

9.7815 Public Hearing Schedule. Within 60 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the planning commission shall conduct a public hearing to consider a proposed annexation and, if applicable, a concurrent change in zoning.

(Section 9.7815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7820 Public Hearing Notice.

- (1) At least 20 days before the planning commission public hearing, the city shall mail written notice of the hearing to the:
 - (a) Applicant.
 - (b) Owners of the subject property.
 - (c) Owners and occupants of property located within 500 feet of the perimeter of the subject property.
 - (d) Neighborhood group officially recognized by the city that includes the area of the subject property.
- (2) Notice of a proposed change in zone concurrent with the annexation shall also be sufficient public notice of a change to, or addition of, any overlay zone.

(Section 9.7820, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7825 Staff Investigation and Report. City staff shall investigate the facts bearing on an application and prepare a staff report with a staff recommendation. At least 7 days prior to the public hearing, the staff report shall be submitted to the planning commission and made available to the public upon request. A copy of the report shall be mailed or delivered to the applicant at the time it is delivered to the planning commission.

(Section 9.7825, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7830 Public Hearing Conduct and Procedures. The planning commission shall conduct a public hearing according to the quasi-judicial hearing procedures in EC 9.7065 Quasi-Judicial Hearings- Procedures.

(Section 9.7830, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7835 Criteria of Approval for Annexations. The planning commission shall review the application and receive pertinent evidence and testimony as to why or how the proposed annexation is consistent with the following criteria:

- (1) The property is inside the urban growth boundary and annexation would be consistent with adopted plans and policies.
- (2) Public services and facilities can be provided as prescribed in the Metro Plan or applicable refinement plans.

- (3) Annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner.

(Section 9.7835, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7840 Criteria of Approval for Changes in Zone Concurrent with Annexations. To maintain consistency between zoning and applicable plans and studies, the planning commission may also recommend zone changes for the city council to consider in conjunction with annexation applications. The planning commission shall review the application and receive pertinent evidence and testimony as to why or how the proposed change in zone concurrent with an annexation is consistent with the following criteria:

- (1) The proposed change is consistent with the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.
- (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 is the prevailing document.
- (3) The uses and density that will be allowed by the proposed zone in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

(Section 9.7840, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7845 Planning Commission Decision. Unless the applicant agrees to a postponement, within 15 days following the close of the record, the planning commission shall deny the application or recommend approval to the city council. A recommendation of approval may include modifications to the original annexation application. If necessary, the planning commission shall recommend approval, approval with modifications, or denial of a concurrent change in zoning to the city council. A decision to deny the application shall be supported by adopted findings and conclusions based on EC 9.7835 Criteria of Approval for Annexations and, if applicable, EC 9.7840 Criteria of Approval for Changes in Zone Concurrent with Annexations.

(Section 9.7845, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7850 Notice of Decision.

- (1) A notice of the planning commission's decision shall be mailed within 5 days of the decision to the applicant and persons who requested notice of the decision.
- (2) The notice shall:
 - (a) Summarize the decision of the planning commission.
 - (b) Explain the appeal rights.

(Section 9.7850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7855 **Effective Date.** Unless appealed, the planning commission's decision to deny an annexation is final on the 11th day after notice of the decision is mailed.

(Section 9.7855, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7860 **Appeal of Planning Commission Decision to Deny an Annexation Application.**

- (1) **Application Filing.** Within 10 days of the date the planning commission's decision to deny an annexation request is mailed, it may be appealed to the city council by the owner, applicant, or any person who submitted written or oral evidence or testimony for consideration in a timely manner during the planning commission evidentiary hearing who is adversely affected by the decision. The appeal shall be made by filing a statement of issues on appeal and other information on a form approved by the city manager. The appeal shall be based on the record, shall state specifically how the planning commission failed to properly evaluate the proposed annexation or make a decision consistent with the criteria for approval, and shall be limited to the issues raised at the evidentiary hearing and set out in the filed statement of issues. City staff shall provide the city council with the record.
- (2) **Public Hearing Schedule and Notice.** Unless the applicant and appellant agree to a longer time period, the city council shall hold a hearing to allow oral argument on an appeal within 60-days of its receipt. At least 10 days prior to the hearing, city staff shall mail notice to the applicant, appellant, and persons who requested notice of the planning commission decision or city council hearing.
- (3) **Decision.** Unless the applicant and appellant agree to a longer time period, the city council shall make a decision within 15 days of the close of the hearing. The city council may, by resolution, affirm, reverse, or modify the planning commission's decision. When a decision is reversed or modified, the city council shall make findings of fact, based on required criteria, as to why the planning commission made an incorrect legal interpretation.
- (4) **Notice of Decision.**

 - (a) Within 5 days of the decision, the city shall mail written notice of the decision to all of the following:

 1. Applicant.
 2. Appellant.
 3. Any person who requested notice of the city council decision.
 - (b) The notice shall:

 1. Summarize the decision of the city council.
 2. Explain the appeal rights.

(Section 9.7860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7865 Consideration of Planning Commission Recommendation to Approve Application.

- (1) **Public Hearing Schedule.** The city council shall hold a hearing concerning the planning commission recommendation in favor of an annexation and concurrent change in zone, if necessary, within 60 days of the planning commission's decision, unless the applicant agrees to a longer time period.
- (2) **Notice of Hearing.** At least 10 days before the hearing, notice of the hearing shall be mailed to the applicant, any person who has submitted written or oral evidence or testimony in a timely manner in the planning commission evidentiary hearing, and persons who requested notice of the planning commission's decision.
- (3) **Decision.** Unless the applicant agrees to a longer time period, within 15 days of the hearing the city council shall by resolution, affirm, reverse, or modify the planning commission's decision. When a decision is reversed or modified, the city council shall make findings of fact based on required criteria as to why the planning commission made an incorrect legal interpretation.
- (4) **Notice of Decision.**
 - (a) Within 5 days of the decision, the city shall mail written notice of the decision to all of the following:
 1. Applicant.
 2. Appellant.
 3. Any person who requested notice of the city council decision.
 - (b) The notice shall:
 1. Summarize the decision of the city council.
 2. Explain the appeal rights.

(Section 9.7865, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7870 City Submittal of Council Resolutions to Boundary Commission. The city shall forward city council resolutions approving annexation requests to the Lane County local government boundary commission. The boundary commission has final authority to effect the annexation under applicable state law.

(Section 9.7870, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7875 Special Service District Withdrawals. When an annexed area remains within 1 or more special service districts, and withdrawal from that district is not automatic, the city council shall decide on withdrawal from those special service districts. The withdrawals shall be made according to applicable state statutes governing the specific withdrawal.

(Section 9.7875, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7880 **Limitations on Refiling of a Denied Application.** When an annexation application is denied, no new application for the same purpose may be filed within 1 year of the decision date. An exception may be granted by the planning director, based on a change in condition.

(Section 9.7880, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.7885 **Annexation Procedures for the "Industrial Corridor".** Annexation applications for property in the "Industrial Corridor" may be processed according to the procedures in this section if the special provisions requiring action by the city council are applicable. The "Industrial Corridor" is a triangular-shaped area that is bounded on the west by the Metro Plan urban growth boundary as of April 1991, on the east by the Northwest Expressway, on the north by Awbrey Lane, and on the south by Eugene's city limits as of April 1, 1991. This area is affected by the Annexation and Urban Services Policy Agreement dated April 25, 1991. See Map 9.7805 Industrial Corridor.

- (1) **City Council Public Hearing Schedule and Notice.** The planning commission is not required to conduct a public hearing or forward a recommendation to the city council. However, a city council public hearing is required. The city shall schedule and provide notice of the public hearing, according to EC 9.7815 Public Hearing Schedule and EC 9.7820 Public Hearing Notice.
- (2) **Staff Report and Public Hearing Procedures.** The preparation of a staff report and the conduct of the public hearing shall be done according to EC 9.7825 Staff Investigation and Report and EC 9.7830 Public Hearing Conduct and Procedures with the substitution of city council for planning commission in every instance.
- (3) **City Council Decision.** Unless the applicant agrees to a longer time period, within 15 days of the close of the public hearing, the city council shall by resolution recommend approval of an annexation to the boundary commission or deny the annexation. The city council shall adopt city zoning for the property recommended for annexation unless the property automatically receives the equivalent city zone, according to EC 9.7810 Changes in Zone. The city council's recommendation to approve an annexation or decision to change the zone shall be consistent with EC 9.7835 Criteria of Approval for Annexations and EC 9.7840 Criteria of Approval for Changes in Zone Concurrent with Annexations. A decision by the city council to deny an annexation is final.
- (4) **Notice of Decision.**
 - (a) Within 5 days after the city council decision, the city shall mail written notice of the decision to all of the following:
 1. Applicant.
 2. Property owner.
 3. The neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
 4. Any person who requested notice of the city council decision.

- (b) The notice shall:
 - 1. Summarize the decision of the city council.
 - 2. Explain the appeal rights.

(5) Other Applicable Procedures. Following the decision of the city council, the procedures for annexation applications for property in the "Industrial Corridor" include those in:

- (a) EC 9.7855 Effective Date,
- (b) EC 9.7860 Appeal of Planning Commission Decision to Deny an Annexation Application,
- (c) EC 9.7865 Consideration of Planning Commission Recommendation to Approve Application,
- (d) EC 9.7870 City Submittal of Council Resolutions to Boundary Commission.

