

(3) Oregon licensed landscape architect.

(4) A member of the American Institute of Certified Planners.

(Section 9.8435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

(1) The site review plan's general design and character is reasonably compatible with surrounding properties, as it relates to building locations, bulk and height, noise, glare and odors.

(2) Proposed lots, buildings, streets, parking lots, recreation areas, and other proposed uses are 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 applicant shall show that it has given due consideration to the preservation of attractive and distinctive historical and natural features.

(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 6.335 and rules adopted thereunder.
 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 of this code.
- (e) Parking. There is a need for parking in the area and the proposed parking area will provide shared parking.
- (3) The proposal provides safe and adequate transportation systems through compliance with all of the following:
- (a) Compliance with EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways.
 - (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.

- (4) The proposal 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.
- (5) The proposal complies with all of the following standards:
 - (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 9.6710 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.

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.

- (6) The proposal complies with applicable adopted plan policies beginning at EC 9.9500.

For all properties zoned with the /SR overlay, the above criteria or those contained in EC 9.8445 Site Review Approval Criteria- Needed Housing shall supersede any previously adopted criteria that may have been applied to the property through a rezoning or similar process.

- (7) Any additional specific factors applied at the time the /SR designation was applied.

(Section 9.8440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8445 Site Review Approval Criteria- Needed Housing. The planning director shall approve, conditionally approve, or deny the site review application. Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a site review based on compliance with the following criteria:

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
- (2) For a proposal for multiple family developments, 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 through EC 9.6885 Tree

Preservation and Removal Standards.

- (b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource" are protected.
- (4) The proposal complies with all of the following standards:
 - (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.
 - (i) 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.

- (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 9.8445, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8450 **Final Site Review Approval.** Following the issuance of the final decision approving a site review application, the applicant shall satisfy all applicable conditions. A site review plan shall not be stamped with the city's approval until all conditions of approval have been met. Once stamped by the city's approval, a site review plan is deemed to be consistent with all development standards of this land use code.

(Section 9.8450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8455 **Modifications to Approved Site Review Plans.** Modifications of the final approved site review plan may be requested following the Type II process. The planning director shall approve the request 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 modification is not consistent with the above criteria, the proposed modification may not occur until a new site review application is submitted and reviewed based on the Type II application procedures in section 9.7200 and the requirements and criteria in sections 9.8425-9.8455. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new site review application.

(Section 9.8455, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Standards Review

- 9.8460** **Purpose of Standards Review.** The standards review process is intended to provide a way to effectively review specific types of proposed development with clear and objective standards outlined in this land use code.

(Section 9.8460, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8465** **Applicability.** Certain uses in the NR zone as referenced in EC 9.2520(3) are subject to the standards review procedure. Where the provisions of this section require review for compliance with standards, the application for review shall be considered under a Type II process, unless the subject land use application is being considered under a Type III application process. If the review requested is a part of a Type III application, the review of standards shall be considered concurrently under a Type III application process. No development permit shall be issued by the city prior to completion of the standards review.

(Section 9.8465, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8470** **Standards Review Approval Criteria.** The planning director shall determine whether the application is in compliance with the applicable standards subject to the review.

(Section 9.8470, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Street Name Change

- 9.8475** **Purpose of Street Name Changes.** Requests to rename an existing street may be generated by a variety of circumstances. In many cases, there are other existing streets in the city that have similar sounding names resulting in confusion for the postal service, emergency response services and the general public. Applications to

rename a street are subject to state law that requires the planning commission to review the request and make a recommendation to the city council for final action. (Section 9.8475, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8480 **Applicability.** Any existing street or highway, other than a county or state road or highway, may be renamed by the city council provided it is within six miles of the limits of the city and within the Eugene Urban Growth Boundary. Street name changes are subject to the Type IV procedural requirements beginning at EC 9.7400. (Section 9.8480, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8485 **Street Name Change Approval Criteria.** The planning commission shall recommend, and the city council shall approve an application for a street name change upon determining that a proposed renaming is in the best interest of the city. (Section 9.8485, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8490 **General Requirements.** The city council by ordinance shall rename a street or highway in accordance with the recommendation of the planning commission, or by resolution shall reject the recommendation. A certified copy of the ordinance shall be filed for record with the county clerk or recorder, and a like copy shall be filed with the county assessor and county surveyor. The county surveyor shall enter the new names of the streets and roads as required by state law. (Section 9.8490, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Subdivision, Tentative Plan

