

the draft code. As part of his State of the City address in January 1998, the Mayor invited four community groups – Eugene Chamber of Commerce, Friends of Eugene, Home Builders Association of Lane County, and Neighborhood Leaders Council – to present their views on the draft code to a joint meeting of the City Council and Planning Commission. The City Council supported this initiative and the effort was launched. In addition to their review of the draft code, the four community groups expanded their collaborative effort to jointly sponsor a series of community forums on the draft code during April 1998.

In May 1998, the four groups presented the results of their review to a joint meeting of the Eugene Planning Commission and City Council. The Planning Commission also held two public hearings on the draft code in June 1998. Rather than close the record for public testimony at that time, the Commission agreed to accept additional written comment throughout its review of the draft code. In June 1998, the Commission also approved changes to the project work program, including the addition of a new project objective to implement community and regional plans, especially the Growth Management Study.

The Eugene Planning Commission began its review of the draft code in July 1998. At its first meeting in July, the Commission established procedures and guidelines for its review. As one of its procedures, the Commission agreed that brief public comments would be allowed, at the discretion of the President, while the commission discussed a specific draft section of the code. The Commission also agreed to continue to encourage written comments.

In September 1998, the Eugene Planning Commission reviewed its progress on review of the draft Land Use Code and the schedules for review of the draft TransPlan and draft Metro Area Residential Land and Housing Study, which also called for completion of Commission review by January 1999. The Commission did not believe it could complete recommendations on the two Metro Area studies and maintain the schedule for the Land Use Code Update and voted unanimously to recommend to City Council that the timeline for submission of its recommendation to City Council be extended, with completion of its review of the October 1997 draft extended from January 1999 to May 1999. The Commission also recommended amendments to the Land Use Code Update project objectives based on public testimony and establishment of guiding principles that reflect adopted Growth Management policies. Finally, the Commission reviewed a list of six amendments proposed by Councilors or community members for consideration for a “fast track” adoption outside of the Land Use Code Update process. The Commission recommended against moving forward with any “fast track” amendments. The Council unanimously approved all three of the Commission’s recommendations.

Between July 6, 1998 and May 24, 1999, the Eugene Planning Commission held 39 work sessions on the draft Land Use Code. Those work sessions resulted in a series of modifications to the draft recommendations as the Commission considered public testimony and responses to its questions. The Chair of the Land Use Code Update Department Advisory Committee joined the Commission for its work sessions on the Land Use Code update.

The revised draft Land Use Code was published in November 1999. In January 2000, the Eugene and Lane County planning commissions held a joint public hearing on the revised draft Land Use

Code. The Eugene Planning Commission held three additional public hearings in January, February and March 2000, the minutes of which were provided to the Lane County Planning Commission. Notice of the hearings was sent to the interested parties list for the project and published in the Eugene Register-Guard.

The Eugene Planning Commission held 16 work sessions on the November 1999 Revised Draft Land Use Code and completed its recommendation on April 17, 2000. The Lane County Planning Commission also held a work session and completed its recommendation on April 25, 2000.

In April 2000, Measure 56 notice of the May 31, 2000 joint public hearing of the Eugene City Council and Lane County Board of Commissioners was sent to 55,000 property owners within the Eugene urban growth boundary. Notice was also mailed to the interested parties list for the project and published in the Eugene *Register-Guard*.

In addition to the opportunity to speak directly to the elected officials at the May 31, 2000 joint public hearing, citizens were offered the opportunity to present their testimony before a television camera so that the elected officials could watch the testimony at a later time. The record was left open for additional public comment until June 19, 2000 at 5:00 p.m.

From July 26, 2000 through November 1, 2000, the City Council held ten work sessions. At each of these work sessions, the City Councilors responded to the public's input by considering motions to amend the draft land use code in ways that addressed concerns raised by the public.

From October 11, 2000 through December 4, 2002, the County Board of Commissioners held 10 readings of County Ordinance No. 5-00. A public hearing was held before the Commissioners on April 9, 2003.

The citizen involvement program described above exceeds local and state requirements for amendments to the Eugene Code and has provided ample opportunities for citizens to be involved throughout the process. Therefore, the Land Use Code update complies with Goal 1.

## **Goal 2: Land Use Planning**

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**FINDING:** Goal 2 requires that the city implement its comprehensive plan through the adoption of a land use process and policies consistent with the plan that ensure all decisions and actions relating to land use have an adequate factual base. Sections 9.7000 through 9.7030 of the Land Use Code describe the framework and application procedures under which all land use decisions are made. Sections 9.7035 through 9.7060 identify each application type and the authority for review of each type, and Sections 9.7100 through 9.7560 establish the process applicable to each application type. Sections 9.7065 through 9.7095 explain the quasi-judicial hearings, and process Sections 9.7600 through 9.7685 outline appeals processes. Sections 9.7700 through 9.7750 describe the process for review of legislative Plan amendments. The substantive and procedural requirements within Section

9.7000 et seq. ensure that each land use decision will be based upon substantial evidence in a record established through the review process applicable to the application under consideration.

The land use policies and procedures established through new sections of the Eugene Land Use Code ensure that all land use decisions made by the City follow the Chapter 9 requirements, and assure that all land use decisions have an adequate factual base. Further, the Goal 2 coordination requirement was met since the City and County provided notice and an opportunity to engage in an exchange about the land use code to all affected governmental units. Therefore, the changes to the Eugene Land Use Code provisions are consistent with Goal 2.

### **Goal 3: Agricultural Lands**

To preserve and maintain agricultural lands.

**FINDING:** Goal 3 requires that agricultural lands be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700. All of the land within the city limits is designated in the Metro Plan for urban uses. Chapter 9 includes an Agricultural Zone in Section 9.2000. The purpose of that zone is to allow agricultural uses within the UGB until land is converted to urban development. The lands that have that zoning designation are not "Goal 3" agricultural lands. All agricultural uses within that zone are considered interim uses until public facilities and services can be provided in an economic manner and urban development can occur in an orderly and sequential manner. Therefore, while Chapter 9 includes an agricultural zone, the Eugene urban growth boundary does not include any lands intended for ultimate preservation and maintenance as agricultural lands under Goal 3.

### **Goal 4: Forest Lands**

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

**FINDING:** Under Goal 4, forest lands are those lands acknowledged as forest lands in the comprehensive plan. The city has no acknowledged forest lands; all land within the Eugene urban growth boundary are designated in the Metro Plan for urban uses. Therefore, the Eugene urban growth boundary does not include any lands intended for preservation and maintenance as forest lands under Goal 4.

### **Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources**

To conserve open space and protect natural and scenic resources.

**FINDING:** Goal 5 requires that programs be provided that will: (1) insure open space; (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and

compatibility with surrounding uses. Permitted net densities for all residential zones are increased to achieve the Metro Plan density policies (EC 9.2760).

New provisions will allow an increased number of residential dwellings per acre, facilitating the development of vacant infill sites, or the creation of new small lots such as flag lots (EC 9.2760). The Residential Zone Lot Standards allow increased building heights, facilitating wider variety of design options, including additional open space for lower density residential developments (EC 9.2760). New standards increase opportunities for a second dwelling within a home or as a small detached dwelling on the same lot (EC 9.2740). A significant change to the Eugene Land Use Code is that it will now include a set of clear and objective criteria for the development of "needed housing" using the conditional use permit, partition, subdivision, planned unit development or site review processes.

In addition to these examples of the way in which new provisions implement Goal 10, other sections of the code ensure that the standards applicable to residential development will not preclude residential development from occurring on any site that has been zoned to allow residential uses.

After the City adopted a new land use code in February 2001, the adoption was appealed to LUBA. LUBA remanded the code, in part, due to a determination that some of the provisions in the code could result in a decrease in residential land and that Goal 10 findings were therefore required for those provisions. In response, the City amended its land use code, deleting the subject provisions. These deletions are reflected in the land use code being adopted by the County through Ordinance No. 5-00. Therefore, the changes to the Eugene Land Use Code provisions are consistent with Goal 10.

#### **Goal 11: Public Facilities and Services**

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**FINDING:** Goal 11 requires that all development be guided and supported by types and levels of public facilities appropriate for the areas to be developed. The Goal requires cities to adopt a public facility plan within urban growth boundaries, which includes provision for solid waste disposal sites. The Eugene-Springfield Metropolitan Area Public Facilities Plan, adopted in 1986, is currently in the process of being updated. The Eugene Land Use Code implements the acknowledged public facility plan by requiring a demonstration of the availability of public services for all development. New standards for public improvements grant the City the authority to require the dedication of public utility easements within any new development rather than only during review of land division application. There are no changes to the Eugene Land Use Code that would affect the City's continued compliance with Goal 11.

