

**ORDINANCE NO. 20266**

**AN ORDINANCE CONCERNING NODAL DEVELOPMENT;  
AMENDING SECTIONS 9.3000, 9.3020, 9.6000, 9.6725 AND  
9.8320 OF THE EUGENE CODE, 1971; AND PROVIDING AN  
EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 9.3000 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3000**     **Purpose for Creating Special Area Zones.** The S Special Area zone provides procedures and criteria for recognition of areas of the city that possess distinctive buildings or natural features that have significance for the community and require special consideration or implementation of conservation and development measures that can not be achieved through application of the standard base zones. In some cases, an S Special Area Zone is applied to implement a plan for an area identified for nodal development. Application of S Special zone to a lot containing a specific building, structure, object, site or archeological resource that qualifies as an historic landmark will ensure that permitted uses encourage preservation of historic qualities.

**Section 2.** Section 9.3020(1)(a) of the Eugene Code, 1971, is amended to provide as follows:

- 9.3020**     **Criteria for Establishment of an S Special Area Zone.** Before adopting an ordinance establishing a S Special Area Zone, the city council shall find that the proposal is in compliance with following criteria:
- (1)** The area to which the S Special Area Zone is being applied meets at least one of the following criteria:
    - (a)** Is identified in the Metro Plan or a refinement plan as appropriate for nodal development or for a special range of uses or development that can best be achieved with the use of a special area zone; or
    - (b)** Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or rehabilitation. In order to be considered distinctive, it must be demonstrated that:
      - 1.** The area is characterized by buildings that merit preservation in order to protect their special features; or
      - 2.** The area contains natural features that have been identified by the city as worthy of special treatment or preservation.

**Section 3.** Section 9.6000 of the Eugene Code, 1971, is amended to provide:

**9.6000** **Purpose and Applicability.** Unless otherwise provided in sections 9.6000 through 9.6870 of this land use code, those sections describe the general standards that apply to the entire development site at the time of any development. When an area is zoned S Special Area, as indicated on the Eugene Zoning Map, the general development standards set forth in this land use code shall govern, except when they conflict with the special standards applicable specifically in the special area zone. In cases of conflict, the standards specifically applicable in the special area zone shall control.

**Section 4.** Subsections (8)(a) and (8)(b) of Section 9.6725 of the Eugene Code, 1971, are amended to provide:

**9.6725** **Outdoor Lighting Standards.**

- (8) **Creation of Outdoor Lighting Classifications.** To ensure appropriate lighting while minimizing its undesirable side effects, the zones established elsewhere in this land use code are consolidated into lighting zones, as follows:
- (a) **Intrinsically Dark Areas (O-1)** shall consist of land zoned NR Natural Resource or contained within a conservation area/natural resource protection area. These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths or other areas to be used after dark. Where lighting is to be provided the following standards shall apply:
    - 1. Except for pedestrian/bike tunnels, the walkway or pathway shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance of .9 foot-candle.
    - 2. The pedestrian/bike tunnel shall be illuminated to a minimum average maintained luminance of 4.0.
    - 3. Any other lighting fixtures not illuminating walkways, bike paths, or tunnels shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.
  - (b) **Low Ambient Light Areas (O-2)** shall consist of land zoned R-1 Low Density Residential, R-1.5 Rowhouse, R-2 Medium-Density Residential, C-1 Neighborhood Commercial, PL Public Land, or PRO Park, Recreation and Open Space, unless determined to have a high level of nighttime activity as set forth in EC 9.6725(8)(d), and any other zone not specifically listed under EC 9.6725(8)(a), (c), or (d). These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths, parking lots or other areas to be used after dark. Where lighting is to be provided for all areas except parking lots, the following standards shall apply:
    - 1. Walkways or pathways shall be illuminated to a minimum average

- maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance of .9 foot-candle.
2. Pedestrian/bike tunnels shall be illuminated to a minimum average maintained luminance of 4.0.
  3. Any other lighting fixtures not illuminating walkways, bike paths, tunnels, or parking lots shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.
- Parking lot lighting shall comply with standards found at EC 9.6725(9).

**Section 5.** A new Subsection (15) is added to Section 9.8320 of the Eugene Code, 1971, to provide:

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

- (15) If the proposed PUD is located within a special area zone, the applicant shall demonstrate that the proposal is consistent with the purpose(s) of the special area zone.

**Section 6.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 7.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 1976, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date of its acknowledgment as provided by ORS 197.625, whichever is later.


Passed by the City Council this

12<sup>th</sup> day of November, 2002

  
City Recorder

Approved by the Mayor this

12<sup>th</sup> day of November, 2002

  
Mayor

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**ORDINANCE NO. 20267**

AN ORDINANCE ESTABLISHING A CHASE NODE SPECIAL AREA ZONE; AMENDING SECTIONS 9.1030, 9.8030, 9.8865 AND 9.9700 OF THE EUGENE CODE, 1971; ADDING SECTIONS 9.3100 TO 9.3126 TO THAT CODE; AMENDING THE EUGENE ZONING MAP; AMENDING THE EUGENE OVERLAY ZONE MAP; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 9.1030 of the Eugene Code, 1971, is amended by adding the following in alphabetical order to the Table 9.1030 Special Area Zone listing:

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

Table 9.1030 Zones		
Broad Zone Category	Zone	
Special	S-CN	Chase Node Special Area Zone

**Section 2.** The following caption and Sections 9.3100, 9.3105, 9.3110, 9.3115, 9.3116, 9.3120, 9.3125, and 9.3126 are added to the Eugene Code, 1971, to provide:

**S-CN Chase Node Special Area Zone**

**9.3100 Purpose of S-CN Chase Node Special Area Zone.** The special area zone applied to the Chase Node area is intended to implement the Metro Plan and TransPlan by ensuring that:

- (1) The overall street system and internal circulation systems provide a network that encourages walking, bicycling and transit use, reduces vehicle miles traveled, and meets the City's street connectivity standards;
- (2) A coordinated system of striped bicycle lanes, on-street bicycle routes, and off-street bicycle paths shall be developed within this node;
- (3) Multi-family developments retain visual and physical links to adjacent public

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- parks and natural areas and preserve unique natural features found on the site.
- (4) New multi-family developments shall front onto public and private streets with building entrances visible from the street.
  - (5) Setbacks and building designs for multi-family developments shall promote privacy and compatibility with abutting lower intensity residential uses and historic properties.
  - (6) Vehicle parking lots or areas shall not be located between buildings and adjacent public streets identified as pedestrian and transit corridors.
  - (7) Commercial buildings shall be designed so as to stimulate the creation of high-quality pedestrian use areas.
  - (8) Commercial buildings shall be designed with ground floor business entrances fronting on the primary pedestrian-oriented street and with street-facing facades that contain windows.
  - (9) Commercial services are sized and located as a neighborhood center, to be compatible with surrounding residential uses and not unduly draw from a large region outside the nodal development area.
  - (10) The development standards:
    - (a) Improve the quality and appearance of development in the city.
    - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
    - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
    - (d) Increase opportunities for use of alternative modes of transportation.
    - (e) Promote streetscapes that are consistent with the desired character of the various residential and commercial zones.
    - (f) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.

**9.3105 S-CN Chase Node Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be included within the Chase Node area depicted on Map 9.3105 S-CN Chase Node Special Area Zone and Subareas. When a property is rezoned to S-CN, as part of the rezoning process the city shall identify the subarea designation applicable to the property. Within the S-CN Chase Node Special Area Zone, the 5 subareas are:

- (1) S-CN/C (commercial);
- (2) S-CN/HDR/MU (high density residential mixed use);
- (3) S-CN/HDR (high density residential);
- (4) S-CNPL (public land); and
- (5) S-CNPRO (park, recreation and open space).

The applicable subarea shall be that shown on Map 9.3105 unless a different subarea designation is found to be consistent with EC 9.3100 Purpose of S-CN Chase Node Special Area Zone.

**9.3110 S-CN/PL Chase Node Public Land Subarea and S-CN/PRO Chase Node Park Recreation and Open Space Subarea Regulations.** Land use and development within the S-CN/PL subarea shall be governed by the code sections applicable in the PL Public Land Zone. Land use and development within the S-CN/PRO subarea shall be governed by the code sections applicable in the PRO Park, Recreation and Open Space Zone.

**9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements.** The following Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements identifies those uses in the S-CN zone that are:

- (P) Permitted, subject to zone verification;
- (C) Subject to an approved conditional use permit;
- (S) Permitted subject to zone verification;
- (#) The numbers in ( ) in the table are uses that have special use limitations described in EC 9.3116.