9.8500 **Purpose of Subdivision, Tentative Plan.** Sections 9.8500 through 9.8575 governing the approval of subdivisions are established in order to accomplish the orderly development of land within the community. These regulations are intended to ensure adequate provision of public facilities and services, address potential environmental impacts, protect the public health and safety of the community and enable development to occur consistent with the Metro Plan. (Section 9.8500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8505 **Applicability of Subdivision, Tentative Plan Applications.** Requests to create 4 or more lots shall be subject to the subdivision provisions of this land use code under a Type II application process. A subdivision 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 subdivision tentative plan application.

(Section 9.8505, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8510 Subdivision, Tentative Plan Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative subdivision plan applications:

- (1) All tentative subdivision applications shall be prepared by an Oregon licensed land surveyor and shall include a preliminary title report.
- (2) The application shall include all contiguous undeveloped or partially developed property under the same ownership as the subject property, be signed by the owner of the property, and include such related information as prescribed by the planning director.
- (3) The tentative subdivision plan 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) The lot proposed to be divided in the subdivision application is a legal lot.
- (5) If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria- Needed Housing.

(Section 9.8510, 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.)

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

- (1) The proposed subdivision complies with the following:
 - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone;
 - (b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways; and
 - (c) EC 9.6500 through EC 9.6510 Public Improvement Standards.
- (2) Approval does 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, based on the provisions of this land use code. For subdivisions involving phasing, it shall be demonstrated that each sequential phase will maintain consistency with the provisions of EC 9.8515 Tentative Subdivision Approval Criteria - General.

- (3) Any existing improvements on the proposed lots are consistent with the provisions of this land use code.
- (4) The proposed subdivision will be consistent with the property's designation in the Metro Plan and applicable adopted plan policies as reflected in the sections beginning at EC 9.9500.
- (5) The proposed subdivision will:
 - (a) Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns;
 - (b) Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
 - (c) Not hamper the adequate provision of publicly owned open space for recreation needs.
- (6) The proposed subdivision provides safe, convenient, and 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 reasonably be expected to be used by bicyclists.
- (7) The proposed subdivision is designed and sited such that roads, infrastructure, utilities, and future development of proposed lots will 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 protection 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.

- (8) If the subdivision results in a lot greater than 13,500 square feet in size, the application shall indicate the location of lot 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.

- (9) As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.
- (10) The proposed subdivision complies with all of the following:
 - (a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
 - (b) EC 9.6710 Geological and Geotechnical Analysis.
 - (c) EC 9.6730 Pedestrian Circulation On-Site.
 - (d) EC 9.6735 Public Access Required.
 - (e) EC 9.6750 Special Setback Standards.
 - (f) EC 9.6775 Underground Utilities.
 - (g) EC 9.6780 Vision Clearance Area.
 - (h) The proposed subdivision complies with 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.

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

(Section 9.8515, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (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 proposed subdivision 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 9.6800 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 9.6730 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.

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.

- (4) The proposed subdivision will not cause any existing improvements on proposed lots to be inconsistent with applicable standards in this land use code.
- (5) There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.
- (6) The proposed subdivision provides safe and adequate transportation systems through compliance with the following: the street layout of the proposed subdivision shall disperse motor vehicle traffic onto more than one public local street when the subdivision exceeds 19 lots or when the sum of proposed subdivision lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.
- (7) For areas not included on the city's acknowledged Goal 5 inventory, the subdivision will preserve existing natural resources by compliance with all of the following:
 - (a) The proposal complies with EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
 - (b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource."
- (8) If the subdivision results in a lot greater than 13,500 square feet in size, the application shall indicate the location of lot 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.
- (9) The subdivision complies with development standards explicitly addressed in the application or is granted adjustments thereto pursuant to the provisions beginning at EC 9.8015 of this land use code.
- (10) Where all or a portion of a development site is within the South Hills Study and above 700 feet in elevation, the proposed development shall have received initial approval through the Planned Unit Development process. Where all or a portion of the development site is within the South Hills Study and is between 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%, the proposal shall have received initial approval through the Planned Unit Development process.