(Section 9.7885, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Application Requirements and Criteria

General

9.8000 **Introduction.** Sections 9.8000 through 9.8865 of this land use code establish comprehensive requirements and approval criteria for each land use application. These provisions serve as the basis for evaluating whether a specific land use application fulfills the particular application requirements and approval criteria. (Section 9.8000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8005 **Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.**

- (1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through 9.3915, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through 9.7885, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.
- (2) If an initial proposal also requires an application be submitted for one or more of the following:
 - (a) Adjustment review;
 - (b) Site review;
 - (c) Conditional use permit;
 - (d) Planned unit development;
 - (e) Zone change; or
 - (e) Willamette Greenway permit,the applicant may elect to have the applications reviewed concurrently according to the highest application type. All other provisions of this code would continue to apply to each application, including, but not limited to, the approval criteria.
- (3) If the city's final decision for any land use application reviewed and approved in accordance with the provisions of this land use code includes a finding of compliance with specific land use development standards, those standards shall not be considered at the time of a development permit application.

(Section 9.8005, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8010 **List of Adopted Plans.** The documents listed in the following Table 9.8010, including any adopted amendments, are the currently effective adopted plans that may be applicable to a particular land use application. The plans and adopted policies are more particularly set forth beginning at EC 9.9500, and the boundaries for each are depicted on Map 9.8010 Adopted Plans.

Table 9.8010 List of Adopted Plans	
Bethel-Danebo Refinement Plan (Phase II)-- 1979	River Road-Santa Clara Urban Facilities Plan-- 1987
Bethel-Danebo Refinement Plan-- 1982	Riverfront Park Study-- 1986
Comprehensive Stormwater Management Plan-- 1994	South Hills Study-- 1974
Eugene Commercial Lands Study-- 1992	South Willamette Subarea Study-- 1988
Eugene Downtown Plan-- 1984	TransPlan (Metro Area Transportation Plan)-- 1986
Eugene Parks and Recreation Plan-- 1989	West Eugene Wetlands Plan-- 1992
Eugene-Springfield Metropolitan Area General Plan (Metro Plan)	West University Refinement Plan-- 1982
Fairmount/U of O Special Area Study - 1982	Westside Neighborhood Plan-- 1987
Jefferson/Far West Refinement Plan - 1983	Whiteaker Plan-- 1994
Laurel Hill Neighborhood Plan - 1982	Willakenzie Area Plan - 1992
19 th and Agate Special Area Study - 1988	Willow Creek Special Area Study-- 1982
Resolution No. 3862 Adopting the West 11 th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (Adopted June 13, 1984)	Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (Adopted on November 13, 1984)

(Section 9.8010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Adjustment Review

- 9.8015 Adjustment Review - Purpose.** The adjustment review process is intended to:
- (1) Encourage design proposals that respond to the intent of the code and creatively meet or exceed the specific development standards.
 - (2) Allow adjustment to the development standards in an efficient and effective manner.

(Section 9.8015, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8020 Adjustment Review - Applicability.** Adjustment review is available only where this land use code provides that a specific standard may be adjusted. Applications for adjustments review to standards in this land use code shall be considered under a Type II application process, unless the applicant requests that the adjustment review be considered concurrently with a related Type III application. Appeals of "minor" adjustment review decisions shall be considered by the Hearings Official using the process at EC 9.7650 - 9.7685. Appeals of "major" adjustment review decisions shall be considered by the Planning Commission using the process at EC 9.7600 - 9.7635.

(Section 9.8020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8025 Adjustment Review - General Requirements.** Unless waived by the planning director, the adjustment review application shall be prepared by one or more of the following professionals:

- (1) Oregon licensed architect.
- (2) Oregon licensed civil engineer.
- (3) Oregon licensed landscape architect.
- (4) A member of the American Institute of Certified Planners.
- (5) Oregon licensed land surveyor.

(Section 9.8025, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (1) **Lot Standards Adjustment.** Where this land use code provides that the lot standards may be adjusted, the standards may be adjusted upon finding that the proposed lot dimensions are consistent with the purpose of the applicable zone and suitable for the area.
- (2) **Setback Standards Adjustment.** Where this land use code provides that the setback standards applicable to specific zones may be adjusted, the standards may be adjusted upon finding that the proposed setback is consistent with the following applicable criteria:

- (a) Minimum and Maximum Front Yard Setback Adjustment. The minimum or maximum required front yard setback may be adjusted if the proposal achieves all of the following:

1. Contributes to the continuity of building facades along the street.
2. Creates an attractive pedestrian environment along all adjacent streets
3. Is compatible with adjacent development.

Maximum front yard setbacks may be adjusted without any requirement for pedestrian amenities if the location of the front yard is unsafe or intrinsically unsuitable for pedestrians or to protect disruption to significant natural resources.

- (b) Minimum Setbacks for Park Improvements in PRO Zone. The minimum required special setbacks for park improvements may be adjusted upon a finding that the proposal achieves all of the following:

1. Consistent with EC 9.2600 Purpose of PRO Park, Recreation and Open Space Zone.
2. Is compatible with adjacent development.

- (c) Minimum Setbacks for Drive-Through Facility Service Areas and Stacking Lanes. Standards establishing a minimum setback for service areas and stacking lanes may be adjusted upon a finding that the proposal achieves all of the following:

1. Is compatible with adjacent development.
2. Creates an attractive pedestrian environment along all adjacent streets.

3. Where necessary, provides visual separation between adjacent development.
- (3) **Landscape Standards Adjustment.** Where this land use code provides that the landscape standards may be adjusted, the standards may be adjusted upon finding that the proposed landscape is consistent with the following applicable criteria:
- (a) General Landscape Standards. Standards establishing a minimum percent of landscape area on the development site, may be adjusted upon a finding that the proposal achieves all of the following:
 1. Where necessary, provides visual separation between adjacent development.
 2. Provides clearly defined entries and pedestrian pathways.
 3. Enhances and softens structural elements.
 4. Breaks up large expanses of parking.
 5. Protects and enhances the value of adjacent or on-site natural areas.
 6. In the case of multiple-family developments, buffers dwellings from views that are unattractive and creates areas for outdoor privacy for residents.
 - (b) Basic Landscape Standard (L-1). The standards of EC 9.6210(1) may be adjusted if the proposal enhances a development site by providing attractive, open landscaped areas where distance is the primary means of separating different uses or developments.
 - (c) Low Screen Landscape Standard (L-2). The standards of EC 9.6210(2) may be adjusted if the proposal achieves at least one of the following:
 1. A landscape treatment that uses a combination of distance and low-level screening (minimum 30 inches, maximum of 42 inches) to separate uses or development and the screening is adequate to soften the impact of the use or development.
 2. In those instances where visibility between areas is more important than a total visual screen, the alternative landscape treatment is appropriate for the site.
 - (d) High Screen Landscape Standard (L-3). The standards of EC 9.6210(3) may be adjusted if the proposal uses landscape screening to provide a physical and visual separation between uses or development.
 - (e) High Wall Landscape Standard (L-4). The standards of EC 9.6210(4) may be adjusted if the proposal continues to provide extensive screening of both visual and noise impacts to protect adjacent users.
 - (f) Partial Screen Fence Landscape Standard (L-5). The standards of EC 9.6210(5) may be adjusted where the proposal achieves at least one of the following:
 1. A moderate level of screening, adequate to soften the impact of the use or development.
 2. In those instances where visibility between areas is more important than a total visual screen, the alternate landscape treatment is

appropriate for the site.

- (g) Full Screen Fence Landscape Standard (L-6). The standards of EC 9.6210(6) may be adjusted if both of the following are achieved:
 - 1. The proposal provides a tall, complete visual separation to protect abutting uses.
 - 2. Living plant landscaping is not practical for the site.
- (h) Massed Landscape Standard (L-7). Adjustments may be made to the standards of EC 9.6210(7) if the proposal provides a landscape treatment appropriate for interior yards of large development sites adjacent to arterial and collector streets or to non-residential uses adjacent to residential development as the case may be.
- (4) **Building Orientation and Entrance Standards Adjustment.** Where this land use code provides that building orientation and entrance standards may be adjusted, the standards may be adjusted upon finding that the proposal complies with one of the following:
 - (a) Promotes compatibility with adjacent property.
 - (b) Creates building orientations and entrances that achieve all of the following:
 - 1. Support and augment the building setback, massing and architectural details.
 - 2. Achieve an attractive streetscape with a strong building presence on existing and future streets.
 - 3. In the case of multiple-family developments, provides socialization benefits to residents.
- (5) **Underground Utilities Standard Adjustment.** Where this land use code provides that the underground utility standard may be adjusted, the standards may be adjusted upon finding that one or more of the following exist:
 - (a) Underground utility placement would be unreasonably onerous to the applicant.
 - (b) Underground utility placement would be disruptive to significant natural resources.
- (6) **Large Commercial Facilities Standards Adjustment.** Where this land use code provides that the large commercial facilities standards may be adjusted, the standards may be adjusted upon finding that the design contributes to one or more of the following:
 - (a) Improving the appearance and function of large commercial facilities.
 - (b) Encouraging efficient use of land resources and urban services.
 - (c) Encouraging mixed use.
 - (d) Supporting transportation options.
 - (e) Promoting detailed, human-scale site and building design.
- (7) **Large Multi-tenant Commercial Facilities Standards Adjustment.** Where this land use code provides that the large multi-tenant commercial facilities standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:

- (a) Provides for pedestrian safety, comfort and convenience.
- (b) Produces visual clarity of circulation paths and building entrances for the pedestrian.

(8) Multiple-Family Standards Adjustment. Where this land use code provides that the multiple-family standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:

- (a) Maximum Building Dimension. The requirements set forth in EC 9.5500(6)(a) may be adjusted if the proposal creates building massing and/or facades that:
 - 1. Create a vibrant street facade with visual detail.
 - 2. Provide multiple entrances to building or yards.
- (b) Building Articulation. The requirements set forth in EC 9.5500(7) may be adjusted if the proposed building design:
 - 1. Utilizes architectural masses, features or details to distinguish elements of the building.
 - 2. Defines entryways in appropriate scales.
- (c) Open Space. The requirements set forth in EC 9.5500(9) may be adjusted if the proposal will achieve better overall compliance with the purpose of the open space standards than what would result from strict adherence to the standards.
- (d) Block Requirement. The requirements set forth in EC 9.5500(10) may be adjusted if the proposal achieves at least one of the following:
 - 1. Provides an equivalent or greater degree of vehicular and pedestrian circulation.
 - 2. Traditional block patterns that reduce the apparent scale of large developments by breaking the site up into smaller land units. (See also EC 9.6810 Block Length.)
- (e) Site Access and Internal Circulation. The requirements set forth in EC 9.5500(11) may be adjusted in accordance with the criteria in this subsection. In the case of an adjustment, all of the following standards apply:
 - 1. Sidewalks may be designed as curbside walks only along those portions of the private streets providing parallel on-street parking.
 - 2. Street trees may be placed in tree wells or adjacent to the sidewalk.
- (f) Vehicle Parking. The requirements set forth in EC 9.5500(12) may be adjusted if the proposal achieves to the same degree as would strict compliance with the standards all of the following:
 - 1. Limitations on the use of continuous parking drives in large-scale multiple-family developments.
 - 2. Limitations on the size of individual parking lots in multiple-family development.
 - 3. Minimal negative aspects of parking uses in multiple-family developments.

Where cost considerations preclude parking beneath or within residential

buildings, combinations of partial and interrupted parking drives; on-street parking; and small, dispersed parking courts are an acceptable alternative.

- (9) **Bicycle Parking Standards Adjustment.** Where this land use code provides that the bicycle parking standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:
- (a) Consistency with EC 9.6100 Purpose of Bicycle Parking Standards; and
 - (b) Shared bicycle parking remains convenient and clearly visible for users.
- In cases where the standard for required bicycle parking for a development site would require in excess of over 1,500 bicycle spaces, the applicant may also seek an adjustment by submitting for city review a Bicycle Management Program. The Bicycle Management Program shall address how the applicant will encourage bicycle use and the rationale for requesting an adjustment. City approval of the Bicycle Management Program shall constitute the granting of an adjustment.
- (10) **Motor Vehicle Parking and Loading Standards Adjustment.** Where this land use code provides that the motor vehicle parking standards may be adjusted, the standards may be adjusted upon finding the applicable corresponding criteria are met.
- (a) Number of Required Off-Street Parking Spaces. Adjustments may be made to the required number of off-street parking space provisions of EC 9.6410 based on the following criteria:
 - 1. The minimum required off-street parking spaces may be reduced by up to 50 percent when the applicant for a development can demonstrate, in a parking-traffic study prepared by a traffic engineer, that both of the following conditions exist:
 - a. The use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
 - b. A Transportation Demand Management (TDM) Program has been approved by the city that contains strategies for reducing vehicle use and parking demand generated by the development and establishes benchmarks by which the program's effectiveness will be measured annually.
 - 2. In the case of an existing use proposing to provide a transit stop and related amenities such as a public plaza, pedestrian sitting areas, transit-supportive development, and additional landscaping, the number of required off-street parking spaces may be reduced by up to 10 percent.
 - 3. Except within a /TD overlay zone, an adjustment that approves installation up to 150 percent of the minimum spaces required by EC

9.6410(3) Minimum Number of Required Off-Street Parking Spaces may be allowed, if all of the following are met:

- a. Additional parking is necessary to meet the parking demand for a specific use.
- b. Shared use of parking is not available or adequate to meet the demand.
- c. At least 60 percent of the parking lot is allocated and striped for compact cars.
- d. An employee-based Transportation Demand Management Program has been approved by the city.

(b) Loading and Drive-Through Design Standards. Adjustments may be made to the standards of EC 9.6415 based on the following.

1. The minimum depth required in EC 9.6415(1) for a specially designed area may be adjusted upon a determination that a lesser minimum is adequate to prevent the extension of the line-up of automobiles into the public right-of-way.
2. An adjustment may be granted to the loading and service drive off-street maneuvering space requirement of EC 9.6415(3) for property located on a local street where existing or projected traffic volumes do not exceed daily traffic counts of 750 vehicles.

(c) Parking Area Standards. Adjustments may be made to the landscape standards of EC 9.6420(3) upon finding that the proposed landscape is consistent with the following applicable criteria:

1. Provides visual separation, as needed, between adjacent development.
2. Provides clearly defined parking area entrances and on-site pedestrian circulation.
3. Enhances and softens the appearance of parking structures.
4. Breaks up large expanses of parking.
5. Protects or mitigates the loss of significant trees or other natural features on or adjacent to the development.

(d) Shared Off-Street Parking. The shared off-street parking space requirements of EC 9.6430 may be adjusted as follows:

1. Joint Use at Different Times. The joint use of required facilities at different times may be allowed provided all of the following exist:
 - a. The applicant shows there will be no substantial conflict in the principal operating hours of the buildings or uses for which the joint parking use is proposed.
 - b. The parking facility will be within 1/4 mile or 1,320 feet of buildings or uses it will serve.
 - c. The parties involved in the joint parking facility agree to the joint use arrangement in a legal document approved by the city attorney.
 - d. The legal document is recorded in the office of the Lane

County recorder and a copy filed with the city's Building and Permit Services Division.

2. Joint Use Simultaneously. The simultaneous joint use of required facilities may be allowed provided all of the following exist:
 - a. No more than 2 uses under separate ownership or occupancy shall be involved.
 - b. The uses will occur on the same development site.
 - c. It can be reasonably anticipated that a number of customers or clients will be served by both uses while on the development site.

The determination of the number of required off-street parking spaces under 1. or 2. of this subsection shall be based on a review of Table 9.6410 Required Off-Street Motor Vehicle Parking, operating characteristics and the conditions noted above.

- (e) Special Event Permanent Parking Facilities. The standards of EC 9.6435 for permanent parking facilities for special events may be adjusted provided the proposal results in the development of attractive, safe, and efficient special event parking areas.

- (11) **Vision Clearance Area - Approval Criteria for Adjustment Review.** The vision clearance standards of EC 9.6780 may be adjusted if it is determined that no feasible alternative to the intersection to address vision clearance is available, and any of the following conditions exist:

- (a) Traffic can safely approach and enter the intersection or street given existing traffic control devices or other physical conditions of the area.
- (b) Topographic conditions are so extreme or structures exist such that it is not practical to provide required vision clearance.
- (c) Additional traffic control structures or facilities may be required to provide for adequate public safety.

- (12) **Streets, Alleys, and Other Public Way Standards Adjustment.** As set out below, specific standards set forth in EC 9.6815 through 9.6830 pertaining to streets may be adjusted if the corresponding criteria are met.

- (a) Street Connectivity Standards. As an alternative to compliance with the standards of EC 9.6815(2) Street Connectivity Standards (a)-(d), the applicant may, at his or her expense, provide to the city a local street connection study that demonstrates how the proposed street system meets the intent of street connectivity provisions of this land use code as expressed in EC 9.6815(1), and how undeveloped or partially developed properties within a quarter mile can be adequately served by alternative street layouts. Approval of the street connection study by the city shall constitute an adjustment to the standards of EC 9.6815(2).
- (b) Cul-de-Sacs. The limitation of a 400 foot maximum length for a cul-de-sac in EC 9.6820 may be adjusted if all of the following conditions exist:
 1. The physical shape of the property prevents alternative development patterns and there are no practical alternative street layouts available

that would meet street connectivity.

2. The physical conditions of the property preclude the ability to achieve the density permitted according to the zoning of the property with a cul-de-sac of only 400 feet. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.

- (c) Intersection Standards. The minimum offset intersection requirements set forth in EC 9.6830 may be adjusted if the proposed adjustment is necessary and is designed so that no offset dangerous to the traveling public is created as a result of staggering of intersections. An offset necessary to assure safety and efficiency based on traffic engineering principles shall be required. Upon submittal by a traffic engineer and approval by the city of a study that demonstrates the safety and efficiency of an intersection offset of a lesser distance, the minimum intersection offsets of 100 feet on a local street, 200 feet on a collector streets, and 400 feet on an arterial street may be adjusted. Offsets shall be measured from the center lines of the two intersecting streets.

- (13) **Tree Preservation and Removal Standards Adjustment.** Except as otherwise provided in EC 9.6885(3) Adjustments to Standards, the tree preservation and removal standards of EC 9.6885(2) may be adjusted, and the number of trees required to be preserved may be reduced based on compliance with all of the following criteria of (a), (b), (c), and (d), and one of the conditions of (e) exists:

- (a) The proposed adjustment to the tree preservation and removal standards is the minimum necessary to implement the development proposal.
- (b) The proposal includes an approved replanting or restoration program or plan that mitigates the loss of trees or impacts to other natural features.
- (c) The proposal is otherwise in compliance with all applicable standards.
- (d) Alternative proposals have been evaluated, and there is no feasible alternative.

- (e) One of the following conditions exists:

1. Compliance with tree preservation and removal standards is not feasible, or would result in degradation of steep slopes, significant wildlife habitat, or water bodies due to the topography or other natural features of the development site; or
2. An adjustment to the tree preservation and removal standards is necessary in order to achieve the minimum residential density under this land use code; or
3. The existing trees required to meet the minimum preservation standard are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.

- (14) **Overlay Zone Development Standards Adjustment.** Where this land use

code provides that the applicable overlay zone standards may be adjusted, the standards may be adjusted upon finding that the development site does not have alley access or with physical or legal constraints if both of the following are met:

- (a) The adjustment is necessary due to topography, natural features, easements, and similar physical or legal constraints that preclude full compliance. Self-imposed conditions do not satisfy this criterion.
- (b) The adjustment of the standards will result in a development that is consistent with the purpose of the overlay.

(15) S-H Historic Zone Standards Adjustment. In addition to the allowed adjustments to standards provided elsewhere in this land use code, any standard applicable to an S-H Historic Zone may be adjusted upon finding that the proposal is consistent with the purpose of the applicable zone and is suitable for the area.

(16) /BW Broadway Overlay Zone. A standard applicable within the /BW Broadway Overlay Zone may be adjusted upon a finding that the proposed adjustment is consistent with:

- (a) The purposes of the /BW Broadway Overlay Zone as set forth in EC 9.4070; and
- (b) The applicable adjustment criteria in another subsection of EC 9.8030, if any.

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

(17) S-RN Royal Node Special Area Zone Standards Adjustment. A standard applicable within the S-RN Royal Node Subarea LDR, MDR, RMU, CMU or MSC may be adjusted upon a finding that the proposed adjustment:

- (a) Is consistent with the purposes of the S-RN Royal Node Special Area Zone as set forth at EC 9.3800; and
- (b) Meets the applicable adjustment criteria in another subsection of EC 9.8030, if any.

If there is no EC 9.8030 subsection that pertains to the type of standard being considered, adjustment may be permitted based solely on compliance with EC 9.8030(17)(a).

(Section 9.8030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

Annexations

- 9.8035** **Annexation Application Requirements and Criteria.** The provisions for processing annexation applications are found in EC 9.7800 through 9.7885, Annexation Application Procedures and Criteria.
(Section 9.8035, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Cluster Subdivision

- 9.8040** **Purpose of Cluster Subdivisions.** The cluster subdivision provisions are designed to provide for flexibility in achieving the allowed density while protecting natural resources or creating open space on development sites in residential zones.
(Section 9.8040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.8045** **Applicability of Cluster Subdivisions.** Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing needed housing, as defined in state statutes, shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing. No development permit shall be issued by the city prior to approval of the cluster subdivision.
(Section 9.8045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.8050** **Cluster Subdivision Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative cluster subdivision plan applications:
- (1) All cluster subdivision applications shall include the standard subdivision requirements set forth in EC 9.8510 Subdivision, Tentative Plan Application Requirements except for 9.8510(4).
 - (2) The cluster subdivision application shall identify a project coordinator that is either licensed in the state of Oregon to practice architecture or landscape architecture. For applications that include 4 acres or more, the application shall also include a professional design team consisting of at least the following professionals:
 1. Architect.
 2. Civil Engineer or Land Surveyor.
 3. Landscape Architect or Planner.
- (Section 9.8050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8055 Cluster Subdivision- Approval Criteria - General. The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

- (1) The proposed subdivision complies with:
 - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General except for the standards related to EC 9.2760 Residential Zone Lot Standards;
 - (b) EC 9.2750 Residential Zone Development Standards;
 - (c) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;
 - (e) EC 9.6500 through EC 9.6510 Public Improvement Standards; and
 - (d) EC 9.6800 through EC 9.6875 Streets, Alleys, and Other Public Ways Standards.

The residential lot and development standards may be relaxed based on compliance with the remainder of the cluster subdivision criteria. An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (2) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision includes at least 25% of the development site in common open space that either is suitable area for natural resource protection or for use by residents. Areas used for motor vehicle parking and maneuvering shall not be considered as open space.
- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision shall maintain open space around natural features, such as steep slopes, wooded areas, and natural waterways or wetlands where those exist, or create common open space with amenities for community activities for residents such as picnic areas, playgrounds, sports features, or gardens.
- (4) The cluster subdivision will provide adequate screening from surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
- (5) The proposed residential density, accounting for any duplex, tri-plex and fourplex lots, shall comply with Table 9.2750 Residential Zone Development Standards.
- (6) The proposed development provides adequate degree of light, air circulation, and privacy for residents within the development.
- (7) The proposed subdivision will be consistent with the property's designation in the Metro Plan, and applicable adopted plan policies beginning at EC 9.9500.
- (8) For areas included on the city's acknowledged Goal 5 inventory, natural resource protection shall be consistent with the acknowledged level of protection provided for the resource.

(Section 9.8055, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Code Amendments

9.8060 **General Requirements.** Sections 9.8060 through 9.8065 apply to amendments to this land use code, which shall be processed as provided in EC 9.7500 through EC 9.7560, under Type V Application Procedures.

(Section 9.8060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8065 **Code Amendment Approval Criteria.** If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

(Section 9.8065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Conditional Use Permits

9.8075 **Purpose of Conditional Use Permits.** Certain types of uses require special consideration before being permitted in particular zones. The reasons for requiring special consideration include, for example, the size of the area required for the full development of those uses, the nature of traffic problems incidental to operation of those uses, the effect those uses might have on adjoining land uses, potential environmental impacts, and their effect on the growth and development of the community as a whole. Uses permitted only with a conditional use permit may also possess unique or special characteristics that make it unacceptable to permit them in particular zones without conditions. In zones where a use may be conditionally permitted, the location and operation of the use is subject to conditional use permit review and approval under a Type III application procedure. One purpose for the review is to determine if the characteristics of the use can be made reasonably compatible with the type of uses permitted outright in surrounding areas. Another purpose is to provide reasonable and necessary conditions so the basic purposes of this land use code are served.

(Section 9.8075, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8080 **Applicability.** Conditional use permits apply to the initiation or expansion of a use listed as being subject to the conditional use permit review process in this land use code. When a conditional use permit is required, no development permit shall be issued by the city prior to approval of the conditional use permit.

(Section 9.8080, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(Section 9.8085, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (1) The proposal is consistent with applicable provisions of the Metro Plan and applicable refinement plans.
- (2) The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, as they relate to the following factors:
 - (a) The proposed building(s) mass and scale are physically suitable for the type and density of use being proposed.
 - (b) The proposed structures, parking lots, outdoor use areas or other site improvements which could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or are adequately mitigated through other design techniques, such as screening and increased setbacks.
 - (c) If the proposal involves a residential use, the project is designed, sited and/or adequately buffered to minimize off-site impacts which could adversely affect the future residents of the subject property.
- (3) The location, design, and related features of the proposal provides a convenient and functional living, working, shopping or civic environment, and is as attractive as the nature of the use and its location and setting warrant.
- (4) The proposal demonstrates adequate and safe circulation exists for the following:
 - (a) Vehicular access to and from the proposed site, and on-site circulation and emergency response.
 - (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes

findings to demonstrate consistency with constitutional requirements.

"Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

- (5) The proposal is designed and sited to minimize impacts to the natural environment by addressing the following:

(a) Protection of Natural Features.

1. For areas not included on the city's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
 - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under state or federal law), and native plant communities.
 - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under state or federal law).
 - c. Prominent topographic features, such as ridgelines and rock outcrops.
 - d. Wetlands, intermittent and perennial stream corridors and riparian areas.
 - e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.
2. For areas included on the city's acknowledged Goal 5 inventory, the preservation of natural features shall be consistent with the acknowledged level of preservation provided for the area.

- (b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:

1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria
2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow.
3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement.
4. Trees that provide a buffer between potentially incompatible land uses.
5. Trees located along the perimeter of the lot(s) and within building setback areas.
6. Trees and stands of trees located along ridgelines and within view corridors.
7. Trees with significant habitat value
8. Trees adjacent to public parks, open space and streets.