Examples of uses in Table 9.3115 are for informational purposes and not exclusive. Table 9.3115 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements			
Land Use Type	C	HDR/MD	HDR
<b>Accessory Uses</b>			
Accessory Uses: An example includes storage and distribution incidental to the primary use of the site. Parking areas that are necessary to a primary use on the same development site shall comply with EC 9.2161(5).	P	P	P
<b>Agricultural Resource Production and Extraction</b>			
Horticultural Use: Examples include field crops, orchards, berries, and nursery or flower stock.		P	P
<b>Eating and Drinking Establishments</b>			
Bar and Tavern	P(6)	C(1)	
Delicatessen	P(6)	C(1)	
Restaurant	P(6)	C(1)	
Specialty Food and Beverage: Examples include a bagel, candy, coffee, donut or ice cream store. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(6)	C(1)	

Land Use Type	C	HDR/IC	HDR
<b>Education, Cultural, Religious, Social and Entertainment</b>			
Artist Gallery/Studio	P(6)	C(1)	
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P(6)	C(1)	
Church, Synagogue, and Temple, including associated residential structures for religious personnel	C(2)	C(2)	C(2)
Club and Lodge of State or National Organization	P	C(1)	
Community and Neighborhood Center	P	P	P
Library	P	P	
Museum	C		
School, Business or Specialized Educational Training (excludes driving instruction)	P	C(1)	
School, Driving (including use of motor vehicles)	P		
School, Elementary through High School	C	C	C
<b>Entertainment and Recreation</b>			
Amusement Center (Arcade, pool tables, etc.)	P(6)	C(1)	
Arena, Indoor	C	C	
Athletic Facility and Sports Club	P(6)	C	
Bowling Alley	C(6)		
Golf Course, Miniature Indoor	C(6)		
Park and Playground (refer to park, Recreation, and Open Space zone for examples of activities within this use)	P	P	P
Theater, Live Entertainment	C	C(1)	
Theater, Motion Picture	P(7)		
<b>Financial Services</b>			
Automated Teller Machine (ATM)	P	C(1)	
Bank, Savings and Loan Office, Credit Union	P(6)	C(1)	
<b>Government</b>			
Government Services not specifically listed in this or any other uses and permit requirements table. An example could include a fire station.	P	P	P
<b>Information Technology Services</b>			

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Land Use Type	C	HDR/MC	HDR
Computer Networking (includes services and technical support center)	P(6)	C(6)	
E-commerce (includes on-site shipping via truck)	P(6)	C(6)	
E-commerce (excludes on-site shipping via truck)	P(6)	C(6)	
Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)	P(6)	C(6)	
Internet and Web Site (includes services and technical support center)	P(6)	C(6)	
Software Development (includes services and technical support center)	P(6)	C(6)	
Logging			
Bed and Breakfast Facility (See EC 9:5100)		C	C
Homeless Shelter not in existence as of January 1, 1984	C		
Manufacturing			
<p>Manufacturing is permitted if following standards are met:</p> <ul style="list-style-type: none"> <li>* No external air emissions requiring a permit from an air quality public agency.</li> <li>* All industrial activity completely enclosed within building.</li> <li>* Industrial uses limited to apparel, food and beverage, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in S-CN/C.</li> <li>* Each individual business is limited to 5,000 square feet of area exclusive of parking area.</li> </ul>	P		
Recycling, reverse vending machine	P	P	S
Recycling, small collection facility (See EC 9:5650)	S	S	S
Medical and Health Services			
Blood Bank	P		
Clinic, or other Medical Health Treatment Facility (including mental health)	P	C(1)	
Drug Treatment Clinic - Non-residential	P(6)		
Laboratory, medical, dental, X-ray	P(6)		
Meal Service, Non-Profit	P(6)	C(2)	
Nursing Home		P	P
Plasma Center, must be at least 800 feet between Plasma Centers	P(6)		
Residential Treatment Center	P	P	P
Motor Vehicle Related Uses			

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Land Use Type	C	HDR/VR	HDR
Transit, Neighborhood Improvement	P	P	P
Transit Park and Ride, Minor (See EC 9.3130(D)(3))	C	C	
Transit Station, Major	C	C	C
Transit Station, Minor	P	P	P
Office Use			
Administrative, General and Professional Office	P(6)	P(1)	
Scientific and Educational Research Center, includes laboratory	P(6)	P(1)	
Personal Services			
Barber, Beauty, Nail, Tanning Shop	P(6)	P(1)	
Day Care Facility, not associated with a residence	P(6)	P(1)	P(1)
Dry Cleaner	P(6)	P(1)	
Film Drop-off/Pick-Up	P(6)	P(1)	
Locksmith Shop	P(6)	P(1)	
Laundromat, Self-Service	P(6)	P(1)	
Mailing and Package Service	P(6)	P(1)	
Shoe Repair Shop	P(6)	P(1)	
Tailor Shop	P(6)	P(1)	
Residential			
Dwellings (All dwellings shall meet minimum and maximum density requirements for development within the Chase Gardens Plan area.)			
One Family Dwelling per lot (includes zero lot line dwellings)		P	P
Controlled Income and Rent Housing where density is above that normally required in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple family standards in EC 9.5500)		S	S
Rowhouse (One family on own lot attached to adjacent residences on separate lot)	P(3)(4)	P(3)(4)	P(3)(4)
Duplex (Two family attached on the same lot)		P	P
Tri-plex (Three family attached on the same lot) (See EC 9.5500)		P	P

Land Use Type	C	HDR/MU	HDR
Four-plex (Four-family attached on the same lot) (See EC 9:5500)		S	S
Multiple Family (3 or more dwellings on the same lot) (See 9:5500)	S	S	S
Manufactured Home Park (See 9:5400)			P(S)
Assisted Living & Day Care (Residences Providing Special Services, Treatment or Supervision)			
Assisted Living (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)		P	P
Assisted Living (6 or more people living in facility)		C	C
Day Care (3 to 12 people served) (See EC 9:5200)	S	S	S
Day Care (13 or more people served)	C	C	C
Boarding and Rooming House		P	P
Campus Living Organization, including Fraternities and Sororities		P	P
Single Room Occupancy (SRO)	C	P	P
University and College Dormitories		P	P
Trade (Retail and Wholesale)			
Appliance Sales/Service	P(6)		
Bicycle Rental/Sales/Service	P(6)	P(1)	
Book Store	P(6)	P(1)	
Computer Store	P(6)	P(1)	
Convenience Store	P(6)	P(1)	
Drug Store (excluding Drug Treatment Centers)	P(6)	P(1)	
Electrical Appliance and Supplies	P(6)	P(1)	
Fabric Store	P(6)	P(1)	
Floor Covering Store	P(6)	P(1)	
Furniture and Home Furnishing Store	P(6)		
Garden Supply/Nursery	P(6)	P(1)	
General Merchandise, includes supermarket and department store	P(6)	P(1)	

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Land Use Type	C	EDR/4/10	EDR/1K
Hardware/Home Improvement Store	P(6)		
Healthcare Equipment and Supplies	P(6)	P(1)	
Liquor Store	P(6)	P(1)	
Office Equipment and Supplies	P(6)	P(1)	
Plumbing Supplies	P(6)	P(1)	
Retail Trade when secondary, directly related, and limited to products manufactured, repaired or assembled on the development site	P(6)	P(1)	
Storage Facility, Household/Consumer Goods, enclosed		C	
Specialty Store (an example includes a gift store)	P(6)	P(1)	
Toy and Hobby Store	P(6)	P(1)	
Video Store	P(6)	P(1)	
Utilities and Communication			
Amateur Radio Antennae Structure (See EC 9.5030)	S	S	S
Broadcasting Studio, Commercial and Public Education	S	S	S
Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact	P	P	P
Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a type II procedure that shows low visual impact	P	P	P
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building	P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S	S	S
Water Reservoir, elevated above ground level	P	P	P
Other Commercial Services			
Building Maintenance Service	P(6)	P(1)	
Catering Service	P(6)	P(1)	
Collection Center, Collection of Used Goods (See EC 9.5150)	S(6)		
Home Occupation (See EC 9.5350)	S	S	S
Photographer's Studio	P(6)	P(1)	

Land Use Type	C	HDR/ME	HDR
Picture Framing and Glazing	P(6)	P(1)	
Printing, Blueprinting, and Duplicating	P(6)	P(3)	
Publishing Service	P(6)	P(1)	
Temporary Activity (See EC 9-3800)	S	S	
Upholstery Shop	P(6)	P(1)	
Veterinary Service	C(6)		

**9.3116 Special Use Limitation for Table 9.3115**

**(1) Non-Residential Development Within S-CN/HDR/ME Zone**

For development sites in areas abutting Garden Way, non-residential uses are conditionally permitted on the ground floor if all of the following standards are met:

- (a) The primary entrance shall be oriented towards Garden Way.
- (b) Each non-residential use shall be limited to a total of 2,500 square feet of floor area.
- (c) Maximum front yard setback shall be no greater than 20 feet.
- (d) For new and completely rebuilt buildings, no off-street parking shall be located between the front facade of any building and Garden Way.
- (e) In new developments, and developments with completely rebuilt buildings, 60% of the site frontage abutting Garden Way shall be occupied by a building within the maximum setback or by an enhanced pedestrian space. No more than 20% of the 60% may be an enhanced pedestrian space.
- (f) Building Entrances:
  1. All building sides that face an adjacent public street shall feature at least one customer entrance.
  2. Building sides facing two public streets may feature one entrance at the corner.
- (g) Ground floor walls shall contain windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows shall have sills at 30 inches or less above grade.
- (h) Except as provided for rowhouses, minimum residential density of 20 units per net acre shall still be met.

**(2) Churches, Synagogues and Temples** These uses will be allowed only with a CUP and subject to the following standards:

- (a) Primary and accessory structures associated with the religious use are limited in size, at the ground floor, to no more than 10,000 square feet.
- (b) Minimum requirements for on-site parking are reduced to 1 parking space

per 300 square feet of floor area.

- (3) **Rowhouses.** Rowhouses are not required to comply with the density requirements for other types of residential development. Rowhouses shall comply with the following:
  - (a) **Maximum Building Size.** Eight rowhouses in a building, no more than 180 feet in total width.
  - (b) **Minimum Interior or Rear Open Space Required.** 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.
  - (c) **Access.** Vehicular access and garages must be provided from an alley located to the rear of the rowhouses, not from the primary street.
- (4) **Alley.** Required for vehicular access and parking, no motor vehicle access in front of lot.
- (5) **Manufactured Home Park.** The number of spaces designed for manufactured homes in the park shall comply with minimum residential density standards for the Chase Gardens Node.
- (6) **Business Size Limits in S-CN/C.** Except as provided herein, no single retail store, single retail tenant, or number of retail tenants sharing a common space shall occupy more than 20,000 square feet of building area within the same building. Notwithstanding this general rule, within the S-CN Special Area Zone, a store may occupy up to 50,000 square feet of building area in a single building if that store's primary use of building area is for grocery sales. The limitations of this subsection do not apply to offices or other non-retail uses, which may occupy more than 50,000 square feet of building area.
- (7) **Motion Picture Theater.** A motion picture theater must be a single screen or an accessory to other uses, such as a restaurant, live theater, or for private use.
- (8) **Information Technology Services and E-Commerce.** May not have more than 15 employees and customers on-site at any one time.
- (9) **Adjustment.** An adjustment may be made to the special use limitations in this section if consistent with the criteria in EC 9.8030(16).