(Section 9.8520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Subdivision, Final Plat

9.8550 Purpose of Subdivision, Final Plat. Sections 9.8550 through 9.8575 establish the procedures for processing subdivision final plat applications in a manner that ensures adequate provision of public facilities and services, protects the public health and safety of the community and enables development to occur consistent with tentative subdivision approval and applicable provisions of the Metro Plan.

(Section 9.8550, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8555 Applicability of Subdivision, Final Plat Applications. A subdivision final plat application follows a Type II process. Applications for final plat approval cannot be submitted unless the subject property received tentative plan approval and any approval conditions required prior to submittal of the final plat have been met.

(Section 9.8555, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8560 Subdivision, Final Plat Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, subdivision 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 9.8560, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8565 Subdivision, Final Plat Approval Criteria.

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

- (1) Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation.
- (2) 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.
- (3) Conservation areas, including natural resource buffers and tree preservation areas, have been designated as required by this land use code or as a condition of tentative approval; and 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 implementation of any natural resource protection or restoration requirements of the tentative subdivision approval.

- (4) Public assessments, liens, and fees with respect to the subdivision have been paid, or a guarantee acceptable to the city manager has been provided assuring the liens, assessments, and fees will be paid prior to recordation.
- (5) All conditions of tentative approval have been met and the final plat substantially conforms with the provisions of the approved tentative plan.
- (6) The city surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.

(Section 9.8565, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8570 Subdivision, Final Plat Recordation. The city surveyor and planning director shall note their approval of the subdivision on the subdivision'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 subdivision's final plat to Lane County for signatures and recording.

(Section 9.8570, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8575 Special Platting Standards. In addition to the partition and subdivision requirements contained in this land use code, the following specific platting standards may also apply to partition and subdivision applications that include lots or parcels designated as conservation parcels and lots or parcels located adjacent to a railroad right-of-way:

- (1) **Conservation Land Divisions.** Conservation land divisions are intended to facilitate the sale or donation of valuable natural resource areas to public or non-profit agencies for long-term protection and management by dividing conservation areas and remaining areas into separate parcels.

(a) Conservation parcels are those set aside and managed to conserve natural resource values including the following:

1. Wildlife habitat.
2. Ecological significance.
3. Rare or endangered species.
4. Water quality.
5. Flood storage and control.

Conservation parcels are primarily undeveloped and natural, and shall have no minimum standards for lot area, frontage, width or depth.

- (b) Remainder parcels are those parcels that are not being protected for natural resource values. Remainder parcels may be developed, partly developed, or undeveloped. The planning director may authorize exceptions to the minimum platting standards for lot area, lot frontage, lot width, and lot depth for remainder parcels provided the following standards are met:

1. At least one of the lots created must be a conservation parcel and must be rezoned to NR Natural Resource zone prior to or concurrent with land division.
 2. The number of remainder parcels created must be the least number that will accomplish the purpose of the conservation land division.
 3. Exceptions to minimum lot and parcel platting standards will not be allowed on residentially zoned remainder parcels.
 4. Exceptions to minimum lot and parcel platting standards for remainder parcels in agricultural, commercial and industrial zones will be no more than the minimum needed to accomplish the purpose of the conservation land division.
- (c) The city shall keep records of approved remainder parcels to ensure that zoning reviews on future development permit applications are consistent with that approval.
- (2) **Platting Standards-Railroads.**
- (a) In accordance with the purpose of EC 9.8400 Purpose of Property Line Adjustments, special requirements may be imposed by the planning director in connection with railroad crossings including, but not limited to, provisions for separation of street and railroad grades, if necessary for the safety of the residents of the partition or subdivision and of the general public.
 - (b) Where the partition or subdivision is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate the property will be used for industrial purposes, all streets shall be located at a sufficient distance from the right-of-way to allow for reasonable sites for industrial use adjacent to the right-of-way.

(Section 9.8575, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Temporary Manufactured Dwelling Hardship Permits

9.8600 **Purpose of Temporary Manufactured Dwelling Hardship Permits.** Sections 9.8600 through 9.8615 regulate the provision of temporary housing to address medical needs. These regulations are intended to ensure adequate provisions exist to accommodate small scale temporary housing on individual lots in low-density areas.

(Section 9.8600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8605 **Applicability.** Requests for temporary manufactured dwelling hardship permits shall be subject to these provisions.