9. Trees along water features.
10. Heritage trees.
- (c) Restoration or Replacement.
 1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
 - a. Planting of replacement trees within common areas; or
 - b. Re-vegetation of slopes, ridgelines, and stream corridors; or
 - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.
 2. For areas included on the city's acknowledged Goal 5 inventory, any loss of natural features shall be consistent with the acknowledged level of preservation provided for the resource.
- (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.
- (6) The proposal provides adequate public facilities and services including, but not limited to utilities, streets, and other infrastructure.
- (7) The proposal does not create any significant risk to public health and safety, including but not limited to soil erosion and flood hazard, or an impediment to emergency response.
- (8) The proposal complies with all applicable standards, including but not limited to:
 - (a) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;
 - (b) EC 9.6500 through EC 9.6510 Public Improvement Standards; and
 - (c) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and other Public Ways;
 - (d) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category, it shall achieve the minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards, unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit. For purposes of calculating "net density," the acreage of land considered shall include the entire development site and exclude public property, such as public streets, parks, and other public facilities. In considering whether to grant a modification to the density requirements, the hearings official shall evaluate the following factors:

1. The availability of the development site for residential use on August 1, 2001. The term "availability" in this section shall include consideration of whether the site was already developed with non-residential uses or had other site constraints impacting its suitability for residential use.
2. The necessity of the development site to be developed with residential uses to be able to achieve the minimum residential density for the area designated on the Metro Plan Land Use Diagram for either medium- or high-density residential use.
3. Adopted plan policies indicate the suitability and appropriateness of the site for non-residential use.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard. Additional criteria may also be required based on the applicability of other sections of this land use code.

- (9) The proposal complies with the Traffic Impact Analysis Review provisions of EC 9.8650 through 9.8680 where applicable.

(Section 9.8090, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8095 **Conditions.** The hearings official shall impose conditions deemed necessary to assure compliance with approval criteria.

(Section 9.8095, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8100 **Conditional Use Permit Approval Criteria- Needed Housing.** The hearings official shall approve, conditionally approve, or deny the conditional use permit application. Unless the applicant elects to use the general criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a conditional use based on compliance with the following criteria:

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
- (2) If applicable, the proposal complies with the standards contained in EC 9.5500 Multiple-Family Standards.
- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with all of the following:
 - (a) The proposal complies with EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.
 - (b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource" are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.

- (4) The proposal complies with all applicable standards, including, but not limited to:
- (a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
 - (b) EC 9.6730 Pedestrian Circulation On-Site.
 - (c) EC 9.6735 Public Access Required.
 - (d) EC 9.6750 Special Setback Standards.
 - (e) EC 9.6775 Underground Utilities.
 - (f) EC 9.6780 Vision Clearance Area.
 - (g) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
- (5) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
- (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
 - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the conditional use permit, and the petition has been accepted by the city engineer.

(Section 9.8100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8105 Conditional Use Permits within the NR Natural Resource Zone or /WB Wetland Buffer Overlay Zone.

- (1) **Purpose.** This classification of conditional use is provided in order to facilitate special review of certain uses within the natural resource zone or the wetland buffer overlay zone. It is intended to implement policies in the adopted West Eugene Wetlands Plan or other applicable plans.
- (2) **Criteria for Hearings Official Approval.** Applications for conditional use permits within the NR natural resource zone or /WB wetland buffer overlay zone shall be processed and scheduled for public hearings in the same manner as other conditional use permit applications, except that NR standards (2) through (19) listed in EC 9.2530 Natural Resource Zone Development Standards shall be considered as additional criteria along with the criteria listed in EC 9.8090 Conditional Use Permit Approval Criteria - General.

(Section 9.8105, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8110 Modifications to Approved Conditional Use Permit. After the effective date of the approval of the conditional use permit, modifications to the approved conditional use permit may be considered in accordance with the Type II application procedures contained in EC 9.7200 through 9.7230, Type II Application Procedures. The

planning director shall approve the request only if it complies with the following criteria:

- (1) The proposed modification is not materially inconsistent with the conditions of the original approval; and
- (2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the requested modification does not meet the criteria for approval, the application will be denied. The applicant may submit the requested modification as a new conditional use permit application based on Type III procedural requirements. Nothing in this land use code shall preclude the applicant from initially submitting the requested modification as a new conditional use permit application.

(Section 9.8110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8113 Conditional Use Permit, Revocation. The hearings official may revoke a conditional use permit based on the criteria in EC 9.0260 Revocation of Conditional Use Permits, in the manner provided in that section.

(Section 9.8113, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Hazardous Materials Review

9.8130 Purpose of Hazardous Materials Review. The purpose of Hazardous Materials Review is to ensure that a development or use proposed to be located in an area with either known or potential special hazardous materials is established only if necessary steps have been taken to address issues of public health, safety and welfare.

(Section 9.8130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8135 Applicability. Hazardous material review is required when the development or use is proposed to be located in an area with either known or potential special hazardous materials, as defined in this code or rules issued thereunder, based on the prior use of the site or the existence of hazardous materials located on or adjacent to the site.

(Section 9.8135, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8140 General Application Requirements. An application for Hazardous Materials Review shall contain each of the items required by the American Society for Testing and Materials (ASTM) Standards E-1527 and E-1528, available at the city's public works department.

(Section 9.8140, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8145** **Approval Criteria.** The planning director shall approve, conditionally approve, or deny an application for Hazardous Materials Review, following a Type II process. Approval or conditional approval shall be based on compliance with the following criteria:
- (1) The proposed development or use will have no adverse health or safety impacts on the community.
 - (2) The proposed development or use will meet adopted city standards related to hazardous materials.
 - (3) All mitigating measures necessary to alleviate impacts to public health, safety and welfare have been identified and provided for.
 - (4) The design and construction of building foundations and public and private utilities and infrastructure improvements meet adopted city standards.
- (Section 9.8145, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Historic Property Applications

- 9.8150** **Purpose of Historic Property Applications.** To help make the citizens of the community and its visitors aware of the origin, development, and historic significance of property, this land use code contains regulations for the preservation of historic property.
- (Section 9.8150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.8155** **Applicability.** These regulations are applicable to historic property as defined in this land use code.
- (Section 9.8155, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)
- 9.8160** **General Application Requirements.** All historic property applications shall be submitted on a form approved by the city manager and in the manner provided in EC 9.7000 through EC 9.7030, and shall also comply with the following additional requirements for historic property applications:
- (1) **Historic Landmark Designation.** The historic landmark designation follows a Type III process and may be initiated by the property owner, planning director, or city council.
 - (2) **Historic landmark- Removal of Designation.** The property owner of a historic landmark or the planning director may initiate the process to remove historic landmark designation. Removal applications shall follow a Type I process.
 - (3) **Historic Property Demolition.** A pre-application conference is required prior to submittal of a historic property demolition application. The demolition

application shall follow a Type II application process (EC 9.7010 Application Filing). In order for the city to determine that a historic property demolition application is complete, the owner shall establish that within the previous year the owner has solicited purchase offers for the historic property by giving notice of sale of the property as follows:

- (a) Listing the property for sale in both The Register Guard and Oregonian at least six times and at regular intervals;
- (b) Posting and maintaining visible for sale sign(s) on the property as specified by the planning director; and
- (c) Making a financial prospectus on the status of the property available to interested parties.

As part of the historic property demolition application, the applicant shall prepare and submit a historic property mitigation report.

(Section 9.8160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8165 Historic Landmark- Designation Approval Criteria. The historic review board shall designate a historic resource as a historic landmark if it finds that the following criteria are met:

- (1) Designation is consistent with applicable provisions of the Metro Plan and applicable refinement plans.
- (2) Designation is based on a determination of historic significance according to one or more of the following:
 - (a) Is associated with events that have made a significant contribution to the broad patterns of history.
 - (b) Is associated with the lives of persons significant to our past.
 - (c) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
 - (d) Yields, or may be likely to yield, information important to prehistory or history.
- (3) In addition to EC 9.8165 (1) and (2) above, criteria for designation of a historic resource that was moved, is primarily commemorative in intent, or less than fifty years of age shall include the following considerations:
 - (a) A historic resource moved from its original location or a place that has historic significance can be eligible if it has historic architectural significance or is the surviving property most importantly associated with a historic person or event.
 - (b) A historic resource that is primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historic significance.

- (c) A historic resource achieving significance within the last fifty years can be eligible if it is of exceptional importance.

(Section 9.8165, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8170 Historic Landmark-Removal of Designation Approval Criteria. The planning director shall remove a historic property from the local list of landmark designations if any of the following conditions are met:

- (1) Upon verification that the historic landmark is demolished or moved.
- (2) The property owner requests that the local historic landmark designation be removed.

(Section 9.8170, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8175 Historic Property Alteration Approval Criteria. The planning director shall approve, approve with conditions or deny an application for historic property alteration. Approval, or conditional approval shall be granted if all of the following criteria for historic rehabilitation or historic restoration work are met:

- (1) The historic significance of the property is retained and preserved by minimizing the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the historic property.
- (2) The historic property remains recognizable as a physical record of its time, place, and use. The alteration will not create a false sense of historical development by adding conjectural features or elements from other historic properties or time periods.
- (3) Changes to the property that have acquired historic significance in their own right are retained and preserved to the extent possible.
- (4) Distinctive materials, features, finishes, construction techniques, or examples of skilled craftsmanship that characterize the property are retained to the extent possible.
- (5) Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and where possible, materials. Whenever possible replacement of missing features, including identified historic landscape features, is substantiated by historic, pictorial, or physical evidence rather than on conjectural designs.
- (6) New additions, exterior alterations, or related new construction do not unnecessarily destroy historic materials, features, and spatial relationships that characterize the property. The new work is differentiated from the old and is compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. If a historic property alteration is removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired to the extent possible.
- (7) If applicable, the proposed alteration is consistent with development standards

or design guidelines adopted by the historic review board.

- (8) Every reasonable effort is made to protect known archeological resources affected by and adjacent to any alteration project. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) The proposed alteration complies with all applicable standards or adjustments thereto made pursuant to provisions beginning at EC 9.8015 of this land use code.

(Section 9.8175, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8180 Historic Property Demolition Approval Criteria. No person may demolish a historic property unless the planning director has approved, with or without conditions, an application to do so and a demolition permit has been obtained from the city manager. (Refer to EC 9.8160 General Application Requirements concerning pre-application requirements.) The planning director may condition approval of the application upon a postponement of the demolition if it will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If a postponement is a condition of approval, the decision of the planning director shall be in writing and contain findings and conclusions. The planning director shall consider the following in assessing the likelihood of preservation:

- (1) The state of repair of the historic property and the financial and physical feasibility of historic rehabilitation, historic property moving, or leaving the property in its current state or location.
- (2) The effects of the moving upon the use and development of the historic property.
- (3) The marketability of the property and the willingness of the property owner to sell the property.

As a condition of approval of a demolition permit the planning director may impose certain documentation or artifact preservation requirements as outlined in the application form. These application provisions may be waived by the planning director based on public safety concerns and an immediate need to allow the structure to be demolished. Waiver under this section however does not waive the requirement for a demolition permit that would be applicable for property without historic property designation.

(Section 9.8180, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8185 Historic Property Moving Approval Criteria. No person may move a historic property unless the planning director has approved an application to do so and the necessary permits have been obtained. The planning director shall approve the application unless a postponement will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If the planning director

requires postponement, the decision shall be in writing and contain findings and conclusions. The planning director shall consider all of the following in assessing the likelihood of historic preservation:

- (1) Relocation is the only viable alternative for preservation of the historic property.
- (2) The effects of the moving upon the use and development of the historic property.
- (3) The historic property is structurally capable of relocation.
- (4) The proposed new relocation site will not reduce the historic significance or historic architectural significance of the historic property.

When a historic property is moved to a new location, the historic property status is automatically removed for that property at the new site unless the planning director, using the process required for designation, determines that the historic landmark designation is appropriate.

(Section 9.8185, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Interpretations

9.8187 **Interpretations.** Interpretations of this land use code and decisions issued pursuant to this land use code shall be determined as provided in EC 9.0040 Land Use Code and Decision Interpretation.

(Section 9.8187, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Metro Plan Amendments

9.8190 **Metro Plan Amendments Application Requirements and Criteria.** Provisions for Metro Plan amendment applications are found beginning at EC 9.7700 Metro Plan Amendment Procedures.

(Section 9.8190, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Partitions, Tentative Plan

9.8200 **Purpose of Partitions, Tentative Plan.** Sections 9.8200 through 9.8245 govern the approval of partitions. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect the public health and safety of the community and enable development to occur consistent with applicable provisions of the Metro Plan.

(Section 9.8200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8205 Applicability of Partition, Tentative Plan Applications. Requests to create 2 or 3 parcels shall be subject to the partition provisions of this land use code, following a Type II application procedure. A partition application that also involves a PUD request may not be submitted until a decision on the tentative PUD approval is final. (Refer to EC 9.8305 Applicability.) No development permit shall be issued by the city prior to approval of the tentative partition application.

(Section 9.8205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8210 Partition, Tentative Plan Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

- (1) Applications are prepared by an Oregon licensed land surveyor and contain a preliminary title report.
- (2) Applications include all contiguous property under the same ownership as the subject property, and are signed by the owner of the property.
- (3) The lot proposed to be divided in the partition application is a legal lot.
- (4) If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the partition application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8215 Partition, Tentative Plan Approval Criteria- General instead of the approval criteria found in EC 9.8220 Partition, Tentative Plan Approval Criteria- Needed Housing.

(Section 9.8210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

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

- (1) The proposed partition complies with all of the following:
 - (a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements.
 - (b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.
 - (c) EC 9.6500 through EC 9.6510 Public Improvement Standards.
 - (d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
 - (e) EC 9.6710 Geological and Geotechnical Analysis.
 - (f) EC 9.6735 Public Access Required.
 - (g) EC 9.6750 Special Setback Standards.
 - (h) EC 9.6775 Underground Utilities.
 - (i) EC 9.6780 Vision Clearance Area.
 - (j) All other applicable development standards for features explicitly included in the application.
 - (k) The applicable adopted plan policies beginning at EC 9.9500.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (2) The proposed partition will not create a new nonconforming situation.
- (3) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.
- (4) If the provisions of EC 9.8215(1) require a public street, or if the applicant proposes the creation of a public street, all of the following criteria also apply:
 - (a) The proposal will not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.
 - (b) The proposed partition will:
 1. Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;
 2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
 3. Not hamper the adequate provision of publicly owned open space for recreation needs.
 - (c) The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and industrial areas, and provides safe, convenient and direct transit circulation, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.
- (5) As far as is practicable, lot side lines run at right angles to the street upon which the lots face, except that on curved streets they are radial to the curve.
- (6) If the partition results in a parcel greater than 13,500 square feet in size, the application shall indicate the location of parcel lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

(Section 9.8215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (1) The applicant has demonstrated that the proposed housing is needed housing as

defined by State statutes.

- (2) The proposed partition complies with all of the following:
- (a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements.
 - (b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.
 - (c) EC 9.6500 through EC 9.6510 Public Improvement Standards.
 - (d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
 - (e) EC 9.6735 Public Access Required.
 - (f) EC 9.6750 Special Setback Standards.
 - (g) EC 9.6775 Underground Utilities.
 - (h) EC 9.6780 Vision Clearance Area.
 - (i) EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
 - (j) All other applicable development standards for features explicitly included in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (3) The proposed partition will not cause any existing improvements on proposed lots to be inconsistent with applicable standards in this land use code.
- (4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.
- (5) If the provisions of EC 9.8220(1) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:
- (a) The proposed land uses and densities within the partition are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.
 - (b) The street layout of the proposed partition shall disperse motor vehicle traffic onto more than one public local street when the sum of proposed partition parcels and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.
- (6) If the partition results in a parcel greater than 13,500 square feet in size, the application shall indicate the location of parcel lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways.

(Section 9.8220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Partition, Final Plat

- 9.8225 Purpose of Partition, Final Plat.** The partition process includes both a tentative plan and final plat procedure. Sections 9.8225 through 9.8245 provide the regulations for processing partition final plat applications to ensure that tentative plan approval conditions have been met.

(Section 9.8225, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8230 Applicability of Partition, Final Plat Applications.** A partition final plat application is applicable when the subject property has received tentative plan approval and any required approval conditions have been met.

(Section 9.8230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8235 Partition, Final Plat Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, final plat applications shall:

- (1) Be signed by the owner of the property.
- (2) Contain a proposed final plat stamped and signed by an Oregon licensed land surveyor, complying with state and local platting and surveying requirements.
- (3) Contain documentation addressing all conditions of tentative plat approval and state and local platting requirements.

(Section 9.8235, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8240 Partition, Final Plat Approval Criteria.**

The planning director shall approve or deny the partition's final plat. Approval shall be based on compliance with the following criteria:

- (1) The city surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.
- (2) Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.
- (3) Public improvements as required by this land use code or as a condition of tentative plan approval are completed, or:
 - (a) A performance bond or suitable substitute as agreed upon by the city and applicant has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
 - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the partition and the petition has been accepted by the city engineer.
- (4) Public assessments, liens, and fees with respect to the partition have been paid,

or:

- (a) A segregation of assessments and liens has been applied for and granted by the city, or
 - (b) An adequate guarantee in a form acceptable to the city manager has been provided assuring the liens, assessments and fees will be paid prior to recording the final plat.
- (5) All conditions of tentative partition approval have been met and the final plat substantially conforms to the provisions of the approved tentative partition.

(Section 9.8240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8245 Partition, Final Plat Recordation. The city surveyor and planning director shall note their approval of the partition on the partition's final plat along with the effective date of approval, which constitutes the city's acceptance of any dedications to the public contained therein. After approval, the city shall forward the partition plat to Lane County for signature by the county assessor and recording.

(Section 9.8245, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Planned Unit Development, Tentative Plan

9.8300 Purpose of Planned Unit Development. The planned unit development (PUD) provisions are designed to provide a high degree of flexibility in the design of the site and the mix of land uses, potential environmental impacts, and are intended to:

- (1) Create a sustainable environment that includes:
 - (a) Shared use of services and facilities.
 - (b) A compatible mix of land uses that encourage alternatives to the use of the automobile.
 - (c) A variety of dwelling types that help meet the needs of all income groups in the community.
 - (d) Preservation of existing natural resources and the opportunity to enhance habitat areas.
 - (e) Clustering of residential dwellings to achieve energy and resource conservation while also achieving the planned density for the site.
- (2) Create comprehensive site plans for geographic areas of sufficient size to provide developments at least equal in quality to those that are achieved through the traditional lot by lot development and that are reasonably compatible with the surrounding area.

(Section 9.8300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8305 **Applicability.** PUD provisions shall be applied when any of the following conditions exist:

- (1) The proposal is subject to review and approval through the PUD process according to an adopted refinement plan, including but not limited to, property within the boundary of the South Hills Study where all or a portion of a development site is:
 - (a) Between an elevation of 500 feet and 701 feet, and the development site is at least 4 acres with areas of the development site containing slopes that exceed 20%.
 - (b) On property above 701 feet in elevation, except partitions that do not include the creation of a public street, unless an alternate review procedure is approved pursuant to EC 9.9630(3)(a).
 - (c) Above an elevation of 900 feet, except for a land division undertaken by or on behalf of a governmental entity in order to preserve, manage, or expand park, open space, or natural resource areas.
- (2) The property is zoned with a /PD overlay zone.
- (3) One or more land uses proposed for the site are subject to review and approval through the PUD process according to the zoning.
- (4) When requested by the property owner.

No development permit shall be issued by the city prior to approval of the final PUD.

(Section 9.8305, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8310 **Tentative Planned Unit Development General Application Requirements.**

- (1) **Ownership.** The area included in a proposed PUD shall either be under single ownership or common development control. The application shall include all contiguous property under the same ownership or development control, shall be signed by the owner of the property, and include such related information as prescribed by the planning director. Otherwise contiguous parcels that are separated only by a public right-of-way, shall be included in the PUD application unless the public right-of-way is designated an arterial or collector on the street classification map. If otherwise contiguous parcels are separated by an arterial or collector street, the applicant may, at the applicant's discretion, include those parcels in the PUD application.
- (2) **Project Coordinator and Professional Design Team.** The tentative PUD application shall identify the PUD project coordinator and the professional design team and certify compliance with the following:
 - (a) **Project Coordinator.** The project coordinator shall:
 1. Be the liaison between the applicant and the city.
 2. Ensure that the required plans are prepared and executed according to any required conditions.
 3. Either be a member of the American Institute of Certified Planners or licensed in the state of Oregon to practice architecture, civil engineering, or landscape architecture.

The project coordinator, or at least one design team member, shall attend all public meetings at which the proposal is discussed.

- (b) Professional Design Team Designation. Unless waived by the planning director, the professional design team shall consist of at least the following professionals:

1. Oregon licensed arborist.
2. Oregon licensed architect.
3. Oregon licensed civil engineer.
4. Oregon licensed landscape architect.
5. Oregon licensed land surveyor.
6. A member of the American Institute of Certified Planners.

- (c) Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on those drawings. To ensure comprehensive review of all plans for compliance with the PUD provisions by the professional design team, the cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the professional design team stating that the portion of the project in which he or she was involved complies with the following:

1. Meets the standards of his or her profession.
2. Complies with the tentative PUD criteria.

- (3) **Phasing**. The tentative PUD application shall include a phasing plan that indicates any proposed phases for development, including the boundaries and sequencing of each phase. Phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements.
- (4) **Density**. Dwelling unit densities for PUDs shall be consistent with Table 9.2750 Residential Zone Development Standards. The calculation of the number of dwelling units allowed shall be determined based on the following:
- (a) Easement Calculations. If it is demonstrated that easements will benefit residents of the proposed PUD, residential density calculations may include areas in easements, with the exception of private streets or ingress/egress easements.
- (b) Dedications. If it is demonstrated that lands dedicated to the city will benefit residents of the proposed PUD, residential density calculations may include areas dedicated to the public for recreation or open space.
- (c) Cumulative Density. When final plans are to be approved in phases, at no time shall the cumulative residential density exceed the overall density per acre established at the time of tentative plan approval.
- (5) **Needed Housing**. If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the PUD application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General instead of the approval criteria found in EC 9.8325 Tentative Planned Unit Development Approval Criteria- Needed Housing.

(Section 9.8310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (1) The PUD is consistent with applicable adopted policies of the Metro Plan.
- (2) The PUD is consistent with applicable adopted refinement plan policies.
- (3) The PUD will provide adequate screening from surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
- (4) The PUD is designed and sited to minimize impacts to the natural environment by addressing the following:

(a) Protection of Natural Features.

1. For areas not included on the City's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
 - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under State or Federal law), and native plant communities.
 - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
 - c. Prominent topographic features, such as ridgelines and rock outcrops.
 - d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
 - e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.
2. For areas included on the City's acknowledged Goal 5 inventory:
 - a. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will:
 - (1) Avoid unnecessary disruption or removal of attractive natural features and vegetation, and
 - (2) Avoid conversion of natural resource areas designated in the Metropolitan Area General Plan to urban uses when alternative locations on the property are suitable for development as otherwise permitted.
 - b. Proposed buildings, road, and other uses are designed and sited to assure preservation of significant on-site vegetation, topographic features,

and other unique and worthwhile natural features,
and to prevent soil erosion or flood hazard.

- (b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:

1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
4. Trees that provide a buffer between potentially incompatible land uses;
5. Trees located along the perimeter of the lot(s) and within building setback areas;
6. Trees and stands of trees located along ridgelines and within view corridors;
7. Trees with significant habitat value;
8. Trees adjacent to public parks, open space and streets;
9. Trees located along a water feature;
10. Heritage trees.

- (c) Restoration or Replacement.

1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:

- a. Planting of replacement trees within common areas; or
- b. Re-vegetation of slopes, ridgelines, and stream corridors; or
- c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.

To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.

2. For areas included on the city's acknowledged Goal 5 inventory, any loss of significant natural features described in criteria (a) and (b) above shall be consistent with the acknowledged level of protection for the features.

- (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305.

- (5) The PUD provides safe and adequate transportation systems through compliance

with the following:

- (a) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).
 - (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
 - (c) The provisions of the Traffic Impact Analysis Review of EC 9.8650 through 9.8680 where applicable.
- (6) The PUD will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.
- (7) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant demonstrates that the services and facilities will be available prior to need. Demonstration of future availability requires evidence of at least one of the following:
- (a) Prior written commitment of public funds by the appropriate public agencies.
 - (b) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
 - (c) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.
- (8) Residents of the PUD will have sufficient usable recreation area and open space that is convenient and safely accessible.
- (9) Stormwater runoff from the PUD will not create significant negative impacts on natural drainage courses either on-site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows or velocity.
- (10) Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards or as modified according to subsection (11) below.
- (11) The PUD complies with all of the following:
- (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
 - (b) EC 9.6500 through EC 9.6510 Public Improvement Standards.
 - (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood

Hazard Areas - Standards.

- (d) EC 9.6710 Geological and Geotechnical Analysis.
- (e) EC 9.6730 Pedestrian Circulation On-Site.
- (f) EC 9.6735 Public Access Required.
- (g) EC 9.6750 Special Setback Standards.
- (h) EC 9.6775 Underground Utilities.
- (i) EC 9.6780 Vision Clearance Area.
- (j) All other applicable development standards for features explicitly included in the application except where the applicant has shown that a proposed noncompliance is consistent with the purposes set out in EC 9.8300

Purpose of Planned Unit Development.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (12) The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, stormwater runoff and environmental quality.
- (13) The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.
- (14) If the tentative PUD application proposes a land division, nothing in the approval of the tentative application exempts future land divisions from compliance with state or local surveying requirements.

(Section 9.8320, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing.

The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
- (2) The proposed land uses and densities within the PUD are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.
- (3) The PUD provides a buffer area between the proposed development and surrounding properties by providing at least a 30 foot wide landscape area along the perimeter of the PUD according to EC 9.6210(7).
- (4) For areas not included on the city's acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with all of the following:
 - (a) The provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards, (not subject to modifications set forth in subsection (9) below).
 - (b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource" are protected.

- (5) There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.
- (6) The PUD provides safe and adequate transportation systems through compliance with all of the following:
 - (a) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (9) below).
 - (b) The street layout of the proposed PUD shall disperse motor vehicle traffic onto more than one public local street when the PUD exceeds 19 lots or when the sum of proposed PUD lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.
- (7) The PUD complies with all of the following:
 - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
 - (b) EC 9.6500 through 9.6510 Public Improvement Standards.
 - (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
 - (d) EC 9.6730 Pedestrian Circulation On-Site.
 - (e) EC 9.6735 Public Access Required.
 - (f) EC 9.6750 Special Setback Standards.
 - (g) EC 9.6775 Underground Utilities.
 - (h) EC 9.6780 Vision Clearance Area.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
- (8) The applicant has demonstrated that wastewater service, transportation service, stormwater service, water service, and electrical service will be provided to the site prior to the need for those facilities and services. Where the facility or service is not already serving the site, this demonstration requires evidence of at least one of the following:
 - (a) Prior written commitment of public funds by the appropriate public agencies.
 - (b) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
 - (c) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.
- (9) All proposed dwellings within the PUD are within 1/4 mile radius (measured from any point along the perimeter of the development site) of an accessible recreation area or open space that is at least 1 acre in size and will be available to residents.
- (10) Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards (these standards may be modified

as set forth in subsection (11) below).

- (11) The PUD complies with all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development.
- (12) For any PUD located within or partially within the boundaries of the South Hills Study, the following additional approval criteria apply:
 - (a) No development shall occur on land above an elevation of 900 feet except that one dwelling may be built on any lot in existence as of August 1, 2001.
 - (b) Development shall be setback at least 300 feet from the ridgeline unless there is a determination by the city manager that the area is not needed as a connection to the city's ridgeline trail system. For purposes of this section, the ridgeline trail shall be considered as the line indicated as being the urban growth boundary within the South Hills Study plan area.
 - (c) Development shall cluster buildings in an arrangement that results in at least 40% of the development site being retained in 3 or fewer contiguous common open space areas. For purposes of this section, the term contiguous open space means open space that is uninterrupted by buildings, structures, streets, or other improvements.
 - (d) Residential density is limited as follows:
 - 1. In the area west of Friendly Street, the maximum level of new development per gross acre shall be 8 units per acre.
 - 2. In the area east of Friendly Street, the maximum level of new development per gross acre shall be limited to 5 units per acre.
 - 3. Housing developed as Controlled Income and Rent Housing shall be exempt from the density limitations in subsections 1 and 2 above, but are subject to the other applicable development standards and review procedures.

(Section 9.8325, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8330 **Site Alteration.** Unless specifically permitted by the hearings official, vegetation, topography, and other natural features of areas proposed for a PUD shall not be substantially altered until final PUD approval, and then only as authorized by the final PUD approval. "Substantially altered" includes, but is not limited to, site grading and removal of trees or other vegetation. If a subdivision is required, site alteration shall not be permitted until after tentative subdivision approval is granted.

(Section 9.8330, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Planned Unit Development, Final Plan

9.8350 Purpose of Planned Unit Development, Final Plan. The PUD process includes both a tentative and final plan. Final plan approval is required primarily to ensure that tentative plan approval conditions have been met.

(Section 9.8350, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8355 Applicability. A final PUD plan is required for every approved tentative PUD, and every phase of a tentative PUD.

(Section 9.8355, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (1) Applications shall contain final maps and supplemental materials required to demonstrate compliance with tentative plan conditions of approval.
- (2) Final PUD plans may be submitted in phases, if such phases were approved as part of the tentative PUD consideration. The boundaries of each phase of the final PUD plans shall coincide with the boundaries of the phasing areas approved at the tentative plan stage. Requests to extend the time frame for a specific phase shall be subject to EC 9.7340 Expiration.
- (3) Individual phases of a PUD may not be submitted for final PUD review until the boundaries of the phases are legal lots as defined in this land use code, and documents necessary to assure permanent maintenance, at no expense to the city, of buildings, common use facilities, landscaping, open space, and outdoor living areas have been executed and recorded.
- (4) When a PUD or any phase thereof is submitted for final approval, each design team member shall provide written certification that the portion of the project in which he or she was involved continues to comply with the approved tentative plan conditions of approval.
- (5) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
 - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
 - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.

(Section 9.8360, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8365 **Final Planned Unit Development Approval Criteria.** The planning director shall approve, approve with conditions, or deny a final PUD application. Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.

(Section 9.8365, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8370 **Modifications to Approved Planned Unit Development.** The applicant for the original PUD may apply for a modification of the final PUD approval following the Type II process. The planning director shall approve the request only if it complies with the following criteria:

- (1) The proposed modification is consistent with the conditions of the original approval.
- (2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the planning director determines that the proposed modification is not consistent with the above criteria, the proposed modification may not occur unless a new tentative PUD application is submitted based on the Type III procedural requirements. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new tentative PUD application.

(Section 9.8370, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8375 **Final Planned Unit Development - Landscaping.** If required landscaping cannot be completed prior to occupancy, or as otherwise required as a condition of approval, the planning director may require the applicant to post a performance bond in an amount and for a time period determined by the planning director to be sufficient to assure timely completion.

(Section 9.8375, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Property Line Adjustment

9.8400 **Purpose of Property Line Adjustment.** Sections 9.8400 through 9.8420 provide an expedited process for the review of property line adjustments. A property line adjustment is the relocation of a single boundary line or the removal of non-platted lines between two legal lots. Property line adjustments shall be considered in accordance with the Type I application procedures contained in EC 9.7100 General Overview of Type I Application Procedures.

(Section 9.8400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8405 Applicability of Property Line Adjustment Applications.

- (1) A property line adjustment application is applicable to changes to the property lines of adjoining properties when all of the following exist:
 - (a) A property line proposed for removal is not platted in a partition or subdivision plat.
 - (b) A property line proposed for adjustment will not result in an increase in the number of parcels or lots.
 - (c) A property line proposed for adjustment will not create more than 2 property line adjustments to any of the boundaries of an individual lot or parcel within a calendar year. This subsection does not apply to proposed property line adjustments undertaken by or on behalf of a governmental entity that affect the ability to preserve, manage, or expand park, open space, or natural resource areas.
 - (d) The adjustment will result in less than a 200% change in the size of the lot or parcel. This subsection does not apply to proposed property line adjustments undertaken by or on behalf of a governmental entity that affect the ability to preserve, manage, or expand park, open space, or natural resource areas.
- (2) A property line adjustment application may not be utilized to effect the reconfiguration of lots or parcels which must be approved through the partition or subdivision procedure.
- (3) A property line adjustment application may not be utilized to create flag lots.

(Section 9.8405, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8410 Property Line Adjustment Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to property line adjustment applications.

- (1) Except for parallel property line adjustments when the adjusted property line is a distance of even width along the common boundary, all applications shall be prepared by an Oregon licensed Land Surveyor.
- (2) Applications shall be signed by at least one of the owners of each parcel involved, and shall include a preliminary title report for each parcel.

(Section 9.8410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.8415 Property Line Adjustment Approval Criteria. The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria:

- (1) Any buildings to be retained on the properties comply with the minimum front and interior yard setbacks as defined in this land use code.
- (2) The final configuration of property lines shall not reduce an existing lot below

the minimum lot standards established in this land use code or otherwise violate standards of this land use code, building codes, and fire codes.

- (3) The final configuration of property lines shall not violate any previous requirements or conditions of approval imposed with a prior applicable land use decision.
- (4) Public assessments, liens, and fees with respect to the partition have been paid, or:
 - (a) A segregation of assessments and liens has been applied for and granted by the city; or
 - (b) An adequate guarantee in a form acceptable to the city manager has been provided assuring the liens, assessments and fees will be paid prior to recording the property line adjustment.

Approval of a property line adjustment does not relieve the applicant from complying with all applicable codes or statutory requirements.

(Section 9.8415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8420 Post-Approval Requirements.

- (1) Upon approval of a property line adjustment, the city shall record with Lane County a Notice of Approval for Property Line Adjustments that contains the revised legal descriptions of the two existing lots affected by the adjustment.
- (2) In accordance with state law, the owners of the property affected by the adjustment are responsible for creating and recording a deed with Lane County Deeds and Records that reflects the new location of the property line. The property owners are also responsible for submitting requests to the Lane County Department of Assessment and Taxation for transfers on the assessment roll in accordance with the approved adjustment.
- (3) The respective property owners are responsible for payment of any public liens, assessments and fees that may be required prior to recording the notice of approval.
- (4) The respective property owners are responsible for meeting the statutory requirements for the survey and monumentation of the new line by an Oregon licensed surveyor.

(Section 9.8420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Refinement Plan Amendments

9.8421 **Purpose of Refinement Plan Amendments.** An amendment to an existing refinement plan allows changes to be made to portions of the plan without comprehensively updating the entire document. Refinement plan application requirements and criteria are designed to facilitate consideration of amendments to address changes that have occurred, such as changes in state or federal legislation, changes in the Metro Plan or other applicable local policies, or changes in circumstances that could directly influence public policy choices.

(Section 9.8421, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8422 **Applicability.** Refinement plan amendment procedures only apply when specific changes are proposed to an existing refinement plan that covers areas only within the jurisdiction of the city. The procedures are not applicable to comprehensive updates of an entire refinement plan.

(Section 9.8422, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(Section 9.8423, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8424 **Refinement Plan Amendment Approval Criteria.** The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

- (1) The refinement plan amendment is consistent with all of the following:
 - (a) Statewide planning goals.
 - (b) Applicable provisions of the Metro Plan.
 - (c) Remaining portions of the refinement plan.
- (2) The refinement plan amendment addresses one or more of the following:
 - (a) An error in the publication of the refinement plan.
 - (b) New inventory material which relates to a statewide planning goal.
 - (c) New or amended community policies.
 - (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.

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

(Section 9.8424, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Site Review

9.8425 Purpose of Site Review. Site review is used as a means to maintain or improve the character, integrity, and harmonious development of an area, address potential environmental impacts, and to provide a safe, stable, efficient, and attractive on-site environment.

(Section 9.8425, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8430 Applicability. Site review provisions shall be applied when any of the following conditions exist:

- (1) Property is zoned with the /SR overlay zone and the proposal would result in either of the following:
 - (a) New development of vacant sites (excluding partitions and any development that consists only of new or expanded parking areas).
 - (b) An expansion of 20 percent or more of the total existing building square footage on the development site.
- (2) The proposed use on the property is identified as a use which requires site review under other provisions of this land use code and the proposal would result in either of the following:
 - (a) New development of vacant sites (excluding development that consists only of new or expanded parking areas).
 - (b) An expansion of 20 percent or more of the total existing building square footage on the development site.
- (3) The application proposes needed housing, as defined by State statutes. Applications proposing needed housing shall be reviewed through the Type II site review procedures utilizing the criteria at EC 9.8445 Site Review Approval Criteria - Needed Housing unless the applicant specifically request in the application that the city apply the criteria at EC 9.8440 Site Review Approval Criteria - General.

No development permit shall be issued by the city prior to approval of the site review application.

(Section 9.8430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

9.8435 General Requirements. Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:

- (1) Oregon licensed architect.
- (2) Oregon licensed civil engineer.