**9.3120 Prohibited Uses in the S-CN Chase Node Special Area Zone.** The following uses are specifically prohibited in the S-CN Chase Node Special Area Zone:

- (1) **Motor Vehicle Related Uses:**
  - (a) Car washes.
  - (b) Parts stores.
  - (c) Recreational vehicle and heavy truck, sales/rental/service.
  - (d) Motor vehicle and motorcycle sales/rental/service.
  - (e) Service stations, includes quick servicing and automobile repair.
  - (f) Tires, sales/service.
  - (g) Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
  - (h) Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.

- (f) Drive-through facilities.
- (2) Trade (Retail and Wholesale):
  - (a) Agricultural machinery rental/sales/service.
  - (b) Boats and watercraft sales and service.
  - (c) Equipment, heavy, rental/sales/service.
  - (d) Manufactured dwelling sales/service/repair.
- (3) Prohibition Not Exclusive. The prohibited uses listed in subsections (1) and (2) of this section are not intended to be exclusive and other uses may be prohibited.

**9.3125 S-CN Chase Node Special Area Zone Development Standards.**

- (1) (a) Application of Standards. In addition to the special use limitations in EC 9.3116 and the development standards in EC 9.3125 to 9.3126, the General Standards for All Development in section 9.6000 through 9.6885 apply within this zone. In the event of a conflict between those general development standards and the development standards in EC 9.3125 to 9.3126, the specific provisions of EC 9.3125 to 9.3126 shall control.
- (b) Adjustment. The development standards in subsections (2) and (3) of this section may be adjusted in accordance with EC 9.8030(16).
- (2) Standards Applicable in C, HDR/MU and EDR Subareas.
  - (a) Transportation System.
    - 1. Street Network. The location of streets shall conform to Map 9.3125(2)(a)1, S-CN Chase Node Special Area Zone Street Network.
    - 2. Access from Alleys.
      - a. If the site is served by an alley, an access for motor vehicles must be provided from the alley.
      - b. In cases where residential lots front on arterial or collector streets or on neighborhood parks, alley or local street access shall be provided.
  - (b) Streetscapes.
    - 1. Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedures, and rules issued thereunder.
    - 2. Structured Parking. Structured parking that abuts a street shall have at least 50 percent of the ground floor street frontage developed for office, retail, residential, or other pedestrian-oriented uses. This standard does not apply to parking facilities that are totally underground.
    - 3. On-Street Parking Allowance. On-street parking spaces that directly abut a development site can be used by the development on the site to satisfy a portion of the off-street parking requirements. If two properties abut a space, both properties may count the space toward their respective requirements. If on-street spaces are not marked, the



number of spaces shall be determined by measuring the curb frontage in feet and dividing by 20 feet. The curb frontage shall exclude driveways and areas where parking is not permitted.

4. Trash Pickup. Trash receptacles shall be served from the alley for all sites that abut an alley.

(c) Building Appearance

1. Exterior walls. Building facades shall be of low maintenance, weather resistant, abrasion resistant building materials such as: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, vertical board & batten siding, articulated architectural concrete masonry units (CMU), brick, textured concrete, stucco, synthetic stucco (EIFS), and textured concrete block. Nondurable building materials such as: plain concrete, plain concrete block, corrugated metal, and unarticulated board siding (e.g. T1-11 siding, plywood, sheet pressboard) are prohibited.

- (d) Outdoor Lighting. Outdoor lighting shall comply with the Medium Ambient Light Standards in EC 9.6725.

- (e) Improvements Between Buildings and Streets. The land between a building or exterior improvement and a street must be landscaped and/or paved with a hard surface for use by pedestrians. If hard surfacing is provided, the area must contain pedestrian amenities such as seating areas, drinking fountains, and/or other design elements (such as public art, planters, and kiosks). The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this requirement. (See Figure 9.4530(8) Improvements Between Buildings and Streets in TID Areas.)

(3) Development Standards Applicable in Specific Subareas of the S-CN Zone.

- (a) Parking Between Buildings and the Street in S-CN/C Subareas.

Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and Garden Way or Marche Chase Drive.

- (b) Roof Pitch in S-CN/HDR/MU Subareas. Residential buildings located directly east of properties listed on the National Registry of Historic Places and located within 50 feet of Garden Way must have gable, hip, or gambrel roof form appearance. For these properties, the minimum roof pitch is 7 inches of vertical rise for each 12 inches of horizontal width.

- (c) Large Multi-Tenant Commercial Facilities in S-CN/C Subareas.

1. Shopping Street. Site plans submitted for large multi-tenant commercial facilities (see EC 9.2173) shall recognize Garden Way as the primary shopping street. At least two drives (public or private) shall be shown making a connection between Garden Way and Marche Chase Drive.

- (d) Building Facades and Ground Floor Windows in S-CN/C Subareas. The

following standards apply to stand-alone commercial buildings and to mixed-use buildings with ground-floor commercial uses:

1. Except for building walls that face an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to a height at least 3 feet above the sill with no other limits on the height of the window. The windows on any walls that require windows shall occupy at least 60 percent of the length of the ground floor wall area. On corner lots, this provision applies to both street frontage elevations. The transparency is measured in lineal fashion (e.g., a 100 foot wide building facade shall have a total of at least 60 lineal feet of windows). This standard shall not apply to parking structures. The bottom of required windows shall be no more than 4 feet above the finished grade at the front building facade.
2. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.
3. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least 1 of the following:
  - a. Recesses, including entrances, of a minimum depth of 3 feet.
  - b. Extensions, including entrances, at a minimum depth of 3 feet.
  - c. Offsets or breaks in roof elevation of at least 3 feet in height.

(e) Residences Area Along Garden Way in S-CN/C Subarea. If residences are constructed on land abutting Garden Way, the development must meet the minimum residential density requirement in Table 9.3125(3)(g).

(f) Garden Way and Marche Chase Drive Development Standards in S-CN/C Subareas. The following development standards apply to commercial buildings adjacent to Garden Way and Marche Chase Drive:

1. Building Orientation.
  - (a) Buildings fronting on Garden Way or Marche Chase Drive must provide a main entrance on the facade of the building that is within the 15 foot maximum street setback facing the street. A main entrance is the principal entry through which people enter the building. Each commercial tenant, unless an accessory to the primary tenant, shall provide access through individual storefronts facing the street.
  - (b) Buildings having frontage on more than one street may provide at least one main entrance oriented to the corner where two streets intersect, in lieu of 2 entrances, one facing each street.
2. Parking Between Buildings and the Street. Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and Garden Way or Marche Chase Drive.
3. All structures along Garden Way and Marche Chase Drive shall comply with EC 9.2173, Commercial Zone Development Standards.



### Large Commercial Facilities

- (g) The following Table 9.3125(3)(g) sets forth standards for specific subareas of the S-CN Zone, subject to the special development standards in EC 9.3126 Special Development Standards for Table 9.3125(3)(g).

Table 9.3125(3)(g) S-CN Zone (Central) Subarea Special Zone Development Standards (Subject to EC 9.3126 Special Development Standards for Table 9.3125(3)(g))			
	C	HIDRAME	HIDC
Minimum Net Density per Acre (1)	20 units/acre if all residential in a single building	20 units (2)(b)	20 units (2)(a)
Maximum Net Density per Acre	112	112	112
Minimum Building Height	At least 2 functional floors if located along Garden Way		
Maximum Building Height (3)			
Main Building	50' commercial, 120' residential or residential above commercial	120' except (3); 35' or 2 stories within 50' of Garden Way	120'
Accessory Building - Includes Secondary Dwellings Detached from Main Building		30'	30'
Minimum Yard Setbacks			
Front Yard Setback - residential		10'	10'
Front Yard Setback - Garage and Carport		18'	18'
Front Yard Setback - Commercial	0'		
Front Yard Setback - Mixed Use	0'	0'	
Interior Yard Setback - Buildings fronting on Garden Way or Marche Chase Drive	0'	5' or minimum 10' between buildings	5' or minimum 10' between buildings
Interior Yard Setback - Detached Buildings	0 to 10' (See EC 9.2171(6))	5' or minimum 10' between buildings	5' or minimum 10' between buildings
Front Yard Setback - Mixed Use Building with Ground Floor Commercial	0'	10'	
Maximum Front Yard Setback			
Commercial and/or Mixed Use Building fronting on Garden Way or Marche Chase Drive	15' (4)		

Table 9.3125(c) S-C-N Chase Garden Node Special Zone Development Standards (See EC 9.217 & Special Development Standards for Table 9.3125(c)(1))			
	C	HDR/MU	HDR
Residential Buildings with more than 100' of street frontage		60% of the building width must be placed within 10' of the minimum front yard setback	60% of the building width must be placed within 10' of the minimum front yard setback
Residential Building with less than 100' of street frontage		40% of the building width must be placed within 10' of the minimum front yard setback	40% of the building width must be placed within 10' of the minimum front yard setback
Building not fronting on Garden Way or Marche Chase Drive	0' (4)	40% of the building width must be placed within 10' of the minimum front yard setback	40% of the building width must be placed within 10' of the minimum front yard setback
<b>Maximum Lot Coverage</b>			
All Lots, Excluding Rowhouse Lots and Cottage Residential Lots		50% of lot	50% of lot
Rowhouse and Cottage Residential Lots		75% of lot	75% of lot
<b>Height - Minimum Height</b>			
Front Yard	(See EC 9.2171(9))	42 inches (See EC 9.2751(13))	42 inches (See EC 9.2751(13))
Interior Yard	(See EC 9.2171(9))	6' (See EC 9.2751(13))	6' (See EC 9.2751(13))

**9.3126 Special Development Standards for Table 9.3125(3)(g).**

- (1) **Adjustment.** Except for minimum net density requirements, an adjustment may be made to the development standards in this section in accordance with EC 9.8030(16).
- (2) **Minimum Density.**
  - (a) **HDR Subarea.** Applies to new residential development except rowhouses.
  - (b) **HDR/MU Subarea.** Applies to new development except rowhouses.
- (3) **Special Residential Height Limitations.** Applies to all buildings within 50 feet of the Garden Way right-of-way that are directly facing properties listed on the National Registry of Historic Places.
- (4) **Building Setbacks.** There is no minimum building setback. Where the site is

adjacent to more than one street, a building is required to meet the maximum setback standard only on Garden Way or Marche Chase Drive.

Section 3. Section 9.8030 of the Eugene Code, 1971, is amended by adding a new Subsection (16) thereto, to provide:

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

(16) S-CN Chase Node Special Area Zone Standards Adjustment. A standard applicable within the S-CN Chase Node Special Area Zone Subarea C, HDR/MU or HDR may be adjusted upon a finding that the proposed adjustment:

- (a) Is consistent with the purposes of the S-CN Chase Node Special Area Zone as set forth at EC 9.3100; and
- (b) Meets the applicable adjustment criteria in another subsection of EC 9.8030, if any.

If there is no EC 9.8030 subsection that pertains to the type of standard being considered, adjustment may be permitted based solely on compliance with EC 9.8030(16)(a).

Section 4. Section 9.8865 of the Eugene Code, 1971, is amended by adding in numerical order by code provision, a new Subparagraph to Subsection (4), and relettering the subparagraphs that follow, to provide:

9.8865. Zone Change Approval Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

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

- (g) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements;
- (h) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements;
- (i) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements;
- (j) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements;
- (k) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements;
- (l) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements;

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(m) EC 94815 /WB Wetland Buffer Overlay Zone Siting Requirements

Section 5, Subsection (12) of Section 9.9700 of the Eugene Code, 1971, is amended to provide:

9.9700 Willakenzie Area Plan Policies.

(12) Land Use Element - South Region, Chase Gardens Subarea.

- (a) The City shall not require development of historic properties, but shall allow for eventual development of these sites as high density residential, with limited commercial opportunities, at the owners' discretion. Rezoning to Historic District is encouraged as an alternative to the standard high density residential/mixed use zone. (Policy 1)
- (b) New development abutting historic properties shall provide an effective transition between urban and rural uses, recognizing the high density nature of the new development. New buildings facing the historic ensemble from across Garden Way should emulate the architectural forms and materials of the historic residences. (Policy 2)
- (c) The City shall recognize Garden Way north of Centennial Boulevard as appropriate for a neighborhood-oriented commercial center. Commercial land uses shall be sized to allow a full range of retail and commercial services for area residents, as well as offices and employment opportunities, but not encourage significant travel from outside the area. (Policy 3)
- (d) Development within this area shall provide street and pedestrian connections to facilitate movement between residences and the commercial center, but arranged in such a way that cut-through traffic from outside the node is not encouraged. (Policy 6)
- (e) Zoning shall reflect the area's planned park site and existing government uses (e.g., EWEB substation). In the event public use of either of these sites is discontinued, the preferred replacement use is high density residential. (Policy 7)
- (f) Development adjacent to I-5 or I-105 shall be designed to reduce noise to Uniform Building Code standards and visual impacts of the automobiles with sound buffering walls, building design, earth form, vegetation, or setbacks. (Policy 8)
- (g) A pedestrian or bike path should be developed between Kinsrow and Garden Way using the narrow property that extends through the Historic Ensemble. In the long term, if the adjacent historic properties develop, this access way should be expanded into a local street connection between Kinsrow and Garden Way, if possible. (Policy 9)
- (h) Development shall be sensitive to the area's natural features, such as

mature trees, windrows, remnant orchards, and the Q Street Channel.  
(Policy 10)

- (i) Upon annexation and prior to land division or development, properties located along or east of Garden Way shall rezone to S-CN Chase Node Special Area Zone. (Policy 11)

Section 6. Maps 9.3105 and 9.3125(2)(a)1, referenced in this Ordinance are attached hereto, to be numerically incorporated in Chapter 9 of the Eugene Code, 1971.

Section 7. The Legislative Findings set forth in the attached Exhibit A serve as support for this ordinance, but are not adopted.

Section 8. The Eugene Zoning Map is amended to remove the existing zones from the properties identified on Exhibit B attached hereto and to replace those zones with the S-CN Chase Node Special Area Zone. The Eugene Overlay Zone Map is amended to remove the /SR overlay zone from 3 properties and to remove the /PD overlay zone from 2 properties as reflected on Exhibit B.

Section 9. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 10. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 1976, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date of its acknowledgment as provided by ORS 197.625, whichever is later.

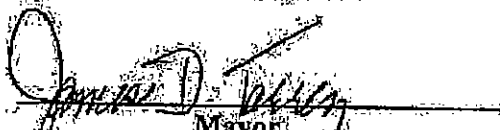
Passed by the City Council this

12<sup>th</sup> day of November, 2002

  
Kathleen Ireland  
City Recorder

Approved by the Mayor this

12<sup>th</sup> day of November, 2002

  
Mayor

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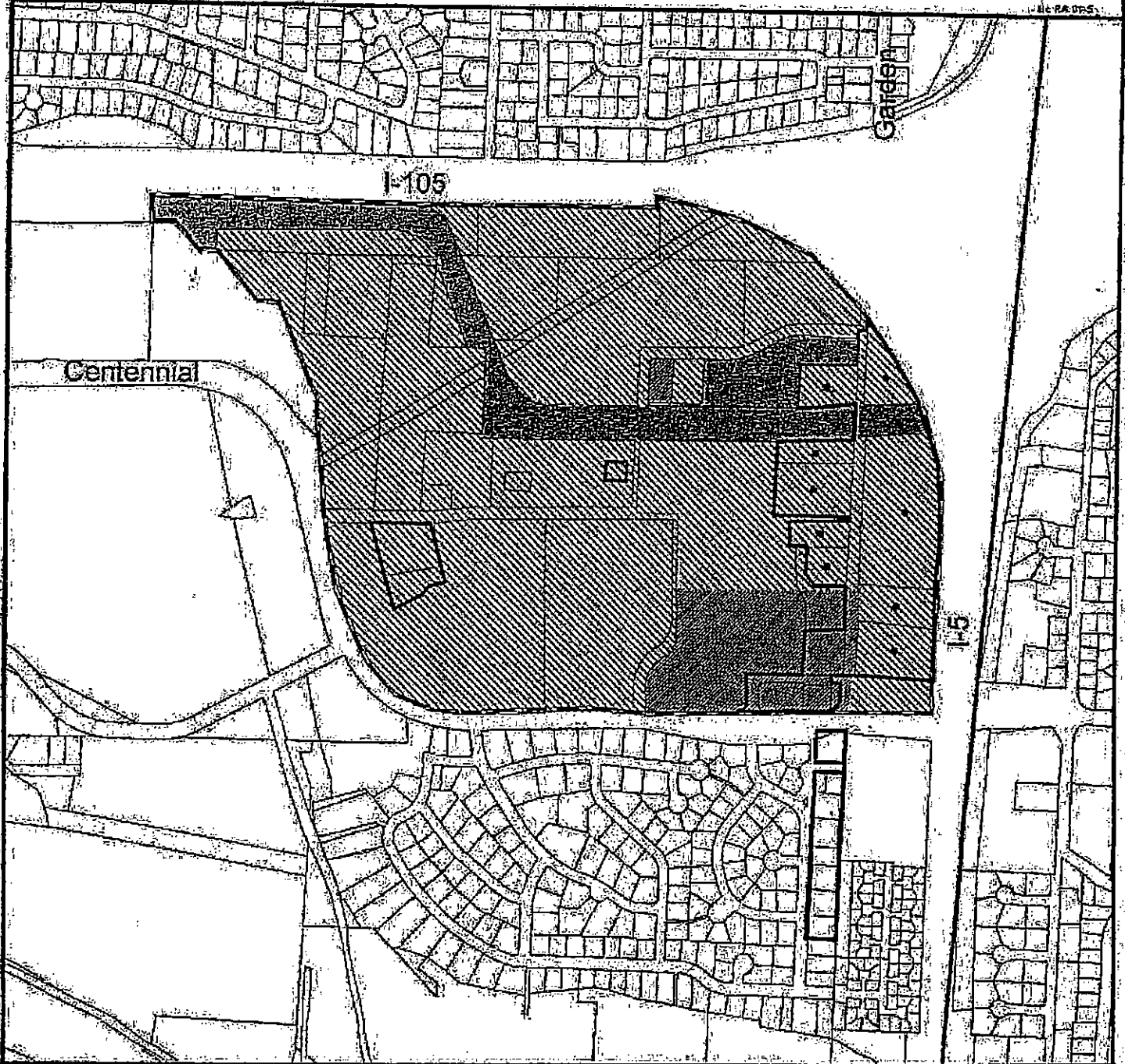
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# Map 9.3105 S-CN

## Chase Node Special Area Zone and Subareas



11-28-05



- Eugene City Limits
- Chase Node
- Parks & Open Space
- Low Density Residential
- Commercial
- High Density Residential
- Mixed Use Subarea

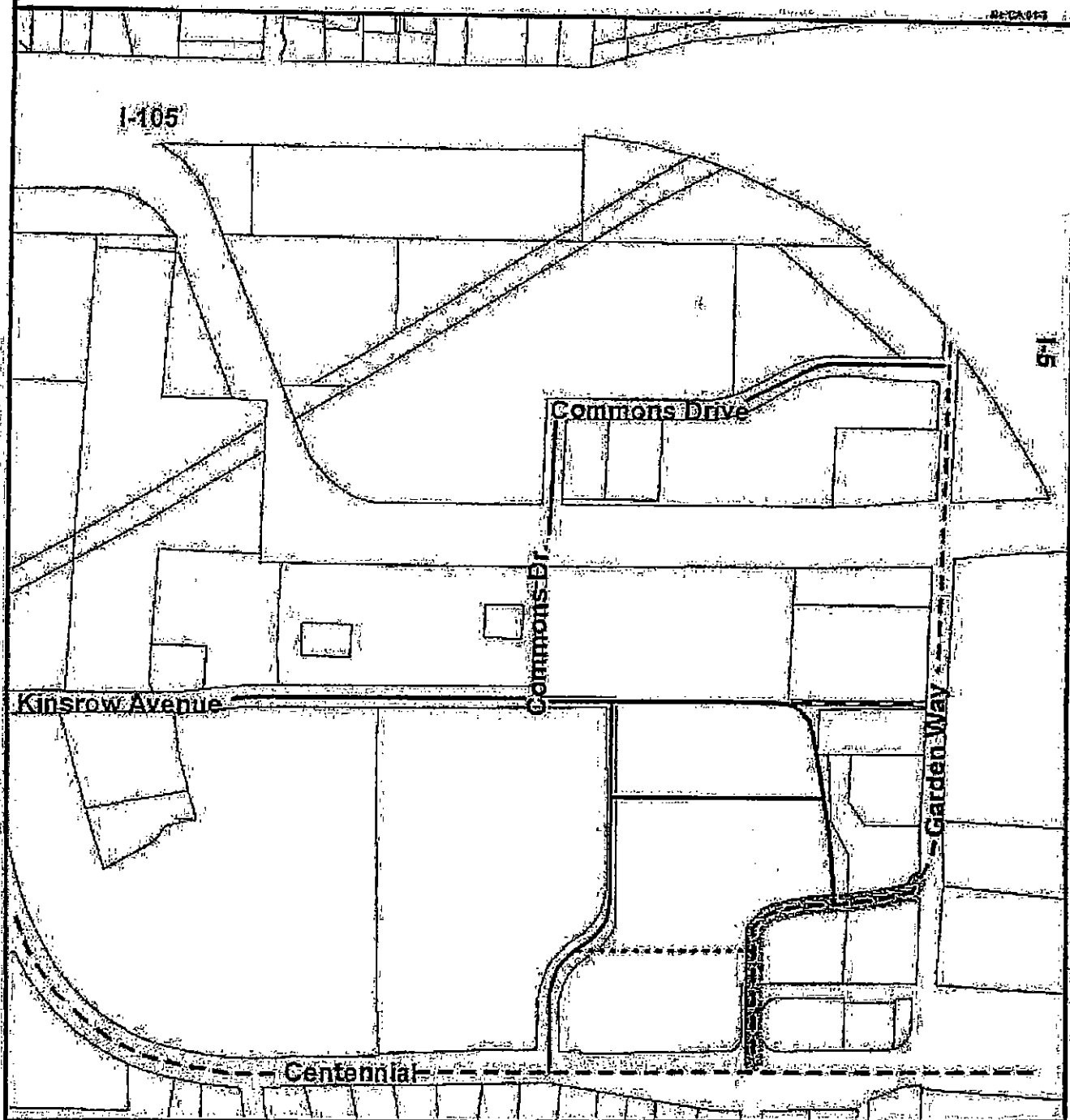




Map 9.3125 (2)(a) 1.  
S-CN Chase Node Special Area Zone Street Network



82-CA-0173



- Major Streets
- Local Streets and Local Collectors
- Long Term Local Street
- Short Term Bike Path
- ..... Easements for through traffic and pedestrian access
- Primary Pedestrian - oriented street section





**ORDINANCE NO. 20280**

**AN ORDINANCE CONCERNING CHAPTER 9 PARKING REQUIREMENTS; AMENDING SECTIONS 9.2173, 9.6410, AND 9.6430 OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Subsection (4)(a) of Section 9.2173 of the Eugene Code, 1971, is amended to provide:

**9.2173 Commercial Zone Development Standards - Large Commercial Facilities.**

**(4) Off-Street Parking.**

- (a) No off-street parking shall be located between the front facade of any new building(s) and the primary adjacent street.

**Section 2.** Subsections (2)(a) and (3)(a) of Section 9.6410 of the Eugene Code, 1971 are amended, and the entries for "School, Public or Private (Elementary through Middle School)" and "School, Public or Private (High School)," within the Education, Cultural, Religious, Social and Fraternal category of Table 9.6410, are amended to provide:

**9.6410 Motor Vehicle Parking Standards.**

**(2) Maximum Number of Off-Street Parking Spaces.**

- (a) Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking with 2 or more levels, the maximum number of parking spaces for non-residential uses may not exceed 125 percent of the minimum spaces required by EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces, unless an adjustment is granted according to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment. This standard does not apply to existing parking areas that are not expanded.

- (3) **Minimum Number of Required Off-Street Parking Spaces.** Except as provided in this section, or in an adjustment pursuant to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment, the minimum number of required off-street parking spaces shall be calculated as provided in Table 9.6410 Required Off-Street Motor Vehicle Parking.
- (a) A parking reduction of up to 50% of the minimum requirement in the AD overlay zone and up to 25 percent of the minimum requirement in all other zones is allowed as a right of development. In addition to these reductions, a parking reduction of 25% of the minimum required off-street parking is allowed for shared off-street parking. (See EC 9.6430)
- (b) For any use located in the C-1 zone:
1. No parking spaces are necessary if 8 or fewer parking spaces are otherwise required.
  2. If 9 or more parking spaces are otherwise required, the required parking can be reduced by 4 spaces if the business contributes towards providing urban amenities such as benches, low level lights, a bus shelter, or other open space improvements in the area.
- (c) Motor vehicle parking at Autzen Stadium Complex shall comply with:
1. So long as a city-approved intergovernmental agreement incorporating a transportation demand management plan for Autzen Stadium complex is in effect a minimum of 4,749 vehicle parking spaces are required to be provided on the Autzen Stadium Complex site or within 1000' of that site. All required parking shall be owned by the state of Oregon, except through a city-approved agreement that binds the parking area to the Autzen Stadium Complex.
  2. If the above referenced intergovernmental agreement is not in effect, the Autzen Stadium Complex shall be required to provide 1 vehicle parking space for each 4.4 seats.

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
School, Public or Private (Elementary School)	1 space per 8 students of design capacity as determined by the school.
School, Public or Private (Middle School)	1 space per 9 students of design capacity as determined by the school.
School, Public or Private (High School)	1 space per 9.5 students of design capacity as determined by the school.
University or College	1 per every 3.5 full-time equivalent students.

Section 3. Section 9.6430 of the Eugene Code, 1971, is amended to provide:

**9.6430 Shared Off-Street Parking.** When 2 or more uses share common parking facilities, the total number of parking spaces required shall be the sum of spaces required for those uses individually unless a reduction is allowed under EC 9.6410(3)(a), or an adjustment is authorized pursuant to the criteria of EC 9.8030(10)(c) of this land use code.

Section 4. The Legislative Findings set forth in the attached Exhibit A serve as support for this Ordinance, but are not adopted.

Section 5. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

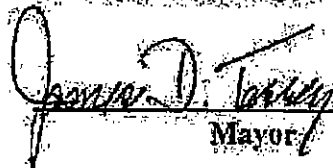
Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 1976, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date of its acknowledgment as provided by ORS 197.625, whichever is later.

Passed by the City Council this  
24<sup>th</sup> day of February, 2003

  
Deputy City Recorder

Approved by the Mayor this  
24<sup>th</sup> day of February, 2003

  
Mayor

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## ORDINANCE NO. 20285

AN ORDINANCE CONCERNING AMENDMENTS TO ENTERTAINMENT AND RECREATION USES, PARKING AREA LANDSCAPING STANDARDS, AND OTHER PROVISIONS OF CHAPTER 9 OF THE EUGENE CODE, 1971; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

### THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** The "Education, Cultural, Religious, Social and Fraternal" category and "Entertainment and Recreation" category of Table 9.2010 in Section 9.2010 of the Eugene Code, 1971, and the first paragraph of that Section, are amended to provide:

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

- (P) Permitted, subject to zone verification.
- (C) Subject to a conditional use permit, or an approved final planned unit development.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in ( ) in the table are uses that have special use limitations that are described in EC 9.2011 Special Use Limitations for Table 9.2010.

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

Table 9.2010 Agricultural Zone Uses and Permit Requirements	
Education, Cultural, Religious, Social and Fraternal	AG
Golf Course, with or without country club	P
Grange Hall	P
Library	P
Entertainment and Recreation	
Equestrian Academy and Stable	C
Equestrian Trail	P
Farm Related Educational Activities and Events. <u>Examples</u> include harvest festivals or tours of heritage farms. Excludes rodeos and other events that are not related to on-going farm operations.	P

Table 9.2010 Agricultural Zone Uses and Permit Requirements	
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Kiosk, Gazebo, Pergola, Arbor Trail, paved and non paved Arboretum, outdoors Natural Area or Environmental Restoration Wetland Mitigation Area	S(1)

**Section 2.** A new Section 9.2011 is added to the Eugene Code, 1971, to provide:

**9.2011 Special Use Limitations for Table 9.2010.**

(1) Permitted in the AG zone, subject to the PRO zone standards in EC 9.2640.

**Section 3.** The entry for "Park and Playgrounds" of the "Entertainment and Recreation" category of Table 9.2160 in Section 9.2160 of the Eugene Code, 1971, is amended to provide:

Table 9.2160 Commercial Zone Land Uses and Permit Requirements					
Entertainment and Recreation					
	C-1	C-2	C-3	C-4	CO
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Uses not specifically listed in this Table 9.2160 that are listed under the "Entertainment and Recreation" category in Table 9.2630.		S(8)	S(8)		S(8)

**Section 4.** Subsection (8) is added to Section 9.2161 of the Eugene Code, 1971, to provide:

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

(8) Permitted in the Commercial zone, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

**Section 5.** The "Park and Playground" entry of the "Entertainment and Recreation" category of Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide:

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
<b>Entertainment and Recreation</b>					
Park and Non-Publicly Owned Open Space Use (See EC 9.2620):	S(9)		S(9)	S(9)	S(9)
Kiosk, Gazebo, Pergola, Arbor					
Trail, paved and non paved					
Arboretum, outdoors					
Athletic Areas, outdoors, unlighted					
Natural Area or Environmental Restoration					
Ornamental Fountain, Art Work					
Park Furnishings, <u>Examples</u> include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage					
Restroom					
Wetland Mitigation Area					

**Section 6.** A new Subsection (9) is added to Section 9.2741 of the Eugene Code, 1971, to provide:

**9.2741 Special Use Limitations for Table 9.2740.**

- (9) Permitted, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

**Section 7.** The Maximum Building Height provisions in Table 9.2750 set forth in Section 9.2750 of the Eugene Code, 1971, are amended to provide:

**9.2750 Residential Zone Development Standards.** In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

<b>Table 9.2750 Residential Zone Development Standards</b> <b>(See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Maximum Net Density per Acre (1)</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5)</b>					
Main Building. Includes Secondary Dwellings Within the Main Building.	30 feet	35 feet	35 feet	50 feet	120 feet
Accessory Building. Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)	20 feet	20 feet	25 feet	30 feet	30 feet

**Section 8.** Subsection (5) of Section 9.2761 of the Eugene Code, 1971, is amended to provide:

**9.2761     Special Standards for Table 9.2760.**

- (5) Exceptions to the maximum lot size shall be granted if any of the following is met:
- (a) Existing physical circumstances such as topographically constrained lands, conservation easements, existing buildings, or utility easements prevent the ability to further divide the lot.
  - (b) The lot exceeding the maximum lot size is intended to reserve a large lot for future land division with feasibility demonstrated by a conceptual buildout plan.
  - (c) The subdivision achieves a minimum density of 9 units per net acre.

**Section 9.** Subsections (1) and (3)(a)(b) of Section 9.2770 of the Eugene Code, 1971, are amended to provide:

**9.2770     Small Lot Standards For R-2, R-3 and R-4 Zones.**

- (1) **Purpose and Applicability.** The small lot provisions are intended to increase opportunities for affordable housing, home ownership, and infill development. The small lot standards in subsection (3) shall apply when, as part of a subdivision or partition, a lot is proposed which has less than 4,500 square feet in lot area. Small lots proposed as part of a cluster subdivision or a PUD are not subject to these small lot standards.

**(3) Development Standards.**

- (a) Zero interior yard setback option: Permitted, provided there is common wall construction with a building on the adjacent lot, or there is at least 10 feet of separation between the building and all buildings on the adjacent lot.
- (b) Height maximum: 30 feet in the R-2 Zone; 40 feet in the R-3 Zone; 30 feet in the R-3 and R-4 zones within 50 feet of abutting, or across an alley from properties zoned R-1 or R-2.

**Section 10.** The "Park and Playground" entry of the "Entertainment and Recreation" category, and the "Dwellings" entry of the "Residential" category of Table 9.3210 of Section 9.3210 of the Eugene Code, 1971, are amended to provide:

<b>Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements</b>	
	<b>S-DW</b>
<b>Entertainment and Recreation</b>	
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Kiosk, Gazebo, Pergola, Arbor Trail, paved and non paved Arboretum, outdoors Athletic Areas, outdoors, unlighted Natural Area or Environmental Restoration Ornamental Fountain, Art Work Park Furnishings, <u>Examples</u> include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage Restroom Wetland Mitigation Area	S(4)
<b>Residential</b>	
<b>Dwellings</b> (All dwelling types are permitted if approved through the Planned Unit Development process.)	

**Section 11.** A new Subsections (4) is added to Section 9.3211 of the Eugene Code, 1971, to provide:

**9.3211 Special Use Limitations for Table 9.3210.**

- (4) Permitted in the S-DW Downtown Westside Special Area Zone, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.



**Section 12.** The Duplex Division Lot and Flag Lot entries of the Area Minimum section of Table 9.3220 set forth in Section 9.3220 of the Eugene Code, 1971, are amended to provide:

**9.3220 S-DW Downtown Westside Special Area Zone Lot Standards.** The following Table 9.3220 sets forth lot standards within the S-DW zone. The numbers in ( ) are references to special limitations that are set forth in EC 9.3221.

Table 9.3220 S-DW Downtown Westside Special Area Zone Lot Standards	
Area Minimum	S-DW
All Lots except Small Lots, Rowhouse Lots, Residential Flag Lots and Duplex Division Lots (1)	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet
Duplex Division Lots (4) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet
Flag Lot (5)	6,000 square feet

**Section 13.** Subsections (4) and (5) of Section 9.3221 of the Eugene Code, 1971, are amended to provide:

**9.3221 Special Standards for Table 9.3220.**

- (4) Shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)
- (5) No variance to residential flag lot standards are allowed. Minimum lot area excludes the pole portion of the lot. Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1.)

**Section 14.** The "Park and Playground" entry of the "Entertainment and Recreation" category of Table 9.3910 of Section 9.3910 of the Eugene Code, 1971, is amended to provide:

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
<b>Entertainment and Recreation</b>	
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Kiosk, Gazebo, Pergola, Arbor Trail, paved and non paved Arboretum, outdoors Athletic Areas, outdoors, unlighted Park Furnishings, <u>Examples</u> include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage Natural Area or Environmental Restoration Ornamental Fountain, Art Work Restroom Wetland Mitigation Area	S(4)

**Section 15.** A new Subsection (4) is added to Section 9.3911 of the Eugene Code, 1971, to provide:

**9.3911     Special Use Limitations for Table 9.3910.**

- (4) Permitted, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

**Section 16.** Section 9.4260 of the Eugene Code, 1971, is amended to provide:

- 9.4260     Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Except as provided in EC 9.7810, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro Plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.

**Section 17.** Subsection (1) of Section 9.6210 of the Eugene Code, 1971, is amended to provide:

**9.6210     Description of Landscape Standards.**

(1) **Basic Landscape Standard (L-1).**

- (a) **Required Plant Materials.** Basic Landscape Standard (L-1) requires the installation and maintenance of all of the following:
1. 1 tree per 30 linear feet as measured along the front lot line.
  2. 6 shrubs per 30 linear feet as measured along the front lot line.

3. Living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.

The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.

- (b) Exceptions to Required Plant Materials. An exception to the requirement in subsection (a)1. above shall be granted if any of the following conditions exist:

1. Excluding any required parking area landscaping, the landscape area required to comply with the L-1 Basic Landscape Standard is located entirely within 15 feet of a building.
2. The landscape area required to comply with the L-1 Basic Landscape Standard is located on the roof of a building or exposed terrace.
3. The landscape area required to comply with the L-1 Basic Landscape Standard is on a development site that has achieved a Floor Area Ratio (FAR) of at least 1.0.

- (c) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(b).

**Section 18.** Subsection (3)(a) of Section 9.6420 of the Eugene Code, 1971, is amended to provide:

**9.6420 Parking Area Standards.**

**(3) Landscape Standards.**

**(a) Applicability of Parking Area Landscape Standards.**

1. General Provisions. Subject to any exceptions therein, the standards in subparagraphs (b) - (e) apply to all parking areas, including carports, that provide for 3 or more spaces except for the following:
  - a. A parking area for a one-family dwelling, secondary dwelling, duplex, or rowhouse.
  - b. A structured parking area. See subsection (3)(f).
  - c. A legal non-conforming parking area. See subsection (3)(a)2.
2. Provisions Applicable to Legal Non-Conforming Parking Areas. Parking areas with legal non-conforming landscaping are subject to the following parking area landscape standards:
  - a. When a new building is constructed, the parking area landscape standards in subparagraphs (b) - (e) shall apply to a portion of the parking area sufficient to meet the requirements of EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces and to any additional parking area proposed by the applicant to serve the entire building.
  - b. When a building is expanded, the parking area landscape standards in subparagraphs (b) - (e) shall apply to a portion of the parking area that is sufficient to meet the requirements of

EC EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces for the expanded area of the building and to any additional parking area proposed by the applicant to serve the expanded area of the building.

- c. When a legal non-conforming parking area is physically expanded in size (not simply changed to increase, decrease, or reconfigure the number of parking spaces) the parking area landscape standards in subparagraphs (b) - (e) shall apply only to the expanded portion of the parking area.
- d. When a legal non-conforming gravel parking area is paved, the parking area landscape standards in subparagraphs (b) - (e) shall apply only to the paved portion of the parking area.

**Section 19.** Section 9.7305 of the Eugene Code, 1971, is amended to provide:

**9.7305    Type III Application Requirements and Criteria Reference.** The following applications are reviewed under the Type III review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7305:

Table 9.7305 Type III Application Requirements and Criteria	
Type III Applications	Beginning Reference
Adjustment Review (when part of a Type III Application)	EC 9.8015
Conditional Use Permits (CUP)	EC 9.8075
Historic Landmark Designation	EC 9.8150
Planned Unit Development, Tentative Plan	EC 9.8300
Willamette Greenway Permit	EC 9.8800
Zone Changes*	EC 9.8850

- \* Zone changes processed concurrently with a Metro Plan amendment, the adoption or amendment of a refinement plan, or a land use code amendment shall follow the applicable procedure for each type of amendment. A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260.

**Section 20.** Section 9.7405 of the Eugene Code, 1971, is amended to provide:

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

Table 9.7405 Type IV Application Requirements and Criteria	
Type IV Applications	Beginning Reference
Refinement Plan Amendment, Site Specific Change	EC 9.8421
Street Name Change	EC 9.8475
Vacation of Improved Public Right-of-way, vacation of public right-of-way acquired with public funds, and vacation of undeveloped subdivision and partition plats, including public right-of-way and improved public easements located therein	EC 9.8700
Zone Changes Processed Concurrent with a site specific Refinement Plan amendment*	EC 9.8850

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

**Section 21.** Section 9.7500 of the Eugene Code, 1971, is amended to provide:

**9.7500 General Overview of Type V Application Procedures.** Type V applications provide for a legislative review by the planning commission and city council of changes to this land use code, amendments to refinement plans that include policies or map changes that are broad in scope (not limited to a specific site), and adoption of an entire update to a refinement plan. The Type V process includes public notice and a public hearing before the planning commission, which forwards a recommendation to the city council. The city council holds a public hearing before making a final decision. The city council's decision is based on compliance with the applicable criteria of this land use code. (Type V applications do not include citizen-initiated amendments to the Metro Plan; refer to EC 9.7700 Description of Metro Plan Amendments.)

**Section 22.** Table 9.7505 in Section 9.7505 of the Eugene Code, 1971, is amended to provide:

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

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

**Section 23.** Section 9.7810 of the Eugene Code, 1971, is amended to provide:

**9.7810** **Changes in Zone.** Properties annexed to the city shall be automatically changed from county zoning to the equivalent city zone, as shown in Table 9.7810 Equivalent Zones and Overlay Zones, unless one or more of the following apply.

- (1) The property is in a Lane County zone other than those in Table 9.7810 Equivalent Zones and Overlay Zones.
- (2) The applicant requests a zone other than the equivalent city zone in Table 9.7810 Equivalent Zones and Overlay Zones.
- (3) The equivalent city zone in Table 9.7810 Equivalent Zones and Overlay Zones is not consistent with the Metro Plan or applicable refinement plans.

Properties annexed to the city according to the procedures in EC 9.7805(1) shall be automatically rezoned as of the effective date of the annexation from Lane County UL urbanizable land zones and zoning overlays to equivalent Eugene zones and overlay zones as shown in Table 9.7810 Equivalent Zones and Overlay Zones. For purposes of this section, property that is also within an area identified as a Nodal Development Area on the Metro Plan Diagram shall be automatically included in the Eugene /ND Nodal Development Overlay Zone. The official Eugene zoning map shall be amended to reflect the change of zone.

**Section 24.** Subsection (14) of Section 9.8030 of the Eugene Code, 1971, is amended to provide:

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

- (14) **Overlay Zone Development Standards Adjustment.** Where this land use code provides that the applicable overlay zone standards may be adjusted, the standards may be adjusted upon finding that the adjustment of the standards will result in a development that is consistent with the purpose of the overlay.

**Section 25** Subsection (4) of Section 9.8055 of the Eugene Code, 1971, is amended, Subsection (7) is deleted therefrom, and the current Subsection (8) is renumbered (7) to provide:

**9.8055** **Cluster Subdivision- Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval

or approval with conditions shall be based on the following:

- (4) The cluster subdivision will provide an appropriate transition to surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
- (7) For areas included on the city's acknowledged Goal 5 inventory, natural resource protection shall be consistent with the acknowledged level of protection provided for the resource.

**Section 26.** Subsection (6) of Section 9.8215 of the Eugene Code, 1971, is amended to provide:

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

- (6) On R-1 zoned property, if the partition results in a parcel greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of parcel lines and other details of layout that show future division of the parcel may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

**Section 27.** Subsections (2) and (6) of Section 9.8220 of the Eugene Code, 1971, are amended to provide:

**9.8220 Partition, Tentative Plan Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria:

- (2) The proposed land uses and densities are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.

- (6) On R-1 zoned property, if the partition results in a parcel greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of parcel lines and other details of layout that show future division of the parcel may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways.

**Section 28.** The paragraph between Subsections (6) and (7) of Section 9.8440 of the Eugene Code, 1971, is deleted, to provide:

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

- (6) The proposal complies with applicable adopted plan policies beginning at EC 9.9500.
- (7) Any additional specific factors applied at the time the /SR designation was applied.

**Section 29.** Subsection (8) of Section 9.8515 of the Eugene Code, 1971, is amended, and a new Subsection (12) is added thereto, to provide:

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

- (8) On R-1 zoned property, if the subdivision results in a lot greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of lot lines and other details of layout that show future division of the lot may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

- (12) For applications intended to implement an approved tentative or final planned unit development for the site:

- (a) The proposed subdivision is consistent with the approved planned unit development plan;
- (b) If full compliance with a tentative subdivision criterion in this section would cause an inconsistency between the tentative subdivision plan and



an approved tentative or final planned unit development for the site, the city shall require compliance with that subdivision criterion only to the extent that it can do so without creating the inconsistency.

**Section 30.** Subsection (8) of Section 9.8520 of the Eugene Code, 1971, is amended, to provide:

**9.8520** **Subdivision, Tentative Plan Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515. **Subdivision, Tentative Plan Approval Criteria- General,** where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:

- (8) On R-1 zoned property, if the subdivision results in a lot greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of lot lines and other details of layout that show future division of the lot may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways.

**Section 31.** Section 9.9650 of the Eugene Code, 1971, is amended to provide:

**9.9650** **TransPlan Policies.**

**(1) Land Use.**

- (a) Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.
- (b) Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within 1/4 mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.
- (c) Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed-use, and multi-unit residential development.

**(2) Transportation Demand Management.**

- (a) Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.
- (b) Implement TDM strategies to manage demand at congested locations.

- (3) **Transportation System Improvements: Roadways.** Motor vehicle level of service policy:
- (a) Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
    - 1. Identifying capacity deficiencies on the roadway system.
    - 2. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
    - 3. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
  - (b) Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions: Level of Service E within Eugene's Central Area Transportation Study (CATS) area, and Level of Service D elsewhere.
  - (c) Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of Policy F-15: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

- (4) **Transportation System Improvements: Transit.** Improve transit service and facilities to increase the system's accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population.
- (5) **Transportation System Improvements: Bicycle.**
  - (a) Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.
  - (b) Require bikeways along new and reconstructed arterial and major collector streets.
  - (c) Require bikeways to connect new development with nearby neighborhood activity centers and major destinations.
- (6) **Transportation System Improvements: Pedestrian.**
  - (a) Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

- (b) Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.
- (c) Construct sidewalks along urban area arterial and collector roadways, except freeways.

**Section 32.** The Legislative Findings set forth in the attached Exhibit A serve as support for this Ordinance, but are not adopted.

**Section 33.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 34.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 35.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date of its acknowledgment as provided by ORS 197.625, whichever is later.

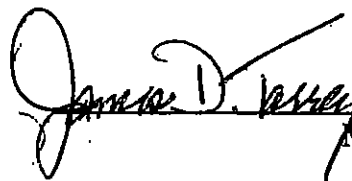
**Passed by the City Council this**

**10<sup>th</sup> day of March, 2003**

  
\_\_\_\_\_  
Deputy City Recorder

**Approved by the Mayor this**

**10<sup>th</sup> day of March, 2003**

  
\_\_\_\_\_  
Mayor

ORDINANCE NO. 20286

AN ORDINANCE CONCERNING QUASI-JUDICIAL PROCEDURES; REPEALING SECTIONS 2.390, 2.391, 2.392, 2.393, 2.394, 2.395, 2.396, 2.397, 2.398, 2.399, AND 2.400 OF THE EUGENE CODE, 1971; AMENDING SECTIONS 2.1066, 9.7065, AND 9.7075, OF THAT CODE; ADDING SECTIONS 9.7070, 9.7072, AND 9.7090 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** Sections 2.390, 2.391, 2.392, 2.393, 2.394, 2.395, 2.396, 2.397, 2.398, 2.399, and 2.400 of the Eugene Code, 1971, are repealed.

**Section 2.** Subsection (4)(b) of Section 2.1066 of the Eugene Code, 1971, is amended to provide:

2.1066      Condominium Conversion - Permit Process.

(4)      Appeal of permit decision.

(b)      Within 45 days of the notice of appeal, the hearings officer shall conduct a public evidentiary hearing on the permit approval or disapproval action of the city manager. The hearing notice and procedures shall conform with the requirements for quasi-judicial hearings provided in sections 9.7065 to 9.7095 of this code. At least 20 days prior to the hearing, the city shall mail notice thereof to the applicant, appellant, persons who requested notice of the city manager's decision, and to persons entitled to notice from the city under subsection (3) of this section.

**Section 3.** Sections 9.7065 and 9.7075 of the Eugene Code, 1971, are amended, and new Sections 9.7070, 9.7072, and 9.7090 are added thereto, to provide:

9.7065      Quasi-Judicial Hearings- Procedures.

(1)      The quasi-judicial procedures set forth in EC 9.7065 through 9.7095 supercede any rules of procedures (Roberts Rule of Order), resolution, bylaw, ordinance, or section of this code or conflicting rules or procedures. Where these procedures conflict with requirements of state law, state law shall prevail.

- (2) No member of the hearings body may discuss or vote on a matter when:
  - (a) Any of the following has a direct or substantial pecuniary interest in the matter: the member or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any organization or business in which the member is then serving as an officer or director or employee or has so served within the previous 2 years; or any business with which the member is negotiating for or has an arrangement or understanding concerning a prospective partnership, employment or other business affiliation.
  - (b) The member owns all or a portion of the property that is the subject of the matter before the hearings body or owns abutting or adjacent property.
  - (c) The member has a direct personal interest in the matter or for any other reason cannot participate in the hearing and decision impartially.
- (3) Because of the importance of preserving public confidence in decisions made by the hearings body, a member of that body may elect to abstain from a particular hearing when the member is not disqualified under subsection (2) of this section, but desires to avoid the appearance of partiality. Abstention in such an instance shall be solely a matter of the member's own judgment. A member who feels that abstention may be necessary or desirable under this section shall seek the advice of the body and then state the member's decision and the reasons therefor.
- (4) No other officer or employee of the city who has a financial or other private interest in a matter before the body may participate in discussion of the matter with, or give an official opinion on the matter to, the body without first declaring for the record the nature and extent of that interest.
- (5) Any proponent or opponent of, or person interested in, a matter to be heard, and any member of the hearings body may challenge the qualification of any other member of that body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger as the basis for the challenge.
  - (a) Except for good cause shown, the challenge shall be delivered by personal service to the planning director and the person whose qualification is challenged, not less than 48 hours preceding the time set for the hearing.
  - (b) The challenge shall be made a part of the record of the hearing.

**9.7070 Quasi-Judicial Hearings—Presiding Officer.**

- (1) The presiding officer shall:
  - (a) Regulate the course and decorum of the hearing.
  - (b) Dispose of procedural requests or similar matters.
  - (c) Impose reasonable limitations on the number of witnesses to be heard and set reasonable time limits for oral presentation, questioning of witnesses, and rebuttal testimony.
  - (e) Take other action authorized by the body for conduct appropriate for the

hearing.

- (2) Any ruling by the presiding officer may be put to a vote by the body upon a motion duly made, seconded and discussed. The decision on the motion shall be final for the purpose of the proceeding.

**9.7072 Quasi-Judicial Hearings-Conduct.**

- (1) No person may be disorderly, abusive, or disruptive of the conduct of the hearing.
- (2) No person may present evidence, argument or comment without first being recognized by the presiding officer.
- (3) All witnesses shall identify themselves and their place of residence.
- (4) Any employee, agent, or officer of the city shall disclose his or her relationship to the city when commencing to testify.
- (5) Formal rules of evidence as used in courts of law shall not apply.
- (6) Audience demonstrations such as applause, cheering, display of signs, and other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing.

**9.7075 Quasi-Judicial Hearings - Order of Procedure.**

- (1) The presiding officer in the conduct of the hearing shall:
  - (a) Commence the hearing by announcing the nature and purpose of the hearing and summarizing the rules for its conduct.
  - (b) Call for statements of conflicts of interest, ex parte contacts, and biases, abstentions under EC 9.7065(3), or challenges to impartiality submitted pursuant to EC 9.7065(5).
    1. Any member of the hearings body who has been subject to significant ex parte contacts regarding the matter shall place on the record the substance of the communication. If the contact has not impaired the member's impartiality, the member shall so state and may then participate in the hearing and decision. If the member believes that his or her impartiality has been affected by the contacts, the member shall not participate in the hearing and decision. If the member is uncertain or wishes to avoid the appearance of partiality, he or she shall seek the body's advice and announce a decision regarding participation in the hearing and decision, and give the reasons for the action. If the member making the disclosure of ex parte contacts decides to participate in the hearing, the presiding officer shall announce that any person, during his or her testimony, has the right to rebut the substance of the communication. Communication between city staff and the hearings body shall not be considered an ex parte contact.
    2. Any member of the hearings body who has a potential conflict of interest in the matter shall disclose the nature of the potential

conflict, on the record. Following disclosure, the member may proceed in the same manner as described in subparagraph 1. of this subsection.

3. Any member of the hearings body who has an actual conflict of interest in the matter shall disclose the nature of the actual conflict, on the record. Following disclosure of the reason for abstention, the member shall leave the table during hearing, deliberation, discussion, and voting on the matter.
4. Any member considering abstention for reasons other than those described above shall state the reasons for the abstention, seek the advice of the body, and announce a decision and the reasons therefor.
- (c) Receive staff notes and reports of site views.
- (d) Call for testimony in the following order:
  1. The proponent/applicant or its representative.
  2. Neutral parties.
  3. Opponents.
  4. City staff presentation and recommendations.
  5. Proponent/applicant rebuttal.
- (e) Announce whether:
  1. The record is closed;
  2. The record will be held open; or
  3. The hearing will be continued.
- (2) **Coordination of Testimony.** To the degree necessary for an orderly process within available time, the presiding officer may consolidate submissions by participants or establish reasonable time limits for presentation of testimony. One or more spokespersons for any group may be designated by the presiding officer.
- (3) **Questioning of Witnesses.** The questioning of witnesses is a matter solely within the discretion of the hearings body acting through the presiding officer. The presiding officer, as he or she deems it necessary or desirable, may permit the questioning of witnesses by members of the hearings body, staff and other interested persons at the conclusion of the witness's presentation. No questioning of witnesses shall be permitted after the proponent /applicant rebuttal, except the questioning of the proponent /applicant as to matters contained in rebuttal testimony.
- (4) Notwithstanding any other rule, an abstaining or disqualified member shall constitute part of a quorum and may represent the member's interest at a hearing, provided the member joins the audience, makes full disclosure of the member's status and position when addressing the body and abstains from discussion and from voting on the matter as a member of the body.
- (5) Disqualification for reasons set forth in EC 9.7065(2) may be ordered by a majority of the members of the hearings body present at the hearing. The member who is the subject of the motion for disqualification may not vote on

the motion.

- (6) If all members of the body abstain or are disqualified and consequently cannot reach a decision while so abstaining or disqualified, all members present, after stating their reasons for abstention or disqualification, shall by so doing be requalified and proceed to resolve the issues, unless such participation violates state or federal law or the city charter.
- (7) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

**9.7090** **Quasi-Judicial Hearings—Amendment and Suspension of Rules.** Any rule of procedure not required by federal or state law or the city charter may be amended or suspended at any hearing by majority vote of those members of the hearings body present and voting.

**Section 4.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 5.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date of its acknowledgment as provided by ORS 197.625, whichever is later.

Passed by the City Council this

10<sup>th</sup> day of March, 2003

  
Deputy City Recorder

Approved by the Mayor this

10<sup>th</sup> day of March, 2003

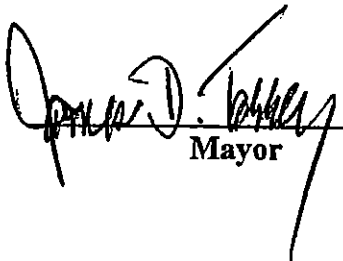
  
Mayor



Exhibit B  
To  
Lane County Ordinance No. 5-00

**FINDINGS IN SUPPORT OF THE ADOPTION  
OF THE EUGENE LAND USE CODE FOR APPLICATION IN THE EUGENE  
URBANIZABLE AREA**

**INTRODUCTION**

In the Eugene-Springfield metropolitan area, comprehensive planning begins at the regional level. The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the acknowledged comprehensive plan for the cities of Eugene and Springfield and unincorporated areas of Lane County within the Metro Plan boundary. Originally acknowledged by the Land Conservation and Development Commission in 1982, the Metro Plan is currently undergoing its second periodic review. The Metro Plan is a framework plan and is supplemented by more detailed plans, which are adopted as refinements of the Metro Plan. Refinement plans include functional plans, special area studies and neighborhood plans. Land use regulations are a primary mechanism for implementing the Metro Plan.

For the Eugene portion of the urban growth boundary, current land use regulations are primarily contained in Chapter 9 Land Use of the Eugene Code, 1971. Under the 1987 "urban transition" agreement between Lane county and the City of Eugene, Lane County amended Chapter 10 of the Lane Code to reflect adoption of the City's Land Use Code for application within the unincorporated portion of the Eugene urban growth boundary and transferred the responsibility and authority to administer the code to the City. As a result, the new Land Use Code will need to be adopted by the Lane County Board of Commissioners as well as the Eugene City Council.

These findings are intended to demonstrate in a summary – not comprehensive – manner that the updated Land Use Code is consistent with Statewide Planning Goals and the Metro Plan. Under state law, written findings of consistency are not legally required when a local government takes a legislative action to change provisions in its land use code. Since the adoption of this ordinance is a legislative action, the findings provided are not a comprehensive statement of consistency with the Statewide Planning Goals. Rather, examples are offered to show the ways in which the City and County action is consistent with each of the Goals. For the same reason, a policy-by-policy analysis of the Metro Plan is not provided. Instead, this document contains general findings of consistency with the comprehensive plan to illustrate that the City of Eugene and Lane County have been cognizant of the policies of Metro Plan and the requirement that Eugene Land Use Code provisions be consistent with the Metro Plan.

Sections 9.0010 through 9.9900 contain some text that is different from the existing text in the Eugene Code, 1971. Some of the existing text has been retained, however, and this ordinance simply renumbers the section. The text of sections that are substantively unchanged have already

been acknowledged by the Land Conservation and Development Commission. Therefore, these findings refer only to those sections that have been changed or that are new to the Code as a result of the adoption of this ordinance.

Since the preparation of the findings in this document, the City of Eugene has adopted numerous ordinances that changed the Eugene Land Use Code. Those changes are included in the provisions adopted by the County through Ordinance No. 5-00. Findings pertaining to some of those recent changes are attached hereto and are hereby incorporated into this findings document. See attached findings for Eugene Ordinance Nos. 20263, 20269, 20270, 20271, 20275, 20267, 20280 and 20285.

The following criteria shall be applied by the elected officials to the adoption of the Eugene Land Use Code:

- (a) Consistency with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and
- (b) Consistency with the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

## **I. Findings of Consistency With the Statewide Planning Goals**

### **Goal 1: Citizen Involvement**

To develop a citizen involvement program that insures the opportunities for citizens to be involved in all phases of the planning process.

**FINDING:** Goal 1 requires a program for citizen involvement that provides for widespread citizen involvement, assures effective two-way communication with citizens, provides the opportunity for citizens to be involved in all phases of the planning process, assures that technical information is available in an understandable form; assures that citizens will receive a response from policy-makers; and insures funding for the citizen involvement program.

In April 1994, the Eugene Citizen Involvement Committee approved the citizen involvement program for the Land Use Code Update, including membership categories for a Department Advisory Committee (DAC) and list of interested parties.

The Department Advisory Committee was created to provide comments to the staff team during the preparation of the updated Land Use Code. The DAC held 52 meetings and a public scoping session between February 1995 and the completion of its work on a draft code in June 1997. The interested parties list for the project grew substantially during this two-year period.

The draft Land Use Code was published in October 1997. The Lane County Planning Commission appointed two commissioners as liaisons to monitor the Land Use Code update process, but deferred participation until the second round of hearings on a revised draft Land Use Code.

Notice of the Eugene Planning Commission public hearings on the draft Land Use Code was sent to the interested parties list. At the Commission's first two public hearings on the draft code in December 1997, representatives from several community groups requested additional time to review