(Section 9.8605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8610 Temporary Manufactured Dwelling Hardship Permits General Requirements.

All applications for a temporary manufactured dwelling hardship permit shall be processed under a Type I procedure and shall be submitted in the manner and on a form approved by the city manager.

(Section 9.8610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8615 Temporary Manufactured Dwelling Hardship Permit Approval Criteria. A temporary manufactured dwelling hardship permit shall be granted if all of the following are met:

- (1) A written communication is submitted to the city from a physician, therapist, or other professional counselor establishing that the person on whose behalf the temporary manufactured dwelling hardship permit is sought is suffering either a physical or mental impairment, infirmity, or is otherwise disabled and must be near a designated care giver in order to receive adequate care.
- (2) The lot on which the temporary manufactured dwelling would be placed must be zoned R-1.
- (3) An on-site parking space in addition to that required for the primary dwelling unit must be provided if the resident of the temporary manufactured dwelling owns or operates a vehicle.
- (4) The temporary manufactured dwelling is limited to a single-wide manufactured dwelling with no more than two bedrooms.
- (5) The temporary manufactured dwelling must be set back a minimum of 10 feet from the primary dwelling and all interior property lines.
- (6) The temporary manufactured dwelling must be located to the rear of the primary dwelling unit (except on corner lots).
- (7) A pedestrian and vehicular access drive to the temporary manufactured dwelling (capable of supporting the weight of emergency vehicles) shall be maintained for the purposes of emergency access and future removal of the manufactured dwelling.
- (8) The placement of the temporary manufactured dwelling shall not require a permanent foundation, filling, or grading.
- (9) The temporary manufactured dwelling must be screened from abutting properties with a 75 percent opaque site-obscuring fence, wall, or vegetation 6 feet in height. This requirement can be met by existing or new materials.
- (10) The temporary manufactured dwelling must be equipped with skirting that in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.
- (11) The temporary manufactured dwelling must be connected to an on-site sewer system serving an existing dwelling on the same lot.
- (12) Construction and installation of plumbing, gas, piping, electrical equipment, wiring, tie-downs, over-the-top ties, and skirting must comply with all applicable federal, state and local rules and regulations.

- (13) Temporary manufactured dwellings must comply with the solar access setback standards with respect to structures on adjacent lots.
- (14) The temporary manufactured dwelling must comply with all applicable federal, state, and local special flood hazard area rules and regulations.
- (15) Within 60 days of the date that the hardship for which a temporary manufactured dwelling hardship permit has been issued ceases, the temporary manufactured dwelling must be disconnected from the sewer system and all utilities, and removed from the lot.
- (16) The temporary manufactured dwelling must be a manufactured home or a mobile home as defined in section 9.0500.

(Section 9.8615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Traffic Impact Analysis Review

9.8650 **Purpose of Traffic Impact Analysis Review.** The purpose of Traffic Impact Analysis Review is to ensure that developments which will generate a significant amount of traffic, cause an increase in traffic that will contribute to traffic problems in the area, or result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards provide the facilities necessary to accommodate the traffic impact of the proposed development. In addition, any Traffic Impact Analysis Review addressing streets in the jurisdiction of Lane County is also designed to ensure that cross sectional elements of streets, such as the wearing coarse or pavement, base material, soils, or storm water structures (bridges or culverts) have the adequate capacity to accommodate developments that utilize vehicles of heavy weight and associated vehicle traffic as part of their activity.

(Section 9.8650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8670** **Applicability.** Traffic Impact Analysis Review is required when one of the following conditions exist:
- (1) The development will generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.
 - (2) The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city's traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.
 - (3) The city has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the roadway

system in the vicinity of the development that do not meet adopted level of service standards.

- (4) For development sites that abut a street in the jurisdiction of Lane County, a Traffic Impact Analysis Review is required if the proposed development will generate or receive traffic by vehicles of heavy weight in their daily operations.

For purposes of EC 9.8650 through EC 9.8680, "daily operations" does not include routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service. "Daily operations" does include, but is not limited to, delivery (to or from the site) of materials or products processed or sold by the business occupying the site. For purposes of EC 9.8650 through EC 9.8680, "heavy vehicles" are defined as a single vehicle or vehicle combination greater than 26,000 pounds gross vehicle weight or combined gross vehicle weight respectively.