#### **Goal 12: Transportation**

To provide and encourage a safe, convenient and economic transportation system.

**FINDING:** Goal 12 requires cities to have a Transportation Plan. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan), a refinement plan of the Metro Plan, was

adopted in 1986 and an updated version was recently adopted by the City of Eugene and by Lane County. The Eugene Land Use Code provisions being adopted by Lane County through Ordinance No. 5-00 include the TransPlan policies that could be applied in the context of considering development proposals. The Eugene Land Use Code implements Goal 12 and its administrative rule, the Transportation Planning Rule. Many of these provisions were originally adopted through code amendments as part of the Transportation Rule Implementation Project (TRIP) in 1993, the Eugene Local Street Plan in 1996 and the Eugene Arterial and Collector Street Plan in 1999.

Alternative forms of transportation are encouraged through several new provisions. Clear minimums are set for the provision of bicycle parking. Standards relating to off-street parking spaces promote flexibility in the location of parking areas to encourage alternative transportation modes. Standards applicable to multi-family development promote more walkable streets, street connectivity and greater pedestrian access through requirements for site access, internal circulation and vehicle parking (EC 9.5500). Connectivity standards are retained and clarified to ensure the design of local streets to provide an efficient and safe transportation network. In addition, these standards are intended to promote the use of walking, bicycling and public transportation as alternative modes, provide for transit vehicles and encourage public transportation as well as provide connections to and from activity centers. Required street widths have been reduced to promote “smart” streets and efficient land use patterns (EC 9.6870).

The code adopts new approval criteria for planned unit developments and site review to strengthen the requirements for provisions for alternative transportation modes (EC 9.8300 and 9.8425). The standards for development in the commercial zone will increase opportunities for use of alternative modes of transportation through building orientation and on-site pedestrian circulation requirements (EC 9.2170). Multi-family residence standards will provide for an allowance for more on-street parking to satisfy the overall minimum parking requirements (EC 9.5500).

Standards applicable within the /TD Transit Oriented Development overlay zone have been clarified and a new /ND Nodal Development overlay zone has been added. New code provisions allow the City to require a Traffic Impact Analysis for projects which will generate a significant amount of traffic or will contribute to an existing traffic problem. The analysis will be the subject of discretionary review and will allow the City to require improvements to the transportation system based on the information submitted. New standards for streets, alleys, and other public ways provide the City with the authority to require dedication of new streets or alleys within a proposed development and grant the City authority to determine the safe and efficient off-set standards for intersections.

Therefore, the changes to Land Use Code provisions are consistent with Goal 12.

### **Goal 13: Energy Conservation**

To conserve energy.

**FINDING:** Goal 13 requires land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The Land Use Code Update implements the Metro Plan compliance with Goal 13 through development criteria that

require solar access, and development requirements that encourage alternative forms of transportation. Section 9.2780 et seq. requires that residential development adhere to solar access and setback requirements to ensure adequate access to solar energy. Minimum lot sizes for the R-1, Low-Density Residential zone have been reduced to 4,500 square feet and a new R-1.5, Rowhouse zone is established. The /TD Transit Oriented Development overlay zone and the new /ND Nodal Development overlay zone foster higher-density, mixed-use, pedestrian-friendly development in areas well served by transit, promoting alternative forms of transportation and reduced reliance on the automobile. Therefore, the changes to the Eugene Land Use Code are consistent with Goal 13.

#### **Goal 14: Urbanization**

To provide for an orderly and efficient transition from rural to urban land use.

**FINDING:** Goal 14 requires the establishment of urban growth boundaries to identify and separate urbanizable land from rural land. All land within the City is within the Eugene-Springfield regional urban growth boundary. Acknowledged provisions within the Metro Plan allow urbanizable land within the urban growth boundary but outside the city limits to be annexed into the city and developed for urban uses. The Eugene Land Use Code implements these provisions through existing requirements for zoning and development of annexed land, in accordance with the Metro Plan's acknowledged land use designations. The changes to the Eugene Land Use Code are consistent with Goal 14.

#### **Goal 15: Willamette River Greenway**

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

**FINDING:** The Metro Plan designates all areas adjacent to the Willamette River for Goal 15 protection. The Eugene Land Use Code requires a Willamette Greenway Permit for all lands lying within the designated Greenway boundaries. The Willamette Greenway Permit requirements in Sections 9.8800 through 9.8825 are consistent with and specifically implement the requirements of Goal 15, in order to protect all lands in the City within the Willamette River Greenway. Therefore, the Land Use Code provisions are consistent with Goal 15.

#### **Goal 16: Estuarine Resources**

#### **Goal 17: Coastal Shorelands**

#### **Goal 18: Beaches and Dunes**

#### **Goal 19: Ocean Resources**

**FINDING:** These Goals address requirements for lands lying within coastal or shoreline areas. These Goals do not contain any requirements for the City, which includes no such areas.

## **II. Findings of Consistency With the Eugene/Springfield Metro Area General Plan**

### **Residential Land Use and Housing Element**

The Metro Plan Residential Land Use and Housing Element contains thirty-seven policies covering the following seven subjects: Residential Land Supply and Demand; Residential Density; Housing Type and Tenure; Design and Mixed Use; Existing Housing Supply and Neighborhoods; Affordable, Special Need, and Fair Housing; and Coordination.

The changes to the Eugene Land Use Code are consistent with each of the housing policies and clearly implement many of those policies. For example, with regard to Residential Density, Policy A.10, on page III-A-B, provides:

“Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary.”

Policy A.13, on page III-A-8, provides:

“Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.”

Changes to the Eugene Land Use Code directly implement these policies by increasing the allowed density in residential areas and providing more flexibility in housing types. At the same time, standards and criteria for development of residential housing ensure that there are sufficient public services available to new residential housing and that new housing is compatible with historic properties and with neighborhoods.

Policy A.11, on page III-A-8, provides:

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

Through new provisions that allow the City to apply (through later proceedings) the Nodal Development overlay zone and to create special area zones for nodal development, the City is in a position to carry out the objectives of this Metro Plan policy.

Policy A.15, on page III-A-8, provides:

“Develop a wider range of zoning options such as new zoning districts, to fully utilize existing Metro Plan density ranges.”

With the creation of the R-1.5 Rowhouse zone and the /ND Nodal Development overlay zone, the City is enabling itself to carry out this policy direction.

More generally, through the Chapter 9 changes described above, the City is carrying out the directive of Metro Plan Policy A.14, on page III-A-8, which provides:

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

Housing Type and Tenure policies include one that directs the local government to “provide opportunities for a full range of choice in housing type, density, size, cost and location.” Policy A.17, on page III-A-9. Another policy under this heading directs the City to “encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.” Policy A.18, on page III-A-9. These policies are implemented through new provisions which allow rowhouses as a new type of housing and through the greater density in residential land that will now be permitted.

The three policies under the topic of Design and Mixed use pertain to making specific types of changes to the local zoning and development regulations. Page III-A-10. Each of those policies was considered and carried out in the adoption of the revised Chapter 9.

The changes to the Eugene Land Use Code are consistent with all applicable policies in the Residential Land Use and Housing Element of the Metro Plan.

### **Economic Element**

The changes to the Eugene Land Use Code are consistent with applicable policies in the Metro Plan Economic Element.

For example, Policy 15, on page III-B-5, provides:

“Encourage compatibility between industrially zoned lands and adjacent areas in local planning programs.”

This policy is carried out through new provisions that require industrial developments to comply with numerous new standards that increase compatibility, such as landscaping, fencing, screening and setbacks (EC 9.2460).

Policy 22, on page III-B-6, provides:

“Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods.”

Section 9.2100 clarifies that the C-1 Neighborhood Commercial zone is usually applied to areas five acres in size or less. This small size makes it easier to establish commercial zones in predominantly residential areas.

### **Environmental Resources Element**

The changes to the Eugene Land Use Code are consistent with applicable policies in the Environmental Resources element.

One example of the way in which new Land Use Code provisions implement policies in the Environmental Resources Element of the Metro Plan is at Section 9.6710, pertaining to geotechnical



analysis requirements. This implements Policy 4, on page III-C-7:

“Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas.”

Policy 7, on page III-C-8, provides:

“Continued local programs supporting community gardens on public land and programs promoting urban agriculture on private land shall be encouraged. Urban agriculture includes gardens in backyards and interim use of vacant and underdeveloped measures.”

Use lists in Chapter 9 have been amended to clarify that community gardens are an allowed use in numerous zones in the City.

Additional criteria have been added that require consideration of protection of open spaces, including those characterized by significant vegetation and wildlife, for development of various types. These changes to Chapter 9 are consistent with Policy 25 on page III-C-11.

### **Willamette River Greenway, River Corridors, and Waterway Element**

The changes to the Eugene Land Use Code are consistent with the applicable policies in this element. Chapter 9 provisions relating to development within the Greenway have been amended to contain text directly from Statewide Planning Goal 15. By doing so, the City has implemented Metro Plan policies that require, for instance:

“New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features.” Policy 5 on page III-D-4.

And:

“Within the framework of mandatory statewide planning goals, local Willamette River Greenway plans shall allow a variety of means for public enjoyment of the river, including public acquisition areas, residential areas, and commercial areas.” Policy 8 on page III-D-5.

### **Environmental Design Element**

The Metro Plan Environmental Design Element is concerned with the broad process that molds the components of the urban area into a “distinctive, livable form that promotes a high quality of life.” The changes to the Eugene Land Use Code are consistent with the relevant policies in this element.

Policy 4, on page III-E-3, requires:

“Public and private facilities shall be designed and located in a manner that preserves

and enhances desirable features of local and neighborhood areas and promotes their sense of identity.”

This policy has been implemented through the adoption of standards such as those that require electrical substations and other types of facilities to provide screening for compatibility with neighborhoods in which they are located (EC 9.2740).

Policy 8, on page III-E-4, requires:

“Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems.”

A new procedure has been adopted by the City at 9.8015 - 9.8030. The Adjustment Review procedure allows for the type of flexibility called for in Policy 8.

### **Transportation Element**

The changes to the Eugene Land Use Code are consistent with the applicable policies of the Metro Plan Transportation Element and the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan).

One example is the inclusion of transit-related criteria in the list of criteria applicable to the development of needed housing. Such criteria were already included in the Land Use Code for other types of developments. This implements Metro Plan Policy 5, on page III-F-6, which provides:

“New developments shall include consideration of improvements which would accommodate urban public transit and other alternative modes.”

See findings for Statewide Planning Goal 12 for additional examples.

### **Public Utilities, Services, and Facilities Element**

The Metro Plan Public Utilities, Services, and Facilities Element and the Metropolitan Area Public Facilities Plan include policies that direct public facilities planning and implementation. Although these policies are not directly applicable to adoption of land use regulations, there is no inconsistency between these policies and the amendments to the Eugene Land Use Code.

### **Parks and Recreation Facilities Element**

The changes to the Eugene Land Use Code are consistent with policies in the Metro Plan’s Parks and Recreation Facilities Element.

For example, one policy provides:

“Encourage the development of private recreational facilities.” Policy 4 on page III-H-5.

Land Use Code provisions adopted through this process include those that clarify that clubhouses are an accessory use to certain developments and, therefore do not need separate permits. Also, as an example, the new code provisions now allow athletic clubs and sports clubs in the GO, I-2 and I-1 zones.

### **Historic Preservation Element**

The changes to the Eugene Land Use Code are consistent with the Metro Plan Historic Preservation Element. Policies in this element are furthered through new code provisions that consolidate the requirements for various historic property applications.

Criteria for approval of a historic landmark designation have been changed to be more consistent with the National Register criteria and to address changes in state law. These changes further Policy 1, on page III-I-2, which provides:

“Adopt and implement historic preservation policies, regulations, and incentive programs that encourage the inventory, preservation, and restoration of structures; landmarks; sites; and areas of cultural, historic, or archaeological significance, consistent with overall policies.”

The changes also implement Policy 4, on page III-I-2, which provides:

“Periodically review state and federal programs intended to assist in preservation of historic and archeological sites for possible use in connection with local implementation programs.”

### **Energy Element**

The changes to the Eugene Land Use Code are consistent with policies in the Metro Plan Energy Element that promote the availability of solar energy and that promote the use of alternative forms of transportation.

For example, Policy 3, on page III-J-5, provides:

“Land allocation and development patterns shall permit the highest possible current and future utilization of solar energy for space heating and cooling, in balance with the requirements of other planning policies.”

Section 9.2780 et seq. requires that all residential development adhere to solar access and setback requirements to ensure adequate access to solar energy.

Energy Policy 8, on page III-J-5, provides:

“Commercial, residential, and recreational land uses shall be integrated to the greatest extent possible, balanced with all planning policies to reduce travel distances, optimize reuse of waste heat, and optimize potential on-site energy generation.”

Reduction of travel distances may be accomplished through the use of the City’s /TD Transit Oriented Development overlay zone. Standards applicable within the /TD Transit Oriented

Development overlay zone have been clarified. The new /ND Nodal Development overlay zone will enable the City to create nodes in which may integrate the mix os uses described in this policy.

### **Citizen Involvement Element**

Metro Plan policies relating to citizen involvement were carried out in the process of the process for adoption of the Chapter 9 revisions. See findings for Statewide Planning Goal 1.

**Exhibit A**

**Findings of Consistency of the Fall 2002 Land Use Code Amendments  
with Criteria for Approval of Amendments to the Eugene Code**

The Fall 2002 Land Use Code amendments address many code sections and a wide variety of regulations. Findings of consistency for three ordinances are provided below. The first ordinance, concerning land use regulations, contains code amendments that primarily address errors, clarify existing code provisions or streamline procedures. The second ordinance, concerning nodal development, contains changes to the /ND Nodal Development overlay zone. The third ordinance, concerning secondary dwellings and flag lots, addresses changes to standards for residential flag lots and secondary dwellings.

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

- (1) Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission**

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property. This change maintains consistency with Goal 1 requirements.

The ordinance concerning land use regulations also includes revisions that clarify the public hearings that allow for the acceptance of new evidence. These changes maintain consistency with Goal 1 and comply with State law.

The ordinance concerning land use regulations streamlines the land use process by removing the requirement of site review if the city has approved the proposed development through a planned unit development (PUD) or conditional use permit (CUP) process. The PUD and CUP process provide greater public notice and a public hearing on a pending development proposal. This change will remove an unnecessary administrative review (site review) of the same proposed development, but will not decrease the overall level of citizen involvement.

The process for adopting these amendments complied with Goal 1 since it complied with, and

surpassed the requirements of, the citizen involvement provisions. Specifically, on August 30, 2002, the City provided written mailed notice of the October 1, 2002, joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to the following organizations involved in local land use regulations: 1) PRUDES (Professionals for Responsible Urban Development in Eugene-Springfield; 2) Eugene Area Chamber of Commerce; 3) Home Builders Association of Lane County; 4) Friends of Eugene; and 5) 1000 Friends of Oregon. Any party that had request notice of the draft code amendments or that provided public testimony was also added to an "interested party" list and provided written mailed notice of the public hearing. Legal notice in the local newspaper was also provided in accordance with Lane County code amendment requirements.

On October 1, 2002, Eugene and Lane County Planning Commissions held a joint public hearing on the draft amendments. The Eugene Planning Commission held work sessions on October 7 and October 8 and forwarded recommendations to the Eugene City Council. On October 17, 2002, written mailed notice was provided regarding the Eugene City Council public hearing of October 28, 2002. The notice was mailed to all interested parties. The public hearing notice and a copy of all three ordinances were provided on the City website.

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

The record shows that there is an adequate factual base for the amendments. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the amendments with all affected governmental units. Specifically, the City provided written mailed notice of the proposed amendments to the City of Springfield and Lane County. The City of Springfield provided no comments on the pending amendments. Lane County Planning Commission held a joint public hearing with the Eugene Planning Commission and will forward recommendations to the Lane County Board of Commissioners for application in the urban transition area. In addition, EWEB and School District 4J were provided written notice due to the nature of some of the proposed amendments. There are no Goal 2 Exceptions required for these amendments.

*Goal 3 - Agricultural Lands.* *To Preserve Agricultural Lands.*

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

*Goal 4 - Forest Lands.* *To conserve forest lands.*

The amendments do not affect any land designated for forest use. Therefore, Goal 4 is not applicable

or relevant to the amendments.

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

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

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

The amendments do not affect the City's compliance with Goal 6.

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

The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Therefore, Goal 7 does not apply.

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

The plan amendments do not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 8 does not apply.

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

The ordinance concerning land use regulations amendments include revisions that increase the allowable uses in the C-4 zone by permitted uses in the "trade" category. This provides greater flexibility for proposed projects in that zone. The revisions also add an additional use to the I-2 zone. While the ordinance concerning nodal development contains a size limitation of 50,000 square feet for new retail uses in the nodal development overlay zone, that limitation will not render any commercial or industrial sites unbuildable. The /ND overlay zone has not been applied to any properties. The amendments do not diminish the supply of commercial or industrial lands. Therefore, they are consistent with Goal 9.

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

The ordinance concerning land use regulations includes a change that makes it possible to establish

a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. Ordinance No. 1 also amends the code to clarify that greater residential lot density is allowed when the cluster subdivision process is used.

The ordinance concerning nodal development includes a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It also sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre.

The ordinance concerning secondary dwellings and flag lots amends the code to permit secondary dwellings on flag lots and to provide specific lot dimensions necessary for locating secondary dwellings. It revises provisions for the R-1 zone to allow home occupations and secondary dwellings on flag lots of 13, 500 square feet or more. It reduces the setback for residential flag and alley lots to make them easier to develop. None of these provisions would render residential lands unbuildable. In fact, they increase the potential for residential development in the City. The amendments have no impact on the supply of residential lands and are therefore consistent with Goal 10.

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

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

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

The amendments do not significantly affect a transportation facility. Therefore, Goal 12 does not apply.

*Goal 13 - Energy Conservation. To conserve energy.*

The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

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

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



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

The amendments to not contain any changes that affect the regulation of areas within the Willamette River Greenway. The ordinance concerning land use regulations adds a cross reference that was mistakenly left out of the code, reiterating in an additional section that the City processes requests for modification of a Willamette Greenway Permit using a Type II process.

Goals 16 - 19. Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean resources.

These Statewide Planning Goals do not apply to the actions taken.

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

#### **Metro Plan Policies**

Residential Land Use and Housing Element, Policy A.13. Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

The ordinance concerning land use regulations includes a change to make it possible to establish a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. This is consistent with the intent of Policy A.13 since it promotes the mixing of commercial and residential uses.

The ordinance concerning nodal development includes in the purpose of the /ND Nodal Development overlay zone a statement that each node is intended to achieve an average overall residential density of 12 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This is consistent with Policy A.13 to increase overall residential densities.

The ordinance concerning secondary dwellings and flag lots will create additional opportunities for residential in-fill development by decreasing required setbacks for flag lots and increasing the allowance of detached secondary dwellings. To promote compatibility with existing neighborhoods, new buildings on flag lots will still have greater setbacks than a standard lot and special design standards remain in place for detached secondary dwellings.

Economic Element, Policy 23. Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and

*which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.*

Ordinance No. 1 amendments include a change to make it possible to establish a one-family dwelling or two-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. These residences are also subject to the limitations in EC 9.2161(6). These limitations on residential uses preserve the suitability of the C-1 and C-2 zones for commercial uses and take into account compatibility and traffic issues.

Ordinance No. 1 amendments include revisions that increase the allowable uses in the C-4 zone by adding permitted uses in the "trade" category. Two of the uses added, book store and drug store, lend themselves to "neighborhood commercial" developments.

*Transportation Element, Policy F.1. Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.*

The ordinance concerning nodal development includes a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This requirement for higher intensity of development will promote transit use and is consistent with the requirement of Policy F.3.

*Citizen Involvement Element, Policy 3. Improve and maintain local mechanisms that provide the opportunity for residents and property owners in existing residential areas to participate in the implementation of policies in the Plan that may affect the character of those areas.*

The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property and is consistent with Policy 3.

### **Refinement Plan Policies**

The amendments do not address a specific area of the city or a specific public facility. Therefore, no refinement plan is particularly applicable.

Exhibit A

**Findings of Consistency of the Fall 2002 Land Use Code Amendments  
with Criteria for Approval of Amendments to the Eugene Code**

The Fall 2002 Land Use Code amendments address many code sections and a wide variety of regulations. Findings of consistency for three ordinances are provided below. The first ordinance, concerning land use regulations, contains code amendments that primarily address errors, clarify existing code provisions or streamline procedures. The second ordinance, concerning nodal development, contains changes to the ND Nodal Development overlay zone. The third ordinance, concerning secondary dwellings and flag lots, addresses changes to standards for residential flag lots and secondary dwellings.

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

- (1) Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property. This change maintains consistency with Goal 1 requirements.

The ordinance concerning land use regulations also includes revisions that clarify the public hearings that allow for the acceptance of new evidence. These changes maintain consistency with Goal 1 and comply with State law.

The ordinance concerning land use regulations streamlines the land use process by removing the requirement of site review if the city has approved the proposed development through a planned unit development (PUD) or conditional use permit (CUP) process. The PUD and CUP process provide greater public notice and a public hearing on a pending development proposal. This change will remove an unnecessary administrative review (site review) of the same proposed development, but will not decrease the overall level of citizen involvement.

The process for adopting these amendments complied with Goal 1, since it complied with, and

surpassed the requirements of the citizen involvement provisions. Specifically, on August 30, 2002, the City provided written mailed notice of the October 1, 2002, joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to the following organizations involved in local land use regulations: 1) PRUDES (Professionals for Responsible Urban Development in Eugene-Springfield); 2) Eugene Area Chamber of Commerce; 3) Home Builders Association of Lane County; 4) Friends of Eugene; and 5) 1000 Friends of Oregon. Any party that had request notice of the draft code amendments or that provided public testimony was also added to an "interested party" list and provided written mailed notice of the public hearing. Legal notice in the local newspaper was also provided in accordance with Lane County code amendment requirements.

On October 1, 2002, Eugene and Lane County Planning Commissions held a joint public hearing on the draft amendments. The Eugene Planning Commission held work sessions on October 7 and October 8 and forwarded recommendations to the Eugene City Council. On October 17, 2002, written mailed notice was provided regarding the Eugene City Council public hearing of October 28, 2002. The notice was mailed to all interested parties. The public hearing notice and a copy of all three ordinances were provided on the City website.

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

The record shows that there is an adequate factual base for the amendments. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the amendments with all affected governmental units. Specifically, the City provided written mailed notice of the proposed amendments to the City of Springfield and Lane County. The City of Springfield provided no comments on the pending amendments. Lane County Planning Commission held a joint public hearing with the Eugene Planning Commission and will forward recommendations to the Lane County Board of Commissioners for application in the urban transition area. In addition, EWEB and School District 4J were provided written notice due to the nature of some of the proposed amendments. There are no Goal 2 Exceptions required for these amendments.

Goal 3 - Agricultural Lands. *To Preserve Agricultural Lands.*

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments do not affect any land designated for forest use. Therefore, Goal 4 is not applicable

or relevant to the amendments.

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

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

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

The amendments do not affect the City's compliance with Goal 6.

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

The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Therefore, Goal 7 does not apply.

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

The plan amendments do not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 8 does not apply.

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

The ordinance concerning land use regulations amendments include revisions that increase the allowable uses in the C-4 zone by permitted uses in the "trade" category. This provides greater flexibility for proposed projects in that zone. The revisions also add an additional use to the I-2 zone. While the ordinance concerning nodal development contains a size limitation of 50,000 square feet for new retail uses in the nodal development overlay zone, that limitation will not render any commercial or industrial sites unbuildable. The ND overlay zone has not been applied to any properties. The amendments do not diminish the supply of commercial or industrial lands. Therefore, they are consistent with Goal 9.

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

The ordinance concerning land use regulations includes a change that makes it possible to establish

a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. Ordinance No. 1 also amends the code to clarify that greater residential lot density is allowed when the cluster subdivision process is used.

The ordinance concerning nodal development includes a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It also sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre.

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

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

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

The amendments do not significantly affect a transportation facility. Therefore, Goal 12 does not apply.

Goal 13 - Energy Conservation. To conserve energy.

The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

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

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



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

The amendments do not contain any changes that affect the regulation of areas within the Willamette River Greenway. The ordinance concerning land use regulations adds a cross reference that was mistakenly left out of the code, reiterating in an additional section that the City processes requests for modification of a Willamette Greenway Permit using a Type II process.

Goals 16 - 19: Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean resources.

These Statewide Planning Goals do not apply to the actions taken.

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

#### Metro Plan Policies

Residential Land Use and Housing Element, Policy A.13. Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

The ordinance concerning land use regulations includes a change to make it possible to establish a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. This is consistent with the intent of Policy A.13 since it promotes the mixing of commercial and residential uses.

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The ordinance concerning secondary dwellings and flag lots will create additional opportunities for residential in-fill development by decreasing required setbacks for flag lots and increasing the allowance of detached secondary dwellings. To promote compatibility with existing neighborhoods, new buildings on flag lots will still have greater setbacks than a standard lot and special design standards remain in place for detached secondary dwellings.

Economic Element, Policy 23. Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and

which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

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Ordinance No. 1 amendments include revisions that increase the allowable uses in the C-4 zone by adding permitted uses in the "trade" category. Two of the uses added, book store and drug store, lend themselves to "neighborhood commercial" developments.

*Transportation Element, Policy F.1. Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.*

The ordinance concerning nodal development includes a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This requirement for higher intensity of development will promote transit use and is consistent with the requirement of Policy F.3.

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#### **Refinement Plan Policies**

The amendments do not address a specific area of the city or a specific public facility. Therefore, no refinement plan is particularly applicable.



Exhibit A

**Findings of Consistency of the Fall 2002 Land Use Code Amendments  
with Criteria for Approval of Amendments to the Eugene Code**

The Fall 2002 Land Use Code amendments address many code sections and a wide variety of regulations. Findings of consistency for three ordinances are provided below. The first ordinance, concerning land use regulations, contains code amendments that primarily address errors, clarify existing code provisions or streamline procedures. The second ordinance, concerning nodal development, contains changes to the ND Nodal Development overlay zone. The third ordinance, concerning secondary dwellings and flag lots, addresses changes to standards for residential flag lots and secondary dwellings.

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

- (1) Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property. This change maintains consistency with Goal 1 requirements.

The ordinance concerning land use regulations also includes revisions that clarify the public hearings that allow for the acceptance of new evidence. These changes maintain consistency with Goal 1 and comply with State law.

The ordinance concerning land use regulations streamlines the land use process by removing the requirement of site review if the city has approved the proposed development through a planned unit development (PUD) or conditional use permit (CUP) process. The PUD and CUP process provide greater public notice and a public hearing on a pending development proposal. This change will remove an unnecessary administrative review (site review) of the same proposed development, but will not decrease the overall level of citizen involvement.

The process for adopting these amendments complied with Goal 1 since it complied with, and

surpassed the requirements of the citizen involvement provisions. Specifically, on August 30, 2002, the City provided written mailed notice of the October 1, 2002, joint Eugene and Lane County Planning Commission public hearing on the Fall 2002 Draft Land Use Code Amendments. The notice included information on the basis for the draft amendments and applicable approval criteria. The notice was provided to the Lane County and City of Springfield Planning Directors and to all neighborhood groups officially recognized by the city council. In addition, the notice was provided to the following organizations involved in local land use regulations: 1) PRUDES (Professionals for Responsible Urban Development in Eugene-Springfield); 2) Eugene Area Chamber of Commerce; 3) Home Builders Association of Lane County; 4) Friends of Eugene; and 5) 1000 Friends of Oregon. Any party that had request notice of the draft code amendments or that provided public testimony was also added to an "interested party" list and provided written mailed notice of the public hearing. Legal notice in the local newspaper was also provided in accordance with Lane County code amendment requirements.

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

The record shows that there is an adequate factual base for the amendments. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the amendments with all affected governmental units. Specifically, the City provided written mailed notice of the proposed amendments to the City of Springfield and Lane County. The City of Springfield provided no comments on the pending amendments. Lane County Planning Commission held a joint public hearing with the Eugene Planning Commission and will forward recommendations to the Lane County Board of Commissioners for application in the urban transition area. In addition, BWEB and School District 4J were provided written notice due to the nature of some of the proposed amendments. There are no Goal 2 Exceptions required for these amendments.

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The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

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The amendments do not affect the City's compliance with Goal 6.

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

The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Therefore, Goal 7 does not apply.

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

The plan amendments do not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 8 does not apply.

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The ordinance concerning land use regulations amendments include revisions that increase the allowable uses in the C-4 zone by permitted uses in the "trade" category. This provides greater flexibility for proposed projects in that zone. The revisions also add an additional use to the I-2 zone. While the ordinance concerning nodal development contains a size limitation of 50,000 square feet for new retail uses in the nodal development overlay zone, that limitation will not render any commercial or industrial sites unbuildable. The /ND overlay zone has not been applied to any properties. The amendments do not diminish the supply of commercial or industrial lands. Therefore, they are consistent with Goal 9.

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

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a one-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. Ordinance No. 1 also amends the code to clarify that greater residential lot density is allowed when the cluster subdivision process is used.

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

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

The amendments do not significantly affect a transportation facility. Therefore, Goal 12 does not apply.

Goal 13 - Energy Conservation. To conserve energy.

The amendments do not concern energy conservation. Therefore, Goal 13 does not apply.

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

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

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

The amendments to not contain any changes that affect the regulation of areas within the Willamette River Greenway. The ordinance concerning land use regulations adds a cross reference that was mistakenly left out of the code, reiterating in an additional section that the City processes requests for modification of a Willamette Greenway Permit using a Type II process.

Goals 16-19. Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean resources.

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

#### Metro Plan Policies

Residential Land Use and Housing Element, Policy A.13. Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

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The ordinance concerning secondary dwellings and flag lots will create additional opportunities for residential in-fill development by decreasing required setbacks for flag lots and increasing the allowance of detached secondary dwellings. To promote compatibility with existing neighborhoods, new buildings on flag lots will still have greater setbacks than a standard lot and special design standards remain in place for detached secondary dwellings.

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Ordinance No. 1 amendments include a change to make it possible to establish a one-family dwelling or two-family dwelling in C-1 or C-2 if it is above a nonresidential use on the ground floor. These residences are also subject to the limitations in EC 9.2161(6). These limitations on residential uses preserve the suitability of the C-1 and C-2 zones for commercial uses and take into account compatibility and traffic issues.

Ordinance No. 1 amendments include revisions that increase the allowable uses in the C-4 zone by adding permitted uses in the "trade" category. Two of the uses added, book store and drug store, lend themselves to "neighborhood commercial" developments.

*Transportation Element, Policy F.1. Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.*

The ordinance concerning nodal development includes a change to clarify the City's intent that residential development in the nodal development areas achieve an average density of 12 units per net residential acre. It sets the minimum density requirement for nodal development areas within the R-1 and R-1.5 zones at 8 units per net residential acre. The amendments in this ordinance related to minimum residential densities for different base zones exceed those set forth in the Land Use Code, consistent with the intent to achieve an average of 12 units per net residential acre. This requirement for higher intensity of development will promote transit use and is consistent with the requirement of Policy F.3.

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The ordinance concerning land use regulations includes a revision to the requirement that the City install a 12 square foot freestanding sign on development sites that have certain types of land use decisions pending. The size requirement has been reduced to 6 square feet. This change will still provide broad public notice of pending land use decisions, yet the smaller size will be more efficient for installation on the property and is consistent with Policy 3.

#### **Refinement Plan Policies**

The amendments do not address a specific area of the city or a specific public facility. Therefore, no refinement plan is particularly applicable.



**Exhibit A**

**Findings of Consistency of Broadway Overlay Zone Amendments  
with Criteria for Approval of Amendments to the Eugene Code and the Eugene  
Zoning Map**

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

- (1) **Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission**

**Goal 1 - Citizen Involvement**

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

*Creation of the Broadway Overlay Zone was accomplished through two workshops that relied on public involvement and exchange of information. The process was specially designed for this neighborhood. The City and consultant team interviewed key owners of affected properties and offered the opportunity for individual meetings. Information was also available via the city's internet website. Notification was provided of all public hearings as required by local statute. Therefore, the amendments are consistent with Goal 1.*

**Goal 2 - Land Use Planning**

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

*The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the ordinance with the State Department of Land Conservation and Development. There are no Goal 2 Exceptions required for the adoption of these amendments. Therefore, the amendments are consistent with Goal 2.*

**Goal 3 - Agricultural Lands**

*To Preserve Agricultural Lands*

*The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.*

Goal 4 - Forest Lands.

To conserve forest lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.

To conserve open space and protect natural and scenic resources.

The area effected by these actions is located in the City's urban core and contain no resources from the City's Goal 5 inventory of significant resources. Therefore, Goal 5 is not applicable or relevant to the amendments.

Goal 6 - Air, Water and Land Resource Quality.

To maintain and improve the quality of the air, water and land resources of the state.

The regulations for the Broadway Overlay zone encourage alternatives to automobile travel, especially walking and transit and reduced demand for automobile-related transportation facilities. Increasing the use of alternative modes of transportation will help to improve regional and local air quality. Therefore, the amendments are consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

The areas affected by these plan amendments do not include any known areas of natural disasters or hazards. Therefore, the amendments are consistent with Goal 7.

Goal 8 - Recreational Needs.

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

The plan amendments do not effect any inventoried or designated recreation areas, facilities or recreational opportunities. Therefore, the amendments are consistent with Goal 8.

Goal 9 - Economic Development.

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

The proposed amendments will encourage a healthy retail and commercial environment in the core of Eugene's downtown. The amendments will strengthen commerce, pedestrian activity, office and residential supporting services, and transit oriented development. The proposed



amendments affect 19 properties abutting a three block section of West Broadway, thereby leaving adequate urban area to locate the few automobile-serving commercial uses prohibited by the proposed ordinance. Adequate provisions are included in the amendments to avoid undue hardship to existing nonconforming businesses and structures.

Therefore, the amendments are consistent with Goal 9.

Goal 10 - Housing:

To provide for the housing needs of citizens of the state.

The proposed amendments will not restrict housing. Therefore, the amendments are consistent with Goal 10.

Goal 11 - Public Facilities and Services:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Basic urban and transit services are provided to the area by the City of Eugene and are adequate to serve full buildout in the affected area. Therefore, these amendments are consistent with Goal 11.

Goal 12 - Transportation:

To provide and encourage a safe, convenient and economic transportation system.

The amendments affect building design and encourage uses within the buildings that promote pedestrian travel within the downtown area.

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

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if:
  - (a) Changes the functional classification of an existing or planned transportation facility;
  - (b) Changes standards implementing a functional classification system;
  - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

- (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

*The street and transit system will not be affected by these amendments. No street classifications will be amended. Therefore, the amendments comply with Goal 12 and the Transportation Planning Rule.*

*Goal 13 - Energy Conservation.*

*Goal 13 does not apply to the actions taken.*

*Goal 14 - Urbanization.*

*To provide for an orderly and efficient transition from rural to urban land use.*

*The affected area wholly within the City limits. Therefore, Goal 14 is not applicable or relevant to the amendments.*

*Goals 15 - 19.*

*These Statewide Planning Goals do not apply to the actions taken.*

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

*Metro Plan Policies*

1. *Policy A.10 (Residential Land Use and Housing Element Page III-A-8) "Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary."*

*AND*

2. *Policy A.13 (Residential Land Use and Housing Element Page III-A-8) "Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use, while considering impacts of increased residential density on historic, existing and future neighborhoods."*

*The proposed amendments will not diminish the ability to provide high density*

*residential dwellings or mixed use development within the affected area.*

3. Policy A.12 (*Residential Land Use and Housing Element Page III-A-8*) "Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities."

*The proposed amendments would contribute to a more convenient, safer environment for residents in the downtown area, as well as encourage more retail and food establishments, which will better serve downtown residents.*

4. Policy A.23 (*Residential Land Use and Housing Element Page III-A-10*) "Reduce impacts of higher density residential and mixed use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations."

*The design standards for new development and redevelopment in the affected area are intended to promote the construction of high quality, high-density residential, commercial, and mixed-use development in the plan area. The amendments provide architectural and site planning standards that promote traditional, compatible design within the traditional market area of Eugene's downtown.*

5. Policy A.24 (*Residential Land Use and Housing Element Page III-A-10*) "Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns."

*The proposed amendments provide clear and objective design standards, while also utilizing the existing adjustment review process to allow alternative designs that may be more compatible within the context of the proposed structure.*

6. Policy 7 (*Environmental Design Element Page III-E-3*) "The development of urban design elements as part of local and refinement plans shall be encouraged."

*Although not part of a refinement plan, the proposed amendments provide design standards based on a set of guiding design principles. These principles encourage retail activity, pedestrian comfort, area identification ("districting"). Design standards for built environment are also incorporated into the land use code, Municipal Code Chapter 9.*

7. Policy 8 (*Environmental Design Element Page III-E-3*) "Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site

planning objectives while allowing for creative solutions to design problems."

*The Broadway Overlay Zone was developed to use clear and quantifiable standards as much as possible to avoid the need for time consuming secondary discretionary reviews, such as site review, planned unit developments, or new design review procedures. However, the new Eugene land use code includes provisions for an "adjustment review" process that allows a development proposal to be evaluated using a set of Design Guidelines rather than design standards. The guidelines are intended to promote flexibility and allow for creative design solutions while adhering to the nodal development design principles.*

8. Policy F.3 (Transportation Element) "Provide for transit supportive land use patterns and development, including higher intensity transit-oriented development along major transit corridors and near transit stations; 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."

AND

9. Policy F.13 (Transportation Element) "Support transportation strategies that enhance neighborhood livability."

*The Broadway Overlay Zone will affect an area in the traditional core market area of Eugene's downtown. This area is served by local and regional transit, and is located one block from the Lane Transit District Station and five blocks from the Amtrak station. The standards promote more intensive uses within this transit-oriented area, as well as decreased reliance on automotive travel.*

#### Eugene Downtown Plan Policies

1. Promote intensity of development and use.

*The amendments restrict less intensive and automobile-serving uses from this core commercial area. Other intensive uses and mix of uses are not restricted.*

2. Recognize the need for the mall to remain a people-oriented place while providing an attractive environment for business.

*The pedestrian mall has been opened for vehicular traffic (through separate actions), but these proposed amendments will encourage higher quality and more economically viable retail, more pedestrian amenities, and attractive business environment. The regulations were crafted to have minimal impact on current businesses and to avoid*

*disincentives to private investment and business opportunities.*

3. Encourage developments with visually stimulating activity on the ground floor.

AND

4. Enhance existing nodes of night-time activity and improve the pedestrian routes used between such centers.

*Implementation of these policies is a primary purpose of the proposed amendments. The amendments will require windows, nighttime lighting, and activity on the ground floor, while prohibiting uses and (non) activity that remove visual stimulation along the ground floor. The proposed overall effect will be one of a "Great Street," that is a route preferred by pedestrians because of relative comfort, interest, and perceived safety.*

5. Promote the concentration of retail activities for identity and marketability.

*Broadway was chosen as a primary retail destination because of its history as a key market street in the downtown area. The amendments will promote this concept through retail-friendly first floor design, an prohibition of uses that are not compatible with retail or pedestrian activity.*

#### **ZONE CHANGES**

The Eugene City Council will apply the following criteria from EC 9.8856 to proposals to rezone properties:

- (1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

*The proposed Broadway Overlay zone would implement the Metro Plan's policies for more intensive, transit-supportive development, as discussed above.*

- (2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

*The proposed Broadway Overlay Zone implements the retail-supportive policies in the Eugene Downtown Plan, as discussed above.*

- (3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

*Key urban services are already in place and are sufficient for future intensification of uses.*

**Exhibit A**

**Findings of Consistency of Royal Nodal Development Amendments  
with Criteria for Approval of Amendments to the Eugene Code**

The Eugene City Council will apply the following criteria from EC 9.8065 to the proposed code amendment:

- (1) Is with applicable statewide planning goals adopted by the Land Conservation and Development Commission.**

**Goal 1 - Citizen Involvement**

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

The Eugene Citizen Involvement Committee reviewed and approved a citizen involvement program and interested parties list for the project. The citizen involvement program proposed for the project was fully executed. Consideration of the Royal Node provisions began with a joint public hearing on July 11, 2000. Department of Land Conservation and Development notice, notice to property owners and interested parties and newspaper publication was provided for that hearing. Between June and November 2000, the Eugene Planning Commission held four work sessions and the Lane County Planning Commission held one work session. With a revised proposal for the node, notification of a joint Planning Commission work session and hearing on the project was mailed to the interested parties list on February 1, 2002; that mailing list contained more than 250 names. Notification of the joint City Council / Board of County Commissioners hearing on the project was mailed to the interested parties list and published in the Register-Guard on August 28, 2002. Staff presented information on the project to numerous neighborhood and special interest groups throughout the course of this project. Therefore, the amendments are consistent with Goal 1.

**Goal 2 - Land Use Planning.**

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions*

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for the measures to establish the Royal Avenue Node. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the ordinances with Lane County, the Oregon Department of Land Conservation and Development, the Oregon Department of Transportation, the Oregon Division of State Lands, the US Army Corps of Engineers, Bethel School District 52, the US Department of the Interior - Bureau of Land Management, the US Department of Commerce - National Marine Fisheries Service, the Oregon Department of

Environmental Quality, the US Environmental Protection Agency, the US Fish and Wildlife Service, and the Oregon Department of Fish and Wildlife . Specifically, the City provided copies of the plan and implementing measures to these agencies as well as notice of public hearings on the project. There are no Goal 2 Exceptions required for the adoption. Therefore, the amendments are consistent with Goal 2.

Goal 3 - Agricultural Lands.

*To preserve and maintain agricultural land.*

The change in Metro Plan designation is for property located within the urban growth boundary and does not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 4 - Forest Lands.

*To conserve forest lands...*

The change in Metro Plan designation is for property located within the urban growth boundary and does not affect any land designated for forest use. Therefore, Goal 4 is not applicable or relevant to the amendments.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.

*To conserve open space and protect natural and scenic resources.*

To the extent that there are any resource sites from the City's acknowledged Goal 5 inventory in the Royal Node area, the change in Metro Plan designation has no effect on the level of protection provided for those resource sites. The uses allowed on the properties will not change as a result of the actions, as the properties are not being rezoned as a part of these actions and no new regulations are being applied to the properties as a result of these actions. Therefore, the amendments are consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality.

*To maintain and improve the quality of the air, water, and land resources of the state.*

The addition of the ND Nodal Development Metro Plan designation to property within the area furthers implementation of the nodal development, an approach to integration of land use and transportation planning that seeks to increase the use of alternative modes of transportation, reduce per-person vehicle miles of travel, and reduce demand for automobile-related transportation facilities. Increasing the use of alternative modes of transportation will help to improve regional and local air quality. Therefore, the amendments are consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards.

*To protect life and property from natural disasters and hazards.*



The areas affected by these ordinances do not include any known areas of natural disasters or hazards. Therefore, the amendments are consistent with Goal 7.

Goal 8 - Recreational Needs.

*To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The actions do not affect any inventoried/designated recreation areas, facilities or recreational opportunities since the uses allowed on the redesignated properties will not change as a result of the actions. Therefore, the amendments are consistent with Goal 8.

Goal 9 - Economic Development.

*To satisfy adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The addition of the ND Nodal Development Metro Plan designation does not change the underlying Metro Plan designation and land currently designated for commercial use will continue to be designated for commercial use. There is no land designated for industrial use within the area. Therefore, the amendments are consistent with Goal 9.

Goal 10 - Housing.

*To provide for the housing needs of citizens of the state.*

The addition of the ND Nodal Development Metro Plan designation does not change the underlying Metro Plan designation and land currently designated for housing will continue to be designated for housing. Therefore, the amendments are consistent with Goal 10.

Goal 11- Public Facilities and Services.

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

The properties affected by addition of the ND Nodal Development Metro Plan designation are outside the City limits and within the urban growth boundary of the City of Eugene. The properties are currently provided with adequate public facilities and the actions taken by these amendments do not affect the jurisdictions' ability to provide those facilities. Should the properties be annexed in the future and be rezoned, provision of public facilities will be considered at that time. For planning purposes, as demonstrated in the Royal Area Specific Plan, the City has considered and confirmed that it will be able to provide the necessary public facilities if the area were to be rezoned to the City's Royal Node Special Area Zone. Therefore, the amendments are consistent with Goal 11.

Goal 12- Transportation.

*To provide and encourage a safe, convenient and economic transportation system.*

The addition of the "ND--Nodal Development" Metro Plan designation implements policy direction in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan), acknowledged for compliance with Goal 12 in 2001.

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

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . . .*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
  - (a) *Changes the functional classification of an existing or planned transportation facility;*

The functional classifications of major streets in the planning area were not changed from the designations shown on the adopted Street Classification Map

- (b) *Changes standards implementing a functional classification system:*

The standards implementing the street functional classification system would not be changed by any of the proposed actions to implement the draft Royal Avenue Specific Plan.

- (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classifications of a transportation facility;*  
*or*

The planned uses and levels of service for all streets within the planning area are consistent with classifications of transportation facilities in the area.

- (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

TransPlan sets a Level of Service "D" as the acceptable threshold in Eugene, outside of the Central Area Transportation Study area. The proposed actions would not result in reduction of performance standards below minimum acceptable levels.

The proposed amendments implement TransPlan and do not significantly affect a transportation facility. Therefore, the amendments are consistent with Goal 12 and the Transportation Planning Rule (OAR 660-012-0600).

Goal 13 - Energy Conservation.

Goal 13 does not apply to the actions taken.

Goal 14 - Urbanization.

*To provide for the orderly and efficient transition from rural to urban land use.*

The area subject to the addition of the "ND--Nodal Development" Metro Plan designation is in the urbanizable area -- outside the City's limits, but within the urban growth boundary. The actions taken do not affect the status of the area. The actions do not include any timeline for the conversion of the area to urban uses. Therefore, the amendments are consistent with Goal 14.

Goals 15 - 19.

These Statewide Planning Goals do not apply to the actions taken.

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

**Metro Plan policies relevant to this proposal include the following:**

1. Policy 8 (*Growth Management and the Urban Service Area Element Page II-B-4*) "Land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city when it is found that:
  - a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
  - b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metropolitan Plan."

Development of the draft plan included an investigation into the availability of key urban services to the site. A full complement of urban services can be provided upon annexation of the site to the City of Eugene. Voters in Bethel School District 52 have recently passed a bond measure which allows the district to proceed with planning new school facilities to serve the area. Two new schools are under construction on property abutting the node to the east. The Bethel-Danebo Plan requires that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for paved streets that drain stormwater runoff and accommodate relatively high levels of pedestrian travel along the streets.

2. Policy 9 (*Growth Management and the Urban Service Area Element Page II-B-5*) "A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. In addition to key urban services, the Royal Avenue Specific Plan provides for extension of transit service to the site, provision of natural gas service, storm drainage, street lighting, local parks, and local recreation facilities. A branch library has recently been opened for the first time in the Bethel neighborhood, approximately 1.5 miles from the Royal Avenue site. The amendment to the Eugene Code that implements the Royal Plan also provides for the location of a future branch library or other government services in several of its proposed zoning districts, and for the provision of clinics and other health facilities within the Main Street Commercial zoning district.

3. Policy 16 (*Growth Management and the Urban Services Area Element Page II-B-6*)  
"Ultimately, land within the urban growth boundary shall be annexed to a city and provided with the required minimum level of urban services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for the urbanization of urbanizable land within the urban growth boundary. The plan also provides for eventual annexation of land within the planning area to the City of Eugene and provides for the required minimum level of urban services.

4. Policy 17 (*Growth Management and the Urban Services Area Element Page II-B-6*)  
"Eugene and Springfield and their respective utility branches, Eugene Water and Electric Board and Springfield Utility Board, shall be the water and electrical service providers within the urban growth boundary."

Water and electric service within the plan area will be provided by the Eugene Water and Electric Board.

5. Policy A.2 (*Residential Land Use and Housing Element Page III-A-6*) "Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies, however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses."

This action does not apply the proposed zoning designations to the plan area. Rezoning will occur following annexation of the area to the City of Eugene. Until annexation and rezoning occur, the land will retain its existing zoning. Most of the land in the planning area is currently zoned AG/UL Agricultural/Urbanizable Land.

6. Policy A.8 (*Residential Land Use and Housing Element Page III-A-6*) "Require developers to pay the cost, as determined by the local jurisdiction, of extending public services and infrastructure. The cities shall examine ways to provide subsidies or incentives for providing infrastructure that support affordable housing and/or higher density housing."

New development in the area will be required to pay the cost of extending public services and infrastructure to the site. The city has provided an incentive through the preparation of the specific area plan that identifies necessary infrastructure to serve the plan area. Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area.

7. Policy A.10 (*Residential Land Use and Housing Element Page III-A-8*) "Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for the utilization of existing infrastructure (drainage, schools, community park, and Royal Avenue), improves the efficiency of transit service to the area, improves the efficiency of drainage and wastewater facilities in the area, and conserves rural resource lands by providing for higher-density development inside the urban growth boundary.

8. Policy A.11 (*Residential Land Use and Housing Element Page III-A-8*) "Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan implements the nodal development concept in the Bethel-Danebo neighborhood. The proposed site plan for the area includes provisions for more than 8 acres of commercial and commercial-mixed used development within the plan boundaries. Higher-density development will occur in proximity to commercial services and the employment generated by those services. The plan recommends the improvement of Royal Avenue and the construction of Roosevelt Boulevard within the node; both facilities are major streets and, as such, are part of the "major transportation system" in the region. Transportation efficiency is a guiding principle of the nodal development concept. Many elements of the plan focus on improving transportation-efficiencies of new development.

9. Policy A.12 (*Residential Land Use and Housing Element Page III-A-8*) "Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The specific plan coordinates higher density development with infrastructure, open space and other amenities necessary to support the recommended densities.

10. Policy A.13 (*Residential Land Use and Housing Element Page III-A-8*) "Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use, while considering impacts of increased residential density on historic, existing and future neighborhoods."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for an increase in land available for medium-density residential development through inclusion of three proposed new zoning districts. Two of the new zoning districts (Residential Mixed Use and Commercial Mixed Use,) provide for the addition of almost 20 acres of land designated for higher density development. The third new district (Main Street Commercial) provides for additional opportunities to provide higher-density housing above ground floor commercial uses. The specific plan proposes that development in these areas occur at a minimum density level of 18 dwelling units per net acre.

There are no identified historic neighborhoods within or in proximity to the plan area. Design standards and design guidelines in the amendments to the Eugene Code that implement the Royal Plan are intended to reduce the negative impacts of increased residential density on existing and future neighborhoods.

11. Policy A.14 (*Residential Land Use and Housing Element Page III-A-8*) "Review local zoning and development regulations periodically to remove barriers to higher density housing and make provision for a full range of housing options."

Cost factors and regulatory inefficiencies are often cited as a barrier to higher-density and mixed-use development. The amendments to the Eugene Code that implement the specific plan include new standards for smaller lot development that will reduce the per-unit cost of land for new development.

The code amendments also includes standards for narrow residential streets, and include provisions for an open drainage system that is expected to cost significantly less to build than a piped drainage system for the same area. The street standards and drainage provisions should reduce the per-unit cost for street construction and for construction of a drainage system for the area thereby reducing one of the perceived barriers.

The code amendments propose adjustments to minimum lot size requirements in the Eugene Code that will actually allow the levels of density prescribed for Low-Density and Medium-Density residential development in the Metro Plan. The code amendments promote development of a broad mixture of housing types within the node and allow attached and detached single family dwellings, apartments, rowhouses, duplexes, tri-plexes, four-plexes, and accessory units.

12. Policy A.15 (*Residential Land Use and Housing Element Page III-A-8*) "Develop a wider range of zoning options such as new zoning districts, to fully utilize *Metro Plan* density ranges."

The amendments to the Eugene Code that implement the Royal Avenue Specific Plan provide for the adoption of three new mixed use zoning districts (See # 10, above). The code amendments also provide for minimum density levels in areas designated for Low Density Residential uses to fully utilize the upper range of the Low Density Residential designation (8 to 14 du/net acre).

13. Policy A.17 (*Residential Land Use and Housing Element Page III-A-9*) "Provide opportunities for a full range of choice in housing type, density, size, cost, and location."

The amendments to the Eugene Code that implement the Royal Avenue Specific Plan provide for a full range of housing types, size, and cost. (See #11, above). The code amendments also provide for choice in housing density by allowing for averaging of densities in low density areas. By requiring an average minimum density, developers are afforded some flexibility in providing a variety of lot sizes; some lots can be larger and some smaller than the average.

The code amendments encourage housing within the node for all income groups with provisions for small lot development, which will encourage development of smaller, less expensive homes; and with allowances for small accessory units to be built on single family lots. Construction of accessory units will increase the city's stock of affordable housing.

14. Policy A.18 (*Residential Land Use and Housing Element Page III-A-9*) "Encourage a mix of structure types and densities within residential designations by reviewing, and, if necessary amending local zoning and development regulations."

The code amendments include new residential land development regulations that are specific to the planning area. The proposed development regulations allow a mix of all structure types within the node and encourage higher density development through the application of minimum density standards for all zones, reduced lot sizes, and increased lot coverage allowances for some housing types.

15. Policy A.21 (*Residential Land Use and Housing Element Page III-A-9*) "Allow manufactured dwelling parks as an outright use in low-density residential zones if the local jurisdiction's prescribed standards are met."

The code amendments provide for manufactured home parks as a permitted use in both the Low-Density Residential and Medium-Density Residential zoning districts.

16. Policy A.22 (*Residential Land Use and Housing Element Page III-A-10*) "Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations."

The code amendments propose adoption of three new mixed-use zoning districts within the nodal development area. These districts are named the Residential Mixed- Use, Commercial Mixed-Use, and Main Street Commercial districts. Each of the proposed new districts would permit development

of either vertical mixed use buildings or a horizontal mixed-use development pattern. Within these areas, a range of residential, retail, office, and civic uses could co-mingle.

17. Policy A.23 (*Residential Land Use and Housing Element Page III-A-10*) "Reduce impacts of higher density residential and mixed use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations."

The code amendments include design standards and design guidelines for new development in the plan area that are intended to promote the construction of high quality, higher-density residential and mixed-use development. The standards and guidelines address site planning, landscape and open space, and architectural considerations in an attempt to reduce the impacts of higher-density, mixed-use development on surrounding uses.

18. Policy A.24 (*Residential Land Use and Housing Element Page III-A-10*) "Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns."

The code amendments provide for both clear and objective design standards and a discretionary design review process using design guidelines. The design standards and design guidelines developed for the plan area will promote compatibility between various uses in the node, and between uses within the nodal development area and adjacent uses outside of the node. Both the standards and the guidelines address compatibility, aesthetics, open space and other concerns related to higher-density, mixed-use development.

19. Policy 22 (*Economic Element Page III-B-6*) "Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods."

See other discussion above. The proposed Residential Mixed Use district would permit appropriately scaled, neighborhood-serving commercial development in an area that is otherwise designated for residential uses.

20. Policy 28 (*Economic Element Page III-B-6*) "Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood."

The proposed Main Street Commercial zoning district will allow a full complement of neighborhood-scale commercial uses within the node. Smaller scale, neighborhood-commercial uses would also be allowed in the proposed Residential Mixed-Use and Commercial Mixed-Use zoning districts.

21. Policy 19 (*Environmental Resources Element Page III-C-10*) "Local governments shall



develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan update.”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan proposes a unique approach to wetland protection and management within the plan area. The recommended approach is applicable only to the Royal node area and is not suggested for areas outside of the node.

22. Policy 20 (*Environmental Resources Element Page III-C-10*) “In order to improve water quality and quantity in the metropolitan area, local governments shall consider developing regulations or instituting programs to:
- a. increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems;
  - b. Improve management of industrial and commercial operations to reduce negative water quality and quantity impacts;
  - c. Regulate site planning for new development and construction to better control drainage and erosion and to manage storm runoff;
  - d. Increase storage and retention of storm runoff to lower and delay peak storm flows;
  - e. Utilize natural and simple mechanical treatment systems to provide treatment for contaminated runoff waters;
  - f. Reduce street-related water quality and quantity problems;
  - g. Minimize use of toxic substances; and
  - h. Minimize the effects of chemical and petroleum spills.

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for implementation of various water quality treatment measures including drainage swales along streets, median bioswales and other stormwater infiltration devices to improve the quality of stormwater runoff from streets and other impervious surfaces.

23. Policy 25 (*Environmental Resources Element Page III-C-11*) “When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning.”

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for retention of approximately 44 acres of open space within the planning area. Open space is provided within the linear drainage corridors, in several

areas designated for wetland mitigation and natural resources, and within the Bonneville Power Administration powerline corridor right-of-way, The Royal planning area abuts the 400 acre 1135 wetland restoration area and is visually and functionally integrated with that open space feature.

24. Policy 2 (*Willamette River Greenway, River Corridors, and Waterway Element Page III-D-4*) "Land use regulations and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection, enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; adjoining uses; and other compatible uses."

Amendments to the Bethel-Danebo Plan require that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for an open drainage system that preserves much of the existing waterways and creates one new waterway. The drainage corridors are planned as a linked open space system that provides for numerous recreational and resource values. The drainage corridors will provide space for wetland protection, enhancement, and mitigation; for plant and animal habitat; and for a 1.5 mile bicycle and pedestrian route. The drainage corridors will also provide a development amenity for adjacent low-density residential, medium-density residential and commercial development.

25. Policy 5 (*Willamette River Greenway, River Corridors, and Waterway Element Page III-D-4*) "New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features."

Uses adjacent to waterways in the draft plan include low- and medium-density housing, neighborhood-scale commercial development, wetland mitigation and natural resources areas, bicycle and pedestrian trails, parks, and streets. Design and development standards in the amendments to the Eugene Code that implement the Royal Plan attempt to insure compatibility by eliminating the potential for the edges of waterways to be lined with fences, thereby reducing physical and visual access to the channels.

26. Policy 2 (*Environmental Design Element Page III-E-3*) "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental, and energy consequences in the design and construction of urban developments. Landscaping shall be utilized to enhance distinctive natural features."

The site has been extensively disturbed through agricultural activity; little natural vegetation remains on the site. The site plan protects two areas with natural vegetation (trees); one in the extreme northwest corner of the site and one in the southwest corner of the site. Both stands of trees are in