15 days from the date of the notice.

(Section 6.310 added by Ordinance No. 17072, enacted May 20, 1974; amended by Ordinance No. 18123, enacted March 13, 1978; Ordinance No. 18779, enacted April 22, 1981; and Ordinance No. 19927, enacted July 12, 1993.)

6.320 Criteria for Permit Issuance.

- (1) The city manager or designee shall approve, approve with conditions, or deny a permit application based on consideration of the following criteria:
- (a) The condition of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety;
 - (b) The topography of the land and the effect of felling on erosion, soil retention, stability of earth, flow and character of surface waters and streams, protection of nearby trees and windbreaks;
 - (c) The effect the trees' removal has on the environmental quality of the area, including scenic and wildlife habitat values;
 - (d) The necessity to remove trees in order to construct proposed improvements, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this code, the Metro Plan, and other applicable adopted plans;
 - (e) Fire safety considerations where, in the opinion of the fire marshal, removal is necessary to protect existing or proposed structures;
 - (f) The adequacy of the applicant's proposals, if any, to plant new trees or native vegetation to mitigate the environmental effects of removal of the trees to be felled; and
 - (g) That the felling would be compatible with generally accepted principles of horticulture, silvaculture, ecology, or landscape architecture;
 - (h) The compatibility of the felling with guidelines adopted by the Oregon Department of Forestry.
- (2) In the event a plot plan for full development of the site has not been approved by the city, felling of trees shall be permitted only on a limited basis consistent with the preservation of the site's future development potential and preservation of important natural values as prescribed in the Metro Plan and this code, and consistent with the following criteria:
- (a) Wooded areas associated with natural drainage ways and water areas shall be retained to preserve riparian habitat and to minimize erosion;
 - (b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained;

www.eugene-or.gov/bps

Tree Removal Standards

Page 4 of 15

- (c) Wooded areas along ridgelines and hilltops shall be retained for their scenic and wildlife habitat values;
 - (d) Wooded areas along property lines shall be retained to provide buffers from adjacent properties;
 - (e) Trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow;
 - (f) Clear cuts of developable areas shall be avoided so as to retain a wooded character of future building sites, and preserve housing and design options for future city residents.
- (3)** The city manager or designee may attach conditions to the approval of a permit to ensure the replacement of trees, landscape or otherwise reduce the effects of the felling, and may require the posting of a bond to ensure that all conditions are met.

(Section 6.320 added by Ordinance No. 17072, enacted May 20, 1974; amended by Ordinance No. 18053, enacted September 26, 1977; Ordinance No. 18123, enacted March 13, 1978; and Ordinance No. 19927, enacted July 12, 1993.)

6.325 Appeal. Any person who is denied a permit, or is granted a permit with conditions, may appeal the denial or imposition of conditions, by filing a written notice of appeal with the city manager or designee within 15 days of the date of denial or the date of issuance of the permit with conditions imposed. In addition, any person who provided comments on an application pursuant to section 6.310(6), and who is dissatisfied with the action of the city manager or designee in granting a permit, whether with or without conditions, also may appeal by following the same procedures. The appeal shall be governed by section 2.021 of this code. The appeal must include the specific basis or bases upon which the appellant asserts that the decision was in error.

(Section 6.325 added by Ordinance No. 17072, enacted May 20, 1974; amended by Ordinance No. 18123, enacted March 13, 1978; Ordinance No. 19926, enacted June 28, 1993; and Ordinance No. 19927, enacted July 12, 1993.)

6.330 Trees, Felling - Exceptions. The requirements and restrictions of sections 6.305 to 6.310 of this code or rules adopted thereunder do not apply to:

- (a)** The action of any city officer or employee or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service; or to reopen a public thoroughfare to traffic;
- (b)** An occupied parcel of private property consisting of less than 20,000 square feet of area;
- (c)** Felling of trees that are nuisances under section 6.010 of this code;
- (d)** Felling of trees that are in violation of section 7.640 of this code;
- (e)** Any felling necessary to install or maintain improvements such as streets and sewers within publicly owned and accepted rights-of-way or utility easements;
- (f)** That portion of a PUD and/or PUD subdivision development for which final approval has been obtained.

(Section 6.330 amended by Ordinance No. 17072, enacted May 20, 1974; amended by Ordinance No. 18053, enacted September 26, 1977; Ordinance No. 18122, enacted February 22, 1978; Ordinance No. 18123, enacted March 13, 1978; Ordinance No. 18779, enacted April 22, 1981; Ordinance No. 19393, enacted July 28, 1986, effective January 28, 1987; and Ordinance No. 19927, enacted July 12, 1993.)

www.eugene-or.gov/bps

Tree Removal Standards

**ADMINISTRATIVE ORDER NO 58 00 01 F
of the
City Manager of the City of Eugene**

**AMENDING AND RENAMING TREE
PRESERVATION ADMINISTRATIVE RULE R-6.305
AND REPEALING ADMINISTRATIVE ORDER 58-96-22-F.**

The City Manager of the City of Eugene finds that

A. Pursuant to the authority of Sections 2.019 and Sections 6.305 through 6.330 of the Eugene Code, 1971, on February 7, 2000 the City Manager issued Administrative Order No 58-00-01 proposing the amendment and renaming of Tree Preservation Administrative Rule R-6.305.

B. Notice was provided to the Mayor and City Councilors persons who had requested notice and by publication in the Register Guard a newspaper of general circulation within the City for at least five consecutive days to wit on February 8, 9, 10, 11, and 12, 2000, and made available for inspection by interested persons at the Public Works Department, 1820 Roosevelt Blvd., Eugene, Oregon 97402 during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday, exclusive of holidays).

C. The Notice provided that interested persons could submit written comments thereon for a period of 30 days from the first date of publication. No comments were received within the time or manner required by the notice.

Therefore, based upon the above findings, and the findings in Administrative Order No. 58-00-01, I hereby rename, and amend Tree Preservation Administrative Rule R-6.305 as follows:

TREE REMOVAL PERMIT PROGRAM

ADMINISTRATIVE RULE R-6.305

R-6.305-A DEFINITIONS.

As used herein, the following words and phrases mean:

<u>City Manager.</u>	The City Manager or his or her designee.
<u>Clear cut.</u>	Any harvest unit that leaves fewer than 50 trees per acre that are well distributed over the unit and that measure at least 11 inches dbh or that measure less than 40 square feet of basal area per acre.
<u>Correct.</u>	To remedy violations in a manner that results in compliance with the requirements and conditions of a permit.
<u>Critical root zone.</u>	An area surrounding a tree trunk, having a radius of 18 inches times the diameter breast height of the tree trunk.

www.eugene-or.gov/bps

Tree Removal Standards

<u>Diameter breast height dbh.</u>	The diameter of a tree trunk or trunks measured at 4.5 feet above mean ground level at the base of the trunk or trunks. For trees with multiple trunks diameter breast height shall be the sum of the diameters of all trunks measured at 4.5 feet above mean ground level at the common base of the trunks.
<u>Dwelling.</u>	A building, or portion thereof, occupied as a home, residence, or sleeping place, by one or more families, but excluding group care facilities hotels and motels.
<u>Enforcement action.</u>	A citation, civil penalty, abatement charge, or stop work order issued, assessed, or billed against a responsible person.
<u>Enforcement officer.</u>	The Director of the City Public Works Department, or his or her designee.
<u>Fell.</u>	To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning, trimming, or topping of trees in accordance with standards as defined in the American National Standards Institute ANSI Section A300. Removal of more than 30 percent of the critical root zone of a tree or severing the cambial material on more than 50 percent of the circumference of the tree will be considered substantial destruction.
<u>Heritage tree.</u>	Any tree meeting the minimum point value using the heritage tree formula contained in Section 15.2 of the Urban Forest Management Plan as adopted by the Eugene City Council on October 14, 1992.
<u>Hinder.</u>	An action that inhibits the ability of City staff to investigate or mitigate violations of the Eugene Code, 1971 (EC) or this Rule. This includes, but is not limited to, providing false information, withholding pertinent information, or refusing to cooperate with City staff or authorized contract workers.
<u>Illegal felling.</u>	Tree removal for which a tree removal permit was not first obtained or cannot be obtained retroactively that violates EC sections 6.300 – 6.330. Failure to obtain a permit within five calendar days from the date the city notifies the responsible person a permit is required constitutes illegal felling, subject to civil penalties and other enforcement actions.
<u>Intentional.</u>	For purposes of the civil penalty matrix of this rule, to deliberately cause or take action, or to deliberately not take action for the purpose of achieving a predetermined result, constitutes an intentional act.
<u>Logging plan.</u>	A document describing the equipment to be used on site, the access roads, grading, skid paths and any other environmental change that will be effected to permit logging, as well as mitigation efforts designed to protect from the negative effects of the logging process all wetlands, riparian zones, habitat, neighboring residences, and such other areas as the City Manager (or designee) determines is appropriate.
<u>Negligence.</u>	For purposes of the civil penalty matrix of this rule, failure to exercise reasonable care.

www.eugene-or.gov/bps

Tree Removal Standards

<u>Notice of violation.</u>	Written notice of a lack of adherence to a condition of a permit or failure to obtain the proper permit for felling a tree, or other violation of EC sections 6.300 – 6.330, or this rule. A notice of violation initiates the process for enforcement action.
<u>Notice to correct.</u>	Notice to correct A notice to a responsible person of a condition that is in violation of EC sections 6.300 - 6.330, a permit, or this rule, and of the time within which the correction shall be made.
<u>Occupied parcel.</u>	Real property comprising a single tax lot, upon which a dwelling has been constructed, or for which a building permit has been issued for the construction of a dwelling.
<u>Parcel.</u>	Real property within the boundaries of an ad valorem tax lot description as found in the Lane County, Oregon, ad valorem tax records.
<u>Plot plan.</u>	Final subdivision plat, final Planned Unit Development (PUD) plan, or final major or minor partition, encompassing an entire contiguous ownership.
<u>Protected natural resource area.</u>	For purposes of the civil penalty matrix of this rule, a riparian setback area, conservation area, sensitive area, wetland, or wetland buffer area.
<u>Responsible person.</u>	An individual, partnership, joint-venture, firm, company, cooperative, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity that: (a) Owns the property on which the tree is located, or the property that abuts a public way where the tree is located; or (b) Is in charge of the property on which the tree is located or the property that abuts a public way where the tree is located; or (c) Is the person who causes the violation to come into or continue inexistence.
<u>Street tree.</u>	A living, standing woody plant typically having a single trunk at least 1-1/2 inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located within the street right of way.
<u>Tree.</u>	A living, standing, woody plant having a trunk or trunks with a minimum cumulative circumference of 25 inches at a point 4-1/2 feet above mean ground level at the base of the trunk or with a minimum cumulative diameter breast height (dbh) of 8 inches.
<u>Unavoidable accident.</u>	For purposes of the civil penalty matrix of this rule, a situation whereby the person responsible for the tree could not have taken any action that would have prevented the violation.
<u>Violation.</u>	Felling a tree without obtaining a permit either prior to, or retroactive to the felling; failure to adhere to the requirements of a permit; or failure to make a correction within the time required in a written notice to correct. Each tree illegally felled, each condition of a permit that is not adhered to, and each violation not corrected within the time required in the written notice constitutes a separate violation.

www.eugene-or.gov/bps

Tree Removal Standards

R-6.305-B APPLICABILITY

The felling of trees without a permit is prohibited by Sections 6.300 – 6.330 of the Eugene Code, 1971 (EC). In addition, requirements and conditions may be imposed on tree removal permits. This rule provides the process and procedures for processing applications, establishes criteria for approval, and establishes an enforcement program designed to discourage violations of a tree removal permit, EC sections 6.300 to 6.330 or this rule, and establishes a matrix for assessment of an administrative civil penalty for such violations.

R-6.305-C PERMIT REQUIRED.

1. Unless exempt pursuant to R-6.305-K, no person may fell more than five trees within a period of 12 consecutive months from a parcel of private property consisting of 20,000 or more square feet of area without first obtaining a permit.

2. Unless exempt pursuant to R-6.305-K, no person may fell one or more trees from a parcel of private property consisting of less than 20 000 square feet of area without first obtaining a permit.

3. Notwithstanding subsections 1 and 2 of this section and Section 6.330(b) of the Eugene Code 1971, no person shall remove a street tree without first obtaining a permit from the City Manager specifically authorizing the removal of a street tree, Permit approval may be conditioned upon replacement of the street tree with another tree pre-approved by the City or a requirement to pay to the City an amount sufficient to fund the planting and establishment by the City of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the plant appraisal method established by the Council of Tree and Landscape Appraisers.

4. Notwithstanding subsections 1 and 2 of this section and Section 6.330(b) of the Eugene Code 1971 no person shall fell a heritage tree from within the public right-of-way except where authorization for its removal has been granted by the City because its removal is necessary to protect the public health safety or welfare.

5. If a tree is felled without a permit the responsible person may still seek a tree felling permit from the City Manager by filing an application as described in R-6.305-D and R-6.305(E). If the City Manager determines that a tree felling permit would have been granted if the responsible person had filed a complete application prior to felling the tree(s) in question, the City Manager may issue a permit in the following circumstances and subject to the following conditions:

- (a) The application is accompanied by the fee described in R-6.305-G.6;
- (b) The tree felling was not one for which public notice and comments were required under R-6.305-D;
- (c) The responsible person has already complied with or agrees to comply with all conditions imposed by the permit; and
- (d) The City Manager determines that the responsible person's failure to apply for a tree felling permit prior to felling the tree was not a knowing attempt to evade the requirements of EC 6.305 to 6.330 or these rules.

A person who obtains a permit pursuant to this subsection and complies with all the conditions therein shall not be subject to a penalty under R-3.605-I, but shall pay an enhanced fee as provided in R-6.305-G.6. A person who applies for a tree felling permit pursuant to this subsection shall have no right to appeal the denial of such permit or to appeal the conditions of the permit, if granted.

www.eugene-or.gov/bps

Tree Removal Standards

R-6.305-D APPLICATION PROCEDURE.

1. Applications for a tree felling permit shall be filed with the City Manager, on an application form developed by the City Manager. The applicant shall provide an application technical report, with supporting material as necessary, which shows how the proposed felling meets the permit approval criteria in Section R-6.305-E. The application shall be accompanied by an application fee in an amount established by the City Manager pursuant to Section 2.020 of the Eugene Code, 1971.
2. If the applicant proposes to fell more than ten trees, the application also shall be accompanied by a logging plan.
3. If the applicant proposes to fell ten or fewer trees, the City Manager shall act on the permit within ten business days of receiving a completed application. The response time may be extended by the City Manager for up to 30 business days upon a determination that public notice of the application should be given and public comment taken pursuant to subsection 5 of this section, because substantial impacts on neighboring properties or on other natural values are anticipated.
4. If the applicant proposes to fell more than ten trees, the City Manager shall act on the permit within 30 business days of receiving a completed application, but only after giving public notice of the application and an opportunity for comments as provided in subsection 5 of this section. The City Manager shall provide written notification to the applicant when an application is deemed complete and accepted for processing.
5. If public notice and a comment period is provided or required before acting on an application, the City Manager shall identify abutting properties and others which are partly or wholly within 200 feet of the site on which the trees are to be felled. Written notice of the application shall be mailed by the City Manager to the owners and occupants of the identified properties as shown on the Lane County tax assessment records, as well as to persons who have requested notice of an application to fell trees on the site. The notice shall provide that persons may submit written comments on the application as directed therein, for a period of 15 calendar days from the date of the notice. The applicant, and all persons who submitted written comments and provided a return address, shall be mailed notice of the decision of the City Manager and advised of the right to appeal the action, and the manner in which to do so.
6. The City Manager may attach conditions to the approval of a permit in order to reduce the effects of tree removal, including but not limited to conditions requiring the replacement of trees, replacement of landscaping, measures to protect the critical root zone of trees identified to be retained, measures to protect adjacent properties, and may require the posting of a performance bond. The City Manager may issue a stop work order, and may withhold future development permits, building permits, or certificates of occupancy for the site until all conditions are met.

R-6.305-E CRITERIA FOR PERMIT APPROVAL.

The City Manager shall approve, approve with conditions, or deny a tree felling permit application based on the criteria set forth in this section.

(a) The applicant shall provide an application technical report, with supporting material as necessary, which shows how the proposed tree felling is consistent with at least one of the following three criteria:

- (1) The trees are diseased, or otherwise present hazardous or unsafe conditions due to danger of falling, proximity to existing structures or proposed construction, or interference with utility service or pedestrian or traffic safety. To meet the criterion for removal due to hazard or unsafe conditions due to danger of falling, the applicant must provide a tree hazard report prepared by an arborist certified by the

www.eugene-or.gov/bps

Tree Removal Standards

International Society of Arboriculture which documents the existence of the hazard or unsafe condition and recommends the tree(s) removal.

(2) The trees need to be removed in order to construct improvements or otherwise utilize the property consistent with its zoning, the Eugene Code, 1971, and adopted plans. To meet the criterion for removal in order to construct improvements, the applicant must be in possession of the appropriate building or right-of-way use permit if such a permit is required to construct the improvements which necessitate the tree(s) removal.

(3) The Fire Marshal issues a written determination that the tree(s) need to be removed in order to protect from fire danger structures which exist or for which a building permit has been issued.

(b) In addition to compliance with at least one of the criteria in subsection (a) of this section, the applicant shall show in their application technical report how all tree felling complies with all of the following criteria:

(1) The logging plan meets or exceeds Oregon Department of Forestry guidelines;

(2) The methods of proposed removal and mitigation are compatible with generally accepted principles of arboriculture, horticulture, silviculture, ecology and landscape architecture;

(3) Adequacy of the proposal to plant vegetation to mitigate environmental effects of the removal of the trees to be felled To meet this criterion the applicant must detail the trees or other vegetation to be planted to mitigate the loss of the trees being proposed for removal If no mitigation planting is proposed the applicant must show why mitigation planting is not possible or appropriate;

(4) The proposal minimizes or mitigates the effect the tree removal will have on the environmental quality of the area including scenic and wildlife habitat values and;

(5) Considering the topography of the land the proposal minimizes or mitigates the effect of the felling on erosion soil retention stability of earth flow and character of surface waters and steams and nearby trees and windbreaks.

(6) Except as provided in subparagraph (7) of this subsection, no motorized vehicles other than vehicles with rubber tires shall be used to remove trees from a lot nor shall a road be constructed as part of any logging permit.

(7) An exception to the criteria of subparagraph (6) of this subsection may be granted by the City if the applicant can demonstrate to the satisfaction of the City that wooded areas along ridgelines and hilltops would be retained for their scenic and wildlife habitat values and wooded areas along property lines would be retained to provide buffers from adjacent properties.

(c) In addition to compliance with the criteria in subsections (a) and (b) of this section, in the event a plot plan for full development of the property has not been approved, the applicant shall show in the application technical report how the proposed tree felling is also in compliance with all of the following criteria:

www.eugene-or.gov/bps

Tree Removal Standards

Page 11 of 15

- (1) The felling must be consistent with preservation of the site's future development potential and preservation of important natural values as prescribed in the Metro Plan and the Eugene Code, 1971;
- (2) Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion;
- (3) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained;
- (4) Wooded areas along ridgelines and hilltops shall be retained for their scenic and wildlife habitat values;
- (5) Wooded areas along property lines shall be retained to provide buffers from adjacent properties;
- (6) Trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow; and
- (7) Clear cuts of developable areas shall be avoided so as to retain a wooded character of future building sites and to preserve housing and design options for future City residents.

R-6.305-F PERMIT ISSUANCE.

1. Except as provided in subsection 2 of this section, a permit shall be effective on the date issued or such other date as may be specified in the permit.
2. If an application is granted after public notice and an opportunity for comment is provided under R-6.305-D-5, the permit shall not be effective for a period of 15 days from the date of the decision of the City Manager, or, in the event an appeal is filed under Section R-6.305-J, seven days from the date of the decision of the hearings officer. If no written public comment is received the permit can become effective on the date issued if the applicant waives their right to appeal. Any tree felling pursuant to the permit shall constitute a waiver of the applicant's right to appeal.
3. A permit shall expire at midnight on the one year anniversary of the effective date of the permit.
4. At the written request of the applicant, the City Manager may grant time extensions to complete the work under a permit.
 - (a) A time extension shall not exceed 12 months.
 - (b) No more than 2 two time extensions shall be granted.
 - (c) No additional trees may be removed under a time extension.

R-6.305-G ENFORCEMENT.

1. **Abatement.** If a violation of EC 6.300 - 6.330, this rule, or a condition of a permit is occurring and the enforcement officer finds that failure to act promptly will seriously prejudice the public health, welfare, or environment, the enforcement officer may initiate abatement proceedings pursuant to EC Sections 6.005 to 6.115, and may at the same time issue a Notice of Civil Penalty without issuing any prior orders or attempting to secure voluntary compliance or correction of the violation.
2. **Notice to Correct.** When the enforcement officer finds a violation of EC 6.300 - 6.330, this rule, or a condition of a permit is occurring and the enforcement officer believes that the violation may be corrected, and when corrected, will prevent or fully remediate any harm from the violation, the

www.eugene-or.gov/bps

Tree Removal Standards

Page 12 of 15

enforcement officer may in his or her discretion issue a Notice to Correct to the responsible person. A Notice to Correct shall identify the condition constituting the violation and the time within which the correction is to be made. In addition to any other penalties that may be imposed for the original violation, a failure to comply with a Notice to Correct is a violation subject to the penalties provided in these rules. A Notice to Correct is not appealable.

3. Stop Work Order. Upon finding an activity is occurring that violates EC 6.300 - 6.330, this rule, or a condition of a permit, the enforcement officer may issue a stop work order to the responsible person. The stop work order need not require the cessation of all operations on the premises, only those activities causing or contributing to the violation. In addition to any other penalties that may be imposed, failure to comply with the enforcement officer's order issued under this subsection constitutes a violation of this rule and the provisions of Chapter 6 of the Eugene Code, 1971 under which it is promulgated, punishable as set forth in EC Sections 6.990, 6.992, and 6.995.

4. Notice of Violation. The enforcement officer may issue a notice of violation to a responsible person who fails to obtain the proper permit for felling a tree, fails to adhere to a condition of a permit, fails to comply with a Notice to Correct, fails to comply with a stop work order, or violates EC sections 6.300 - 6.330 or this rule.

5. Administrative Civil Penalty. Following the procedures set forth in paragraphs I and J of this rule, the enforcement officer may issue a notice of violation and impose an administrative civil penalty upon a responsible person for violation of the provisions of EC sections 6.300 - 6.330, this rule, or a condition of a permit. Failure to pay the administrative civil penalty within ten days after it becomes final constitutes a violation of this rule and the Eugene Code, 1971. In addition to any other enforcement mechanisms authorized by the Eugene Code, 1971, this rule, or federal or state law, the enforcement officer may withhold issuance of requested licenses or permits, issue a notice to correct, stop work order, or revoke or suspend any issued licenses or permits if the responsible person fails or refuses to pay an administrative civil penalty imposed pursuant to this rule within the ten day period. If the violation resulting in the imposition of the administrative civil penalty occurred on real property and the penalty remains unpaid for a period of 30 days or more after becoming final, the full amount of the unpaid penalty and or fine shall be assessed against the real property upon which the violation occurred and entered as a lien in the docket of City liens. Notice of the assessment and docketing shall be given to the responsible person at the time the assessment is made. Interest at the rate prescribed by Section 2.022 of the Eugene Code, 1971 shall commence on the date the lien is entered on the lien docket, and the lien shall be enforced in the same manner as liens for street improvements.

6. Enhanced Permit Fee. If a tree is felled without a permit, the responsible party may apply for a permit within five working days of the Notice of Violation or other written notice pursuant to R-6.305-C.5. The fee for the first tree felling permit obtained subsequent to the tree felling shall be twice the amount of the established permit fee in effect at the time the permit is applied for. The fee for any future permits applied for subsequent to the tree felling by the same responsible person at the same, or any other location within the city, shall be ten times the amount of the established permit fee at the time the permits are applied for.

7. Replacement Fee. If a street tree or other public tree is illegally felled, a replacement fee shall be assessed in addition to all other fines, penalties, or other enforcement mechanisms set forth in this rule, associated codes, and or other associated rules or orders. The fee shall be calculated using the plant appraisal method established by the Council of Tree & Landscape Appraisers.

8. Service of Notices Orders. All notices/orders shall be served by personal service or sent by certified mail and first class mail. Any notice/order served by mail shall be deemed received for

www.eugene-or.gov/bps

Tree Removal Standards

purposes of any time computations hereunder, three days after the date mailed, if to an address within this state, and seven days after the date mailed, if to an address outside this state.

9. Remedies not Exclusive. The enforcement mechanisms set forth herein are not exclusive, and are in addition to any other remedies available under provisions of the Eugene Code, 1971 and federal and state law.

R-6.305-I Determination of Amount of Civil Penalty.

Notwithstanding the provisions of Administrative Rule R-2.018, the amount of the administrative civil penalty to be assessed under Section H of this rule shall be determined in accordance with the following formula(s), which take into consideration the factors required in Section 2.018 of the Eugene Code, 1971:

- 1. Illegal Felling of a Tree.** Each tree felled constitutes a separate violation.

Penalty calculation

$((A+C+G) \div 100)$, x M x Z where:

A = Number of past Tree Preservation violations times 10

C = Cause where unavoidable accident 0 negligence 20 intentional 25

G = Gravity point total not to exceed 80 points

M = maximum penalty allowed

Z = "0" If cause is an unavoidable accident, "1" if cause is negligence or intentional

Gravity Point	Points
Tree would likely have been classified as a heritage tree, had significant historic value, was rare, or was an unusual specimen	50
Damage to tree creates health and safety risks to persons or property that must be mitigated, which may include total removal of damaged trees, or removal of tree creates health and safety risks to persons or property which must be mitigated by other means	25
Was a street tree	20
Tree was located in protected natural resource area	20
Attributes that made an area sensitive were damaged during the removal process	10
Removal of tree increased danger of wind fall of other trees	20
Tree provided privacy barrier, wind control, safety barrier, light/glare shield	10
Tree was located in area with highly erodible or unstable soils	10
Tree provided habitat for threatened, endangered or other protected species	25

- 2. Failure to Adhere to or Complete a Condition of a Permit.** Each condition of a permit not adhered to or completed constitutes a separate violation. Each day the condition exists beyond the correction time of the Notice of Violation or Notice to Correct constitutes a separate violation.

Penalty calculation

$((A+C+E+G) \div 100)$, x M x Z where:

A = Number of past Tree Preservation violations times 10

C = Cause where unavoidable accident 0 negligence 20 intentional 25

E = Effort to correct the violation point total (see Table E)

www.eugene-or.gov/bps

Tree Removal Standards

G = Gravity/Magnitude component point total (see Table G)

M = maximum penalty allowed

Z = "0" If cause is an unavoidable accident, "I" if cause is negligence or intentional

Table E: Effort	Points
Major Effort – Took all steps feasible to correct violation within time frame	0
Moderate Effort – Took some steps to stabilize situation or to correct violation within time frame, additional effort required, gravity and magnitude improved by effort	5
Little or No Effort- Took minimal or no effort to correct violation – violation still exists with same or increased gravity and magnitude	10
Hindered Effort – Withheld information, provided false information or otherwise hindered efforts to correct violation	20

Table G: Gravity/Magnitude	Points
Failure to adhere or implement condition creates health and safety risks to persons or property	30
Failure to re-vegetate or otherwise stabilize up to 25% of required area	5
Failure to re-vegetate or otherwise stabilize 25-50% of required area	10
Failure to re-vegetate or otherwise stabilize 50-75% of required area	15
Failure to re-vegetate or otherwise stabilize 75-100% of required area	25
Failure to stabilize steep slope (25% or more)	10
Failure to stabilize moderate slope (10% to 24%)	5
Failure to adhere to or implement condition results in damage that the condition was designed to prevent (e.g. failure to put protective fencing results in large equipment damaging preservation tree)	20
Failure to adhere to or implement condition impacts riparian, sensitive area, or conservation area	15
Violation of notice or procedural requirements – zero or very minimal work has begun in violation of the notice or procedural requirements has begun	5
Violation of notice or procedural requirements – moderate to major work has begun in violation of the notice or procedural requirements has begun	10

R-6.305-I APPEAL.

1. Any person who is denied a permit, or is granted a permit with conditions, or a responsible person to whom a Notice of Violation, or a Notice of Imposition of an Administrative Civil Penalty is issued, may appeal the denial, imposition of conditions, Notice of Violation, or Civil Penalty, by filing a written notice of appeal with the City Manager within 15 days of the date of denial or the date of issuance of the permit with conditions, or date of issuance of the Notice. The appeal shall be accompanied by the fee established by the City Manager pursuant to Section 2.020 of the Eugene Code, 1971.

2. Any person who provided written comments on an application pursuant to R-6.305-D-5, and who is dissatisfied with the action of the City Manager in granting a permit, whether with or without conditions, may appeal the decision by following the same procedures as set forth in subsection 1 of this section.

3. The appeal shall be governed by Section 2.021 of the Eugene Code, 1971 and shall describe in writing the specific basis or bases upon which the appellant asserts that the decision was in error.

www.eugene-or.gov/bps

Tree Removal Standards

4. The decision of the hearings officer is final, and may include a determination to refund the appeal fee to the appellant if the hearings officer finds the appeal is not frivolous.

R-6.305-K **EXCEPTIONS TO PERMIT REQUIREMENTS.**

The permit requirements and other restrictions of this Rule do not apply to:

- (a) That portion of a PUD and or PUD subdivision for which final approval has been obtained;
- (b) An occupied parcel of less than 20 000 square feet;
- (c) The action of any City officer or employee or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service; or to reopen a public thoroughfare to traffic;
- (d) The felling of trees that the Urban Forester has determined are nuisances under Section 6.010 of the Eugene Code, 1971. The Urban Forester may require a tree health or hazard report to be submitted by an arborist certified by the International Society of Arboriculture in support of the removal as professional testimony the tree(s) constitute a nuisance.;
- (e) The felling of trees that are in violation of Section 7.640 of the Eugene Code, 1971; or
- (f) Any felling of trees located within publicly owned and accepted right-of-way necessary to install or maintain public improvements such as streets and sewers within publicly owned and accepted rights of way or utility easements. Were publicly owned improvements are being constructed by private individuals, no tree removal may take place prior to execution of the order to proceed for the construction of the public improvements by the City Engineer.

Administrative Order No. 58-96-22-F is repealed, as of the effective date of this order.

www.eugene-or.gov/bps

9.2795 Solar Setback Standards.

(1) *Applicability.* These standards apply to all structures on R-1 and R-2 zoned lots, 4000 square feet or greater, with a minimum north-south dimension of 75 feet.

(2) *Solar Setback Requirements.* Buildings shall be setback from the northern property line according to the standards in this section. An applicant for a development permit for a building subject to this section shall submit verification on a form approved by the city manager that shows either the solar setback or how the structure qualifies for an exemption. If buildings on separate lots are attached or connected at a common lot line, the solar setback standards apply as if the buildings are a single building on a single lot composed of both lots. **(See Figure 9.2795 Solar Setback Standards, Figure 9.2795(2) Shade Point Height (SPH) Measurement, Figure 9.2795(2)(a) R-1 Solar Setback Calculation, and Figure 9.2795(2)(b) R-2 Solar Setback Calculation.)**

(a) *Solar Setback for R-1 Zone.* The solar setback of the shade point shall be greater than or equal to the following formula:

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 82.5$$

Where:

SSB = Solar setback (the shortest horizontal distance between the shade point and the plane of the northern lot line).

SPH = Shade point height (Reduce this dimension by 3 feet if the shade point is a ridgeline between 45 degrees east or west of true north.)

N = North-south lot dimension. Maximum allowable "N" for purposes of calculating the solar setback shall be 90 feet.

The following table, which accurately applies the formula, can be used to determine compliance with the solar setback standard.

Table 9.2795(2)(a) Solar Setback From Northern Lot Line for R-1 [SSB] (All figures are in feet.)*				
Shade Point Height [SPH]	North-South Lot Dimension			
	90 feet [N]	85 feet [N]	80 feet [N]	75 feet [N]
18 feet	7.5	5	2.5	0
20 feet	12.5	10	7.5	5
22 feet	17.5	15	12.5	10
24 feet	22.5	20	17.5	15

The Eugene Code is current through Ordinance 20702, passed February 26, 2024.

Table 9.2795(2)(a) Solar Setback From Northern Lot Line for R-1 [SSB] (All figures are in feet.)*				
Shade Point Height [SPH]	North-South Lot Dimension			
	90 feet [N]	85 feet [N]	80 feet [N]	75 feet [N]
26 feet	27.5	25	22.5	20
28 feet	32.5	30	27.5	25
30 feet	37.5	35	32.5	30
32 feet	42.5	40	37.5	35
34 feet	47.5	45	42.5	40
36 feet	52.5	50	47.5	45
38 feet	57.5	55	52.5	50
40 feet	62.5	60	57.5	55

* Solar setback is usually measured from an eave or from a ridge line of a roof. See Shade Point definition in EC [9.0500](#) and Figure 9.2795.

(b) *Solar Setback for R-2 Zone.* The solar setback of the shade point shall be greater than or equal to the following formula:

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 95$$

Where:

SSB = Solar setback (the shortest horizontal distance between the shade point and the plane of the northern lot line).

SPH = Shade point height (Reduce this dimension by 3 feet if the shade point is a ridgeline between 45 degrees east or west of true north.)

N = North-south lot dimension. Maximum allowable "N" for purposes of calculating the solar setback shall be 90 feet.

The following table, which accurately applies the formula, can be used to determine compliance with the solar setback standard.

Table 9.2795(2)(b) Solar Setback From Northern Lot Line for R-2 [SSB] (All figures are in feet.)*				
Shade Point Height [SPH]	North-South Lot Dimension			
	90 feet [N]	85 feet [N]	80 feet [N]	75 feet [N]
22 feet	5	2.5	0	0
24 feet	10	7.5	5	2.5
26 feet	15	12.5	10	7.5
28 feet	20	17.5	15	12.5
30 feet	25	22.5	20	17.5
32 feet	30	27.5	25	22.5
34 feet	35	32.5	30	27.5
36 feet	40	37.5	35	32.5
38 feet	45	42.5	40	37.5
40 feet	50	47.5	45	42.5
42 feet	55	52.5	50	47.5
44 feet	60	57.5	55	52.5
46 feet	65	62.5	60	57.5

* Solar setback is usually measured from an eave or from a ridge line of a roof. See Shade Point definition in EC [9.0500](#) and Figure 9.2795.

(3) *Exemptions to Solar Setback Requirements.* A building is exempt from the solar setback standards when any of the following conditions exist:

- (a) *Slopes.* The lot on which the building is located has an average slope of 20 percent or more in a direction greater than 45 degrees east or west of true north.
- (b) *Existing Shade.* The building will shade an area that is already shaded by one or more of the following:
 - 1. An existing or approved building or structure.
 - 2. A topographic feature.
 - 3. Coniferous trees or broadleaf evergreens that will remain after development of the site.
- (c) *Insignificant Benefit.* The building will shade one or more of the following:
 - 1. A non-developable area, such as designated open space, a public utility easement, street or alley.

The Eugene Code is current through Ordinance 20702, passed February 26, 2024.

2. The wall of an unheated space, such as a garage, excluding solar greenhouses and other similar solar structures.

3. The wall of a non-residential structure.

4. No more than 20% of a south wall of an existing habitable dwelling. See Figures 9.2795(2), 9.2795(2)(a) and 9.2795(2)(b).

(d) *Neighbor Approval*. The owner of the abutting property to the north, for which a certificate of occupancy has been issued by the city, grants an exemption to the solar setback requirement on a form supplied by the city and subject to a fee set by the city manager.

(e) *PUD Exemption*. The lot is identified as being exempt from solar setback provisions through an approved PUD application where one or more of the following exists:

1. The lot has been identified as being exempt from solar setback standards.

2. The proposed building locations and heights were approved.

(Section 9.2795, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)

The Eugene Code is current through Ordinance 20702, passed February 26, 2024.

Disclaimer: The city recorder's office has the official version of the Eugene Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.eugene-or.gov](http://www.eugene-or.gov)

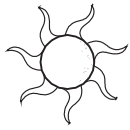
[Hosted by Code Publishing Company, A General Code Company.](#)

The Eugene Code is current through Ordinance 20702, passed February 26, 2024.

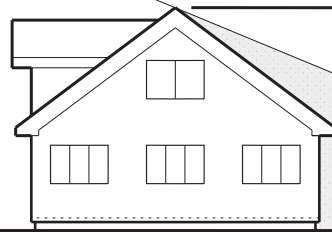
EXHIBIT A

Figure
9.2795(2)

Shade Point Height (SPH) Measurement

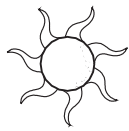


If the Roof Pitch is 5 Inches Vertical in 12 Inches Horizontal or Greater: (SPH) = Ridge

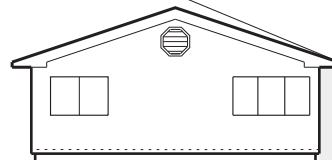


Shade Point Height (SPH)

Elevation

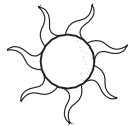


If the Roof Pitch is Less Than 5 Inches Vertical in 12 Inches Horizontal: (SPH) = Eave



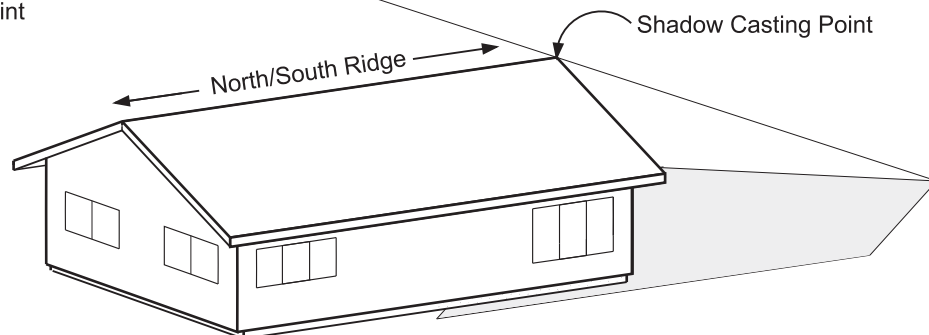
Shade Point Height (SPH)

Elevation



If the Ridgeline Runs Within 45 Degrees of North/South, Then Measure From the Northern-Most Point of the Ridge and Reduce the Shade Point Height by 3 Feet.

See 9.0500 Shade Point



Perspective

EXHIBIT B

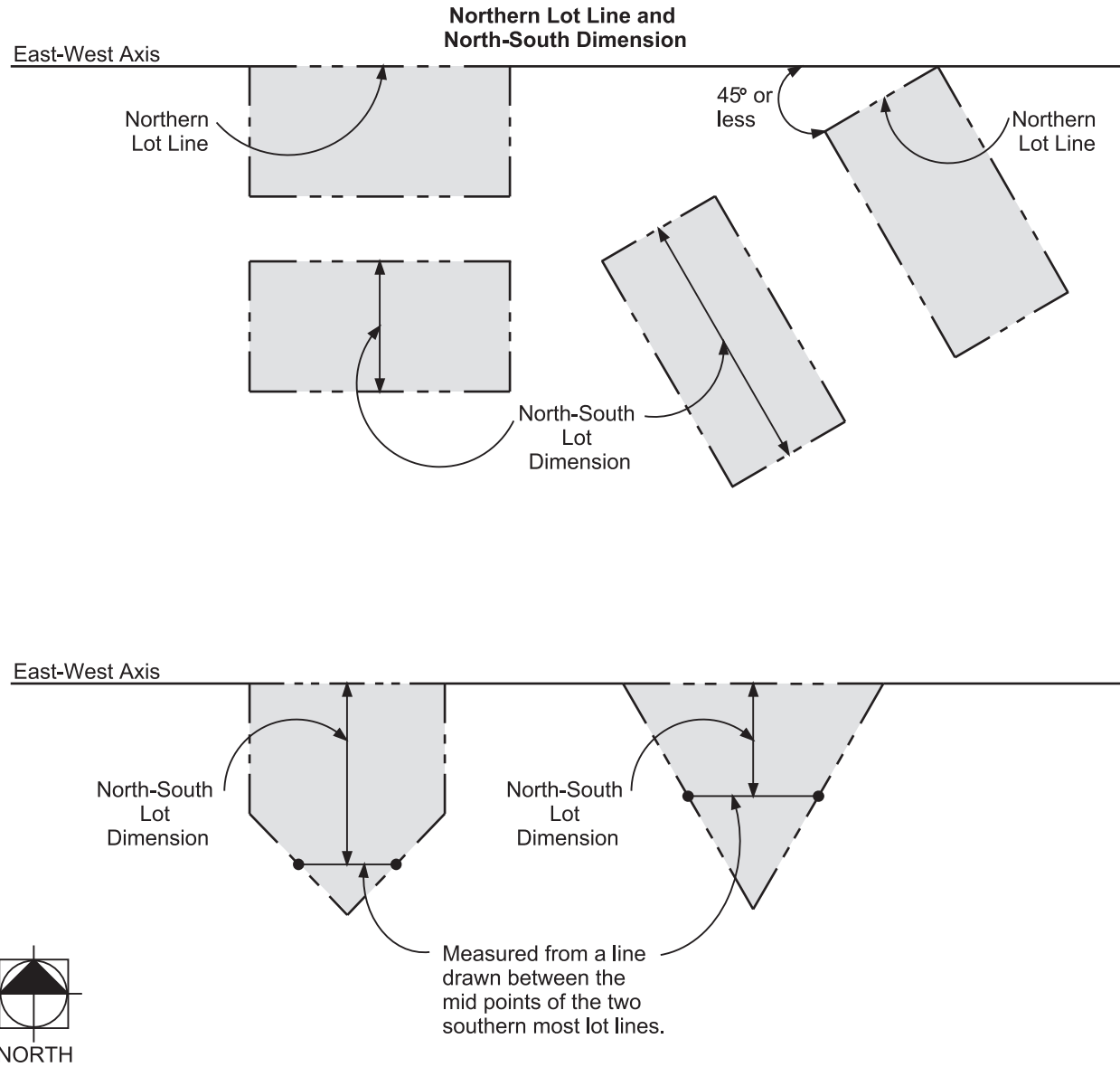
Figure
9.2795**Solar Setback Standards**

EXHIBIT C

Figure
9.2795(2)(a)**R-1 Solar Setback Calculation**

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 82.5$$

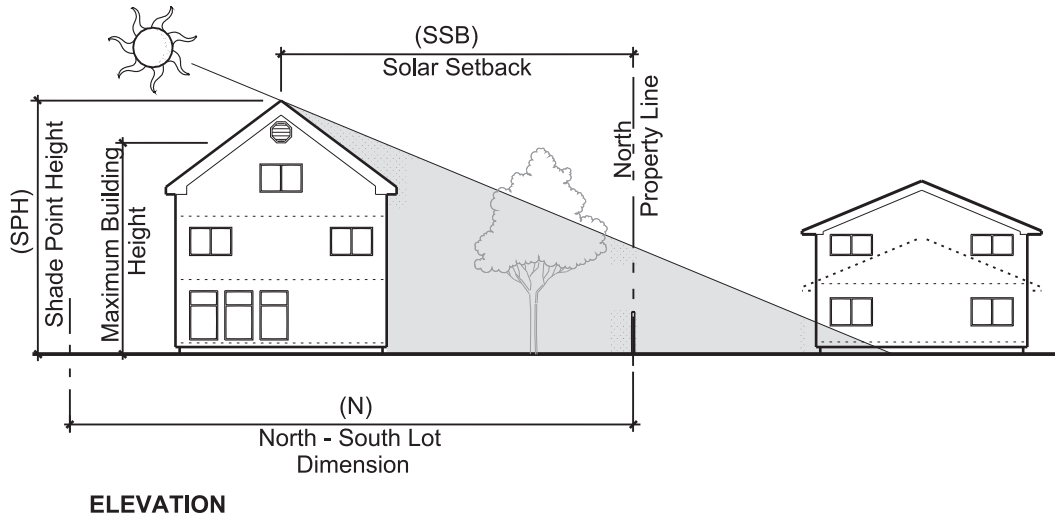
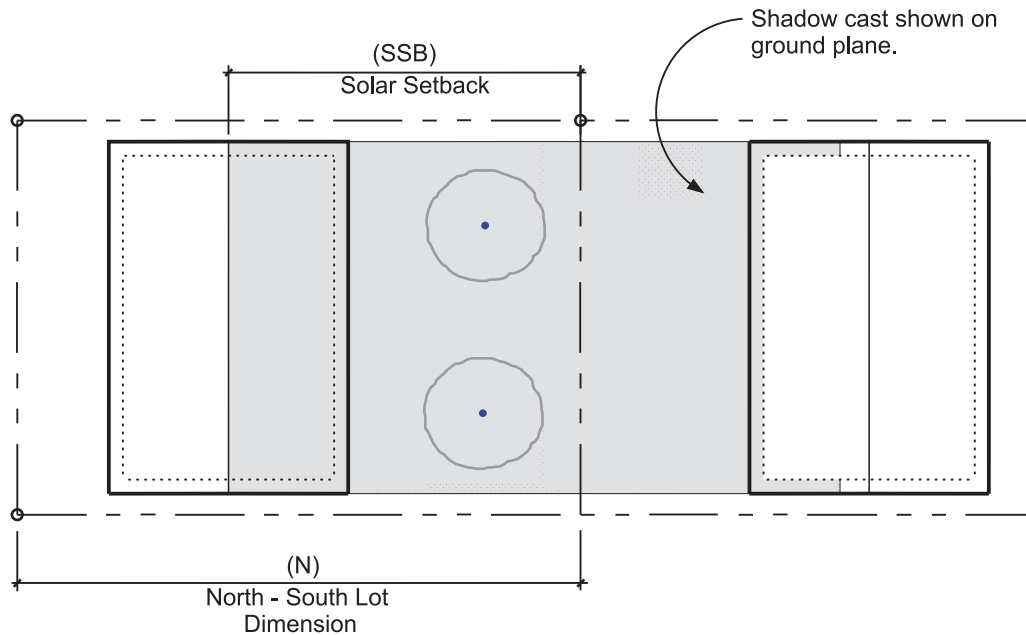
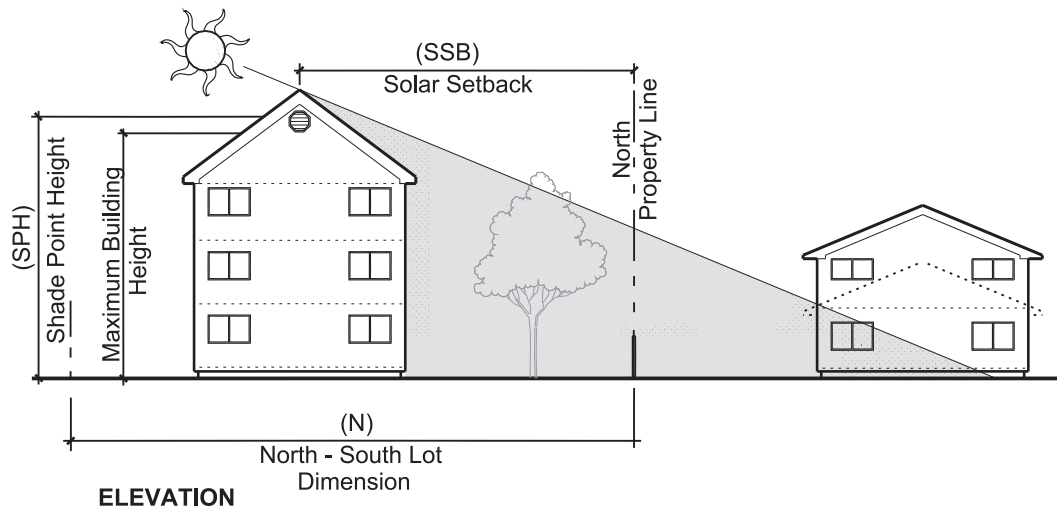
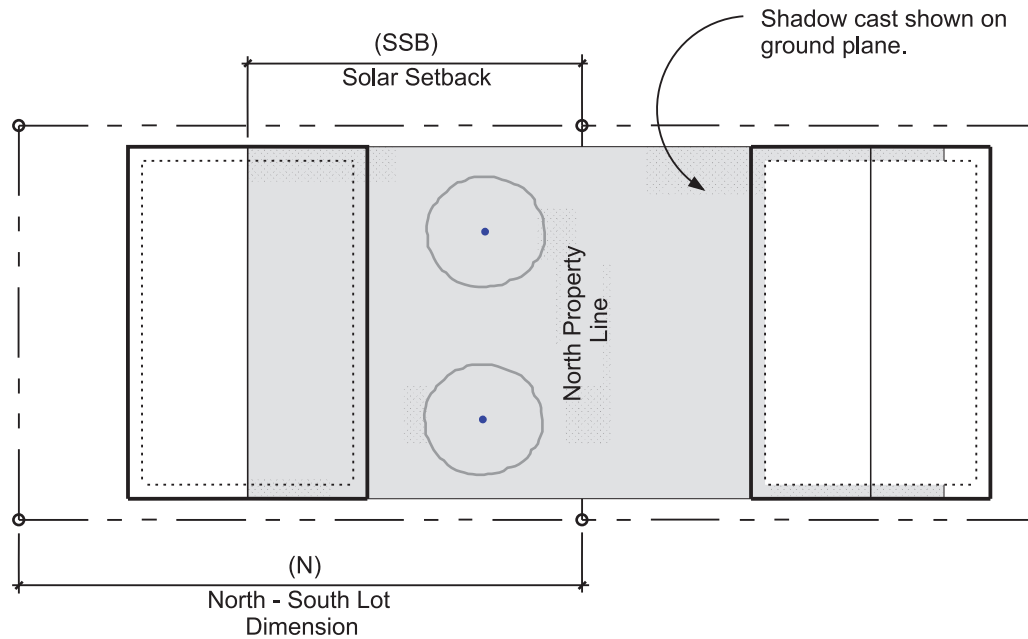


EXHIBIT C

Figure
9.2795(2)(b)**R-2 Solar Setback Calculation**

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 95$$





SOLAR SETBACK STANDARDS

Solar setback standards were created to help preserve the availability of solar energy to dwellings on R-1 and R-2 zoned lots.

Land Use Code Requirements

Eugene Code, Chapter 9, Section 9.2795

When do the solar setback standards apply?

These standards apply to all structures on R-1 and R-2 zoned lots, when the lot is 4,000 square feet or greater and has a minimum north-south lot dimension of 75 feet.

What is the north-south lot dimension?

The north-south lot dimension is the length of a line beginning at the midpoint of the northern lot line and extending perpendicularly until it intersects the southerly lot line. (See page 2)

Are there any exemptions to the standards?

A building is exempt from the standards when any of the following conditions exist:

- The lot on which the building is located has an average slope of 20 percent or more in a direction greater than 45 degrees east or west of true north.
- The building will shade an area that is already shaded by an existing building or structure, a topographic feature, or coniferous trees or broadleaf evergreens that will remain after development of the site.
- The building will shade a non-developable area such as a street or alley.
- The building will shade the wall of an unheated space, such as a garage (not including solar greenhouses or similar structures) or the wall of a non-residential structure.
- The building will shade no more than 20% of a south wall of an existing habitable dwelling. (See page 2)

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

- The owner of a dwelling on the abutting property to the north grants an exemption to the solar setback requirements, on a form provided by the City.

How do I determine the solar setback?

The solar setback of the shade point shall be greater or equal to the following formula:

In R-1 zones:

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 82.5$$

In R-2 zones:

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 95$$

SSB = Solar setback. The solar setback is the shortest horizontal distance from the northern lot line to the shade point of a building.

SPH = Shade point height. The shade point height is the part of the building that cast the longest shadow onto the adjacent northern lot(s) when the sun is at a specific location in the sky.

- If a structure has a roof oriented within 45 degrees of the true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eave of the roof.
- If a structure has a roof oriented within 45 degrees of the true east-west line with a pitch that is 5 feet (vertical) in 12 feet (horizontal) or steeper, the shade point will be the peak of the roof. In this case, reduce this dimension by 3 feet if the shade point is a ridgeline between 45 degrees east or west of true north.
- The height of the shade point is measured from the shade point to lowest grade directly below the shade point.

N = North-south lot dimension. Maximum allowable "N" for purposes of calculating the solar setback shall be 90 feet.

www.eugene-or.gov/bps

Planning & Development

99 W. 10th Avenue, Eugene, OR 97401
P 541.682.5086 * F 541.682.5593

Form LU-250

Updated: September 2017

SOLAR SETBACK STANDARDS

Figure 9.2795

Solar Setback Standards

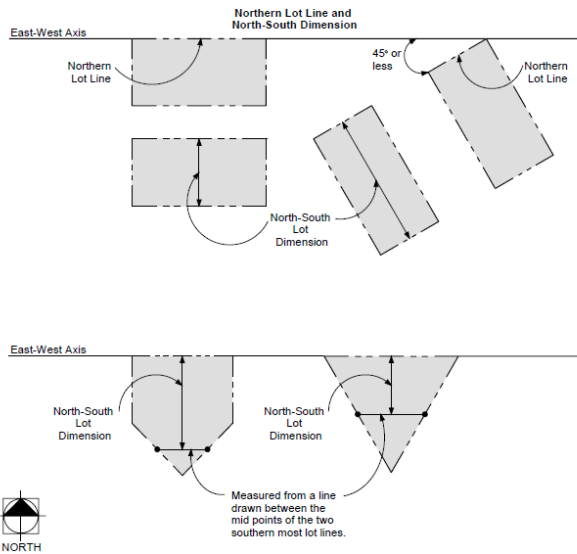


Figure 9.2795(2)(a)

R-1 Solar Setback Calculation

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 82.5$$

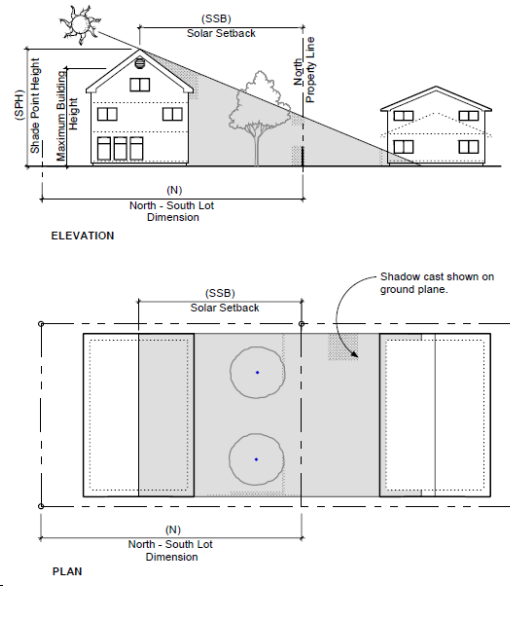


Figure 9.2795(2)

Shade Point Height (SPH) Measurement

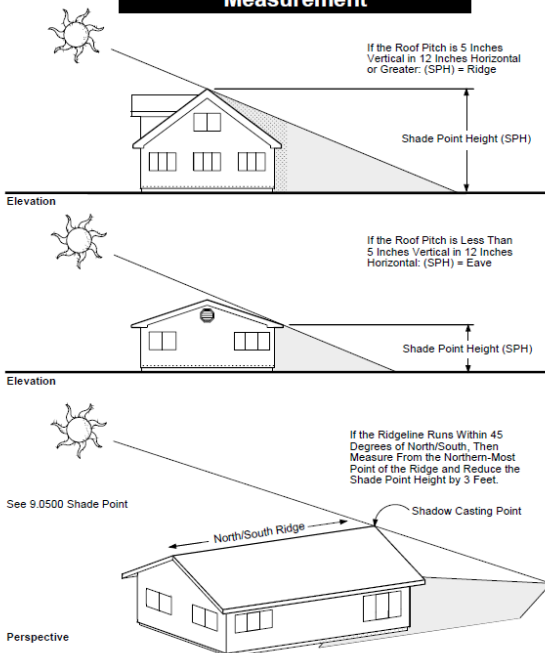
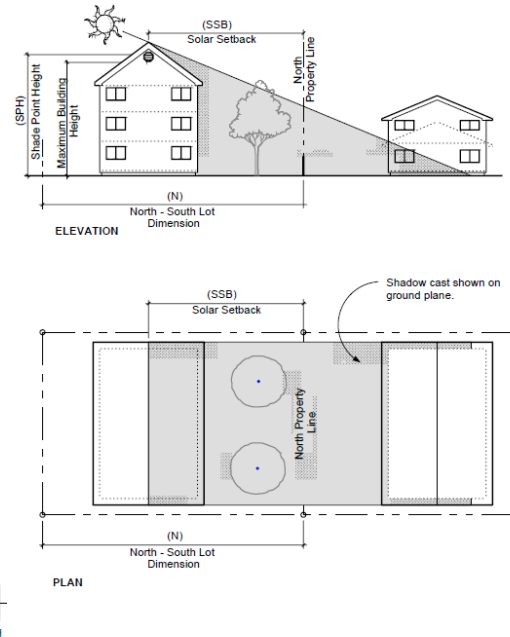


Figure 9.2795(2)(b)

R-2 Solar Setback Calculation

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 95$$



www.eugene-or.gov/bps

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Franklin Boulevard Transformation Project Update

Meeting Date: June 12, 2024
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Rob Inerfeld
Contact Telephone Number: 541-682-5343

ISSUE STATEMENT

The Franklin Boulevard Transformation Project has developed a final design concept for Franklin Boulevard from I-5 to Alder Street, with the goal of creating a safe and comfortable street for people walking, biking, rolling, using public transportation and driving. Construction of Phase 1 is scheduled to take place in 2026 through 2028. This work session is an opportunity to provide an update to City Council and answer questions.

BACKGROUND

The City of Eugene's adopted land use and transportation plans identify Franklin Boulevard as one of six key corridors in Eugene. Key Corridors are streets that have or are planned to have frequent transit service (approximately every 15 minutes or less). Franklin is an especially important corridor because it serves as the spine of the regional Emerald Express (EmX) Bus Rapid Transit System.

The purpose of the project is to:

- Transform Franklin Blvd from an automobile-oriented state highway arterial to a pleasant, safe, comfortable, high quality walking, biking and transit street while providing for motor vehicle traffic.
- Be consistent with adopted land use and transportation plans developed by the City of Eugene, University of Oregon and Lane Transit District (LTD).
- Support increased residential density, changes in urban form and mixed-use development along the corridor.

City staff worked with a team of design, engineering and public involvement consultants to develop a preferred alternative for Franklin Boulevard that supports both the project's purpose and the adopted Walnut Station Specific Area Plan. Initial design concepts were developed with the community over a four-day design workshop in late January 2019. These designs were refined into three corridor alternatives and then brought back to the community in May of 2019 for additional input. The preferred alternative that was created based on public input and technical analysis was presented to the community at an Open House on March 10, 2020.

June 12, 2024 Work Session – Item 2

The Transportation Planning Team collected over 1,000 comments from community members about the Franklin Blvd. design concept during a subsequent recent round of community engagement that took place between August 2022 and March 2023. Over 160 people attended an in-person Community Open House in February 2023. Staff also hosted an online open house, survey, and interactive map on the Franklin Boulevard Engage Eugene webpage.

This most recent engagement effort included various stakeholders such as business owners and property owners, residents, organizations, agencies, and people who walk, bike, drive, and use mobility devices along the corridor. Planners facilitated discussions about the inherent trade-offs of street design elements when including roundabouts and designing for the safety and comfort of all users. The in-person and online open houses included a detailed presentation about each section along Franklin, providing context for the project, current design concepts, and a summary of input received to date. Recent public engagement for Franklin has also included multiple meetings with the Fairmount and Laurel Hill Valley neighborhood associations. Staff have also presented to the Eugene Chamber of Commerce Local Government Affairs Committee and Eugene Rotary Club. A Franklin Boulevard Transformation newsletter was sent out to every address along the corridor and in the entire Fairmount and Laurel Hill Valley neighborhoods.

The Franklin Boulevard Transformation [website](#) has considerable information about the project including the final corridor design concept, a question-and-answer section, video simulation of projected multimodal traffic on the corridor and information about roundabouts. The [Franklin Boulevard Corridor Analysis and Recommendations Report](#) documents the technical design and analysis process that was used to develop the corridor design concept.

The cities of Eugene and Springfield partnered on a successful federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application that will provide \$19 million to Franklin Boulevard projects on both sides of I-5. This grant was the culmination of many years of work through the United Front with regional partners including Springfield and LTD and multiple collaborative grant applications going back to 2010. Approximately \$12 million of the RAISE grant will go towards constructing Phase 1 of Eugene's Franklin Boulevard Transformation Project. Key elements of Phase 1 include roundabouts at the intersections of Franklin with Walnut and 13th/Moss, "double tracking" of the EmX lanes through the corridor and building improved walking and biking facilities both along and across Franklin Boulevard.

The next phase of the project is detailed design engineering of Phase 1 to develop construction plans followed by construction of that phase which is expected to take place from 2026 through 2028.

RELATED CITY POLICIES

The Franklin Boulevard Transformation Project is in alignment and consistent with policy direction contained in the Eugene 2035 Transportation System Plan (TSP), Climate Action Plan 2.0, Walnut Station Specific Area Plan, Vision Zero Action Plan, City of Eugene Strategic Plan, LTD's Long-Range Transit Plan and in Envision Eugene. In particular, Franklin Boulevard is identified as a Key Corridor in Envision Eugene and as a capital project in the TSP.

Eugene 2035 Transportation System Plan

- Goal 1: Create an integrated transportation system that is safe and efficient; supports the Metro Plan's land use diagram, Envision Eugene, A Community Vision for 2032 (2012), the City of Eugene's target for a 50 percent reduction in fossil fuel consumption, and other City land use and economic development goals; reduces reliance on single-occupancy automobiles; and enhances community livability.
- Franklin Boulevard is identified as "Complete Street Upgrades of Existing Streets" project MM-19: "Reconstruct Franklin Boulevard pursuant to the Walnut Station Plan (for purposes of cost estimating a multiway boulevard design from this plan was used); make streetscape improvements including new sidewalks on the south side and a shared use path on the north side between Onyx and Alder Streets."

Envision Eugene

- Key Corridors: Mixed use neighborhoods in the downtown and along Eugene's six key corridors will accommodate much of Eugene's future multifamily housing and new commercial development. These revitalized urban neighborhoods will provide people who live and work in them with easy access to shops, parks, and entertainment by walking, biking, or taking public transit.

Walnut Station Specific Area Plan

The Franklin Boulevard Transformation builds off of the Walnut Station Specific Area Plan. In this vision from the Walnut Station Specific Area Plan, Franklin is transformed by:

Providing the retail services needed by residents of a vibrant neighborhood and an attractive and distinctive travel corridor that facilitates safe and efficient movement by all modes of transportation. Residents and visitors experience a unique and welcoming entrance to the city and the University of Oregon, arriving by bike, bus, car and foot. The multiway boulevard encourages use by pedestrians and shoppers by separating through traffic from local access traffic, increasing safety throughout the corridor and providing a quieter edge as well as parking options on the local access lane. Vibrant, green foliage in well-designed landscaping, pedestrian scale lighting and attractive, human-scaled architecture all blend to create a sense of vitality fused with elements of nature.

Climate Action Plan 2.0

- Action T1: COE to build and complete 261 transportation projects that enhance bicycle, pedestrian and rail facilities in Eugene included in the TSP. "Transportation projects, programs, and policies are an essential piece of the City of Eugene's climate policy and represent 53 percent of Eugene's local emissions. Through implementation of the Transportation System Plan projects that focus on increasing safety, comfort and convenience for people to walk, bike, and take transit more often we can expect to see a decrease in vehicle miles travelled, greenhouse gas emissions, and air toxins."

Vision Zero Action Plan – Strategies

- **Reduce potential for conflict between users.** Decreasing the possibility that street users can come into conflict is the first line of defense against crashes. This means providing separated space for people walking, biking, driving and taking transit along the street.

- **Slow vehicle speeds.** When crashes do occur, they are less serious at slower speeds. Because not all crashes can be avoided, slowing speeds will decrease the severity of injuries and lead to fewer fatalities. Increased speed enforcement and changes to street designs can both help to decrease speeds on Eugene's streets.

City of Eugene 2023 – 2026 Strategic Plan

- Strategic Goal: Advance climate action and community resilience to natural and human caused disasters.
 - High-Impact Action: Decrease transportation-related emissions and make the transportation network diverse and adaptable through continued implementation of the Eugene 2035 Transportation System Plan and related compact development actions in Envision Eugene.

PREVIOUS COUNCIL DIRECTION

[July 12, 2010 Meeting](#)

Councilor Clark, seconded by Councilor Taylor, moved to adopt an ordinance concerning the Walnut Station Mixed-Use Center, included as Ordinance Version A with Exhibits A through I.
Passed 8:0

Councilor Zelenka, seconded by Councilor Ortiz, moved to amend the motion by adding the following new policy as Policy (r) of the Walnut Station Specific Area Plan on page 135 of the council's agenda packet, and to re-letter the existing Policy (r) to Policy (s). Due to the expected increase in residential density and lack of access to existing neighborhood parks, there is a goal of establishing a new neighborhood park for this area. Staff will work with land owners to find a suitable site of appropriate size and configuration for a new neighborhood park on the northside of Franklin Boulevard in the Walnut Station Specific Area Plan.

Passed 8:0

Councilor Zelenka, seconded by Councilor Clark, moved to amend the motion by revising Policy (h) of the Walnut Station Specific Plan on page 134 of the council's agenda packet to add the following sentence to the end of that policy: This report shall be completed by October 30, 2012.

Passed 8:0

Through this ordinance, City Council adopted the Walnut Station Specific Area Plan.

[May 28, 2019 Work Session](#)

Staff provided an introduction to the Franklin Boulevard Transformation project including the project purpose, goals and objectives, and an overview of public involvement and also showed some initial corridor design concepts.

[March 9, 2020 Work Session](#)

Staff presented the Preferred Alternative design concept for Franklin Boulevard and discussed potential project phasing and coordination with Springfield on a federal Better Utilizing Investments to Leverage Development (BUILD) grant.

COUNCIL OPTIONS

Information only.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Rob Inerfeld, Transportation Planning Manager

Telephone: (541) 682-5343

Staff E-Mail: RInerfeld@eugene-or.gov