(Section 9.8670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8675 General Application Requirements.** An application for Traffic Impact Analysis Review shall contain each of the items required by the "Standards for Traffic Impact Analyses" available from the city.

(Section 9.8675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8680 Approval Criteria.** The planning director shall approve, conditionally approve, or deny an application for Traffic Impact Analysis Review following a Type II process, or as part of a Type III process when in conjunction with a CUP or PUD. Approval or conditional approval shall be based on compliance with the following criteria:

- (1) Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.
- (2) Public improvements shall be designed and constructed to the standards specified in EC 9.6505 Improvements - Specifications. The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.
- (3) An exception to any or all of the requirements listed in the "Standards for Traffic Impact Analyses" for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with this subsection.
- (4) In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County's jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street

structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate vehicle impacts to structures.

(Section 9.8680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Vacations

9.8700 Purpose of Vacations. In order to ensure the orderly development of land, public ways in the form of streets, roads, alleys, right-of-way, pedestrian and/or bicycle easements and accessways, or utility easements are established, obtained, or reserved by the city. As land develops, and as land uses change over time, public ways may no longer be necessary for ensuring the orderly development of land. This land use code and state law provide procedures, requirements, and criteria for vacating public ways. The vacation process includes a review of the need for public ways and the manner in which to dispense with public ways. In addition, sections 9.8700 through 9.8725 of this land use code provide a process for the vacation of undeveloped subdivision and partition plats or parts thereof.

(Section 9.8700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8705 Applicability of Vacation Procedures.

- (1) The vacation process applies to recorded undeveloped subdivision and partition plats and to public ways and public easements under the jurisdiction of the city.
- (2) The city's vacation process does not apply to lands over which Lane County or the state have jurisdiction such as unannexed plats or public ways within the Urban Growth Boundary, or county roads and state highways within the corporate limits of the city where jurisdiction has not been transferred to the city.
- (3) Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC 9.7000 through 9.7885 Application Procedures.

(Section 9.8705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8710 Vacations, Application Requirements.

- (1) Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC 9.7000 through 9.7885 and the approval criteria contained in EC 9.8715. In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.
- (2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved

public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC 9.7000 through 9.7885 and the approval criteria contained in EC 9.8720. In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.

- (3) Notwithstanding the provisions in subsections (1) and (2) above, vacation of any public way acquired with public funds, vacation of improved public right-of-way, and vacation of undeveloped subdivision and partition plats, or parts thereof, including public right-of-way and improved public easements located therein, shall be considered in accordance with the Type IV Application Procedures contained in EC 9.7000 through 9.7885 and the approval criteria contained in EC 9.8725. Applications shall be accompanied by the application fee established by the city manager pursuant to Chapter 2 of this code, and an additional amount sufficient to pay the expenses related to publication of the vacation notice.
- (4) In addition to payment of the application and publication fees referenced in subsection (3) above, a vacation of improved or unimproved public right-of-way, any public way acquired with public funds, or any undeveloped subdivision or partition plat, or portions thereof, shall require the payment by the applicant of a deposit equal to the assessment of special benefit that results from the vacation and disposition of property to the benefitted property owners.
 - (a) The assessed value of special benefit and the amount of money to be deposited shall be determined by the city manager and approved by the city council. The assessed value of special benefit shall include:
 1. The value of the real property; and
 2. The costs incurred by the city in the construction of public improvements.
 - (b) Notice of the proposed assessment for benefits shall be given by mail to the owners of the property to be assessed no less than 20 days prior to the public hearing of the vacation application before the city council consistent with the public hearing notice procedures prescribed in EC 9.7400 General Overview of Type IV Application Procedures.
 - (c) The notice shall contain a statement of the names, addresses, and the amount of the proposed assessment of each land owner's special benefit by the vacation and the hour, date, and place of the public hearing at which the city council will hear objections to the vacation or assessment.
 - (d) At least 5 working days prior to the public hearing, the land owner shall deposit with the city the sum of money called for by this subsection (4).
 - (e) If the vacation application is approved by the city council, the deposit shall be retained by the city as directed by the city council. If the vacation application is denied by the city council, the deposit shall be returned to the land owner.

- (5) For vacations under the Type I or Type II process, the application must include the signatures of all owners of the property subject to the easement and the owners of abutting properties.

(Section 9.8710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8715 Approval Criteria for the Vacation of an Unimproved Easement. The planning director shall approve, approve with conditions, or deny the vacation application. Approval, or approval with conditions shall be based on all of the following:

- (1) The subject area is not presently or in the future needed for public services, facilities, or utilities, and the vacation does not prevent the extension of, or the retention of public services, facilities, or utilities; or if needed, the applicant shall provide for the replacement and abandonment of any existing public services, facilities or utilities in the subject area.
- (2) Such public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.

(Section 9.8715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8720 Approval Criteria for Vacation of Improved Easements, Unimproved Public Right-of-Way, and Vacation and Rededication of Unimproved Public Right-of-Way. The planning director shall approve, approve with conditions, or deny the vacation application. The application shall be approved if the vacation is found to be consistent with the all of the following criteria:

- (1) The subject area is not presently or in the future needed for public services, facilities, or utilities, and the vacation does not prevent the extension of, or the retention of public services, facilities, or utilities; or if needed, the applicant shall provide for the replacement and abandonment of any existing public services, facilities, or utilities in the subject area.
- (2) Such public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.
- (3) The vacation does not impede the future best use of the remainder of the property under the same ownership or any adjoining land; or adversely affect the development of the remainder land, or any adjoining land, or access thereto; and the vacation does not conflict with provisions of this land use code including the street connectivity standards and block lengths.

(Section 9.8720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8725 Approval Criteria for the Vacation of Improved Public Right-of-Way, Public Ways Acquired with Public Funds, and Undeveloped Subdivision and Partition Plats. The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with

public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.
(Section 9.8725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Variances

9.8750 Purpose of Variances. The provisions of EC 9.5750(9), 9.6708, and 9.8750 through 9.8760 allow for partial or full exemption from specific land use code standards only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of those regulations would deny the property owner uses enjoyed by other property owners in the vicinity and under identical zones. Any variance granted shall be subject to conditions that ensure the variance does not constitute a granting of special uses inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The city shall not grant variances which allow uses not on the applicable list of allowed uses specified in EC 9.2000 through 9.3915 of this land use code.
(Section 9.8750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8755 Applicability. Unless specified otherwise in another land use code section, the planning director may grant variances only to the standards prescribed in:

- (1) EC 9.2000 to 9.3915 for the following:
 - (a) Building Height.
 - (b) Fences and Walls.
 - (c) Front Yard Setbacks.
 - (d) Interior Yard Setbacks.
- (2) EC 9.6410 Motor Vehicle Parking Standards.
- (3) EC 9.6600 to 9.6680 Sign Standards.
- (4) EC 9.6745 Setbacks - Intrusions Permitted.

(Section 9.8755, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8760 Approval Criteria for Variances. The planning director shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon following a Type II process. Approval, or conditional approval shall be based on compliance with all the following criteria:

- (1) A strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship due to at least one of the following conditions:
 - (a) Size, shape, or dimensions of a site.
 - (b) Geographic, topographic, or other physical conditions on the site or in the

immediate vicinity.

- (c) Street locations or traffic conditions in the immediate vicinity. Economic considerations do not constitute grounds for granting a variance.
- (2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zone.
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (4) In addition to the above criteria, the following 3 criteria apply to variances from code sections that apply to EC 9.6410 Motor Vehicle Parking Standards, and from EC 9.2000 to 9.3915 base zone regulations as applied to fences and walls.
 - (a) Neither present nor anticipated future traffic volumes generated by the use of the site or uses of the sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
 - (b) The granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
 - (c) The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this land use code.
- (5) In addition to the criteria set forth in subsections (2), (3) and (4) of this section, the following criterion applies to variances from the provisions of EC 9.6600 to 9.6680 Sign Standards:
 - (a) Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship inconsistent with the objectives of EC 9.6600 to 9.6680 Sign Standards. A practical difficulty or undue hardship may result from the location of existing structures on the site or in the immediate vicinity. The planning director may not grant variances based on the convenience of the applicant, including any hardship of regional or national businesses which wish to use a standard sign when those standard signs do not conform to the provisions of the sign code.

(Section 9.8760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Willamette Greenway Permits

- 9.8800** **Purpose of Willamette Greenway Permits.** Intensification of uses, changes in use, or developments require special consideration before being permitted within the boundaries of the Willamette River Greenway. Special consideration is required to implement Oregon Statewide Planning Goal 15, Willamette River Greenway which is designed to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. Urban uses may be allowed but conditions of approval may be imposed as are deemed

necessary to carry out the purpose and intent of the Willamette River Greenway, and to insure that any intensification of uses, changes in use, or developments within the Willamette Greenway boundaries are compatible with nearby uses within the Willamette Greenway.

(Section 9.8800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8805 **Applicability.** Willamette Greenway permit applications are required for intensification of uses, changes in use, or developments within the boundaries of the Willamette River Greenway according to Resolution No. 2592 Adopting a Willamette River Greenway Boundary. Willamette Greenway permit procedures may apply to Site Review applications when site review approval is required in addition to Willamette Greenway permit approval. No development permit shall be issued by the city prior to approval of the Willamette River Greenway permit.

(Section 9.8805, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8810 **General Requirements.**

- (1) Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC 9.7000 through EC 9.7885 Application Procedures.
- (2) Willamette Greenway permit applications may be reviewed concurrently with conditional use permit applications, planned unit development applications, or site review applications.
- (3) No development permit shall be accepted by the city when a Willamette Greenway permit is required for the proposed development until the hearings official or planning commission approves the Willamette Greenway permit. Development permits shall be consistent with the terms and conditions of that Willamette Greenway permit.

(Section 9.8810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8815 **Willamette Greenway Permit Approval Criteria and Standards.** Willamette Greenway permit approval may be granted only if the proposal conforms to all the criteria in subsections (1) through (4), and the applicable standards of subsection (5) as follows:

- (1) To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.
- (2) To the greatest possible degree, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.
- (3) The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.
- (4) In areas subject to the Willakenzie Area Plan, the intensification, change of use, or development will conform with that plan's use management considerations.

- (5) In areas not covered by subsection (4) of this section, the intensification, change of use, or development shall conform with the following applicable standards:
- (a) Establishment of adequate setback lines to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. Setback lines need not apply to water related or water dependent activities as defined in the Oregon Statewide Planning Goals and Guidelines (OAR 660-15-000 et seq.).
 - (b) Protection of significant fish and wildlife habitats as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper. Sites subsequently determined to be significant by the Oregon Department of Fish and Wildlife shall also be protected.
 - (c) Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.
 - (d) Preservation of scenic qualities and viewpoints as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper.
 - (e) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable.
 - (f) Compatibility of aggregate extraction with the purposes of the Willamette River Greenway and when economically feasible, applicable sections of state law pertaining to Reclamation of Mining Lands (ORS Chapter 517) and Removal of Material; Filling (ORS Chapter 541) designed to minimize adverse effects to water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.
 - (g) Compatibility with recreational lands currently devoted to metropolitan recreational needs, used for parks or open space and owned and controlled by a general purpose government and regulation of such lands so that their use will not interfere with adjacent uses.

As used in this section, the words "the greatest possible degree" are drawn from Oregon Statewide Planning Goal 15 (F.3.b.) and are intended to require a balancing of factors so that each of the identified Willamette Greenway criteria is met to the greatest extent possible without precluding the requested use.

- (6) When site review approval is required, the proposed development will be consistent with the applicable site review criteria.
- (7) The proposal complies with all applicable standards explicitly addressed in the application. An approved adjustment to a standard pursuant to provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

(Section 9.8815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8825 **Modifications to a Willamette Greenway Permit.** After the effective date of approval of final plans, modifications to the approved final plans may be considered in accordance with the Type II Application Procedures contained in EC 9.7000 Application Procedures. The planning director shall decide whether to grant the requested modification based on the following criteria:

- (1) The modification will be consistent with the conditions of the original approval; and
- (2) The 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 determined to be consistent with the above criteria, the planning director shall approve the request. The applicant retains the ability to submit the requested modification as a new Willamette Greenway permit application based on the Type III procedural requirements. Nothing in this land use code shall preclude the applicant from initially submitting the requested modification as a new Willamette Greenway permit application.

(Section 9.8825, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

Zone Change

9.8850 **Purpose of Zone Changes.** As the Metro Plan is implemented over the years, there will be a need for changes in zoning. As that plan is reviewed and periodically revised, other zone changes may be warranted.

(Section 9.8850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (1) The proposed zone change would apply the /ND Nodal Development Overlay Zone, in which case the zone change shall be processed as described in EC 9.4260.
- (2) The proposed zone change involves an annexation request that qualifies for an automatic change in zoning, as provided in EC 9.7810 Changes in Zoning.
- (3) The proposed zone change involves a concurrent amendment to the Metro Plan or a refinement plan, or the adoption of a new refinement plan; in which case the zone change shall be processed as a Type IV or Type V application as provided in EC 9.7400 through EC 9.7455 Type IV Application Procedures and EC 9.7500 through 9.7560 Type V Application Procedures.

- (4) The proposed zone change is processed concurrently with an amendment to this land use code; in which case, the zone change shall be processed as a Type V application as provided for in EC 9.7500 through EC 9.7560 Type V Application Procedures.

(Section 9.8855, 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.)

9.8860 General Requirements.

- (1) **Concurrent Review.** Zone change applications may be reviewed concurrently with certain other land use applications, but only as provided in EC 9.8005 Applicability and Effect of Application Requirements, Criteria, and Concurrent Review and in EC 9.8855 Applicability.
- (2) **Overlay Zones.** EC 9.1040 Establishment and List of Overlay Zones establishes overlay zones that supplement the base zone regulations. Changes in zoning can include the designation of an overlay zone in addition to the base zone. While some of these overlay zones have been applied to a specific geographic area through a land use code amendment, other overlay zones are applied on a case by case basis. In these cases, the overlay zone can be applied in response to adopted plan policies or where the use of the overlay zone is necessary to address future development considerations.

(Section 9.8860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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

- (1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.
- (2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.
- (3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.
- (4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:
- (a) EC 9.2150 Commercial Zone Siting Requirements.
 - (b) EC 9.2430 Industrial Zone Siting Requirements.
 - (c) EC 9.2510 Natural Resource Zone Siting Requirements.
 - (d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.
 - (e) EC 9.2681 Public Land Zone Siting Requirements.
 - (f) EC 9.2735 Residential Zone Siting Requirements.

- (g) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
 - (h) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
 - (i) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
 - (j) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements;
 - (k) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
 - (l) EC 9.4075 /BW Broadway Overlay Zone Siting Requirements.
 - (m) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
 - (n) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
- (5) In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.

(Section 9.8865, 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 Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

Adopted Plan Policies

9.9500 **Adopted Plan Policies.** The adopted plan policies set forth in the sections beginning at EC 9.9500 shall be used when applicable for purposes of evaluating applicable adopted plan policies pertaining to subdivisions, partitions, and site review.
(Section 9.9500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9510 **Bethel-Danebo Refinement Plan Policies.**

(1) Bethel-Danebo Refinement Plan (1982).

(a) Land use, Royal Avenue Specific Plan Area.

1. Construction of proposed drainage corridors identified in the Plan shall be delayed until new development in the planning area creates a need for the drainage system. New development is defined, for the purpose of this policy, as final approval of any new subdivision or planned unit development within the Royal Avenue planning area; or final approval of an annexation request for land designated in the Royal Avenue Specific Plan for Main Street Commercial, Commercial Mixed-Use, Residential Mixed-Use or Medium-Density Residential development. The drainage corridor will be constructed in one or two increments, depending on where the first development proposal is approved within the node. Approval of new development on the north side of Royal Avenue will require construction only of the northside drainage channel; approval of new development on the south side of Royal will require construction of the complete system. (Policy 2)
2. The median proposed as part of the reconstruction of Royal Avenue shall not be constructed so as to limit access to existing residences that take access off Royal Avenue. Existing homes fronting on Royal Avenue shall be allowed to maintain access onto Royal Avenue until such time as those properties are redeveloped. Redevelopment, for the purpose of this policy, is defined as final approval of a land partition or of any new subdivision or planned unit development which includes land abutting Royal Avenue; or final approval of an annexation request for land designated in the Royal Avenue Specific Plan for Main Street Commercial, or Commercial Mixed-Use development. (Policy 5)
3. The proposed north-south drainage channel on the south side of Royal Avenue that bisects property owned by Ron Bounds (Map and Tax Lot number 17-04-20-00-01300) shall be designed so as to avoid the removal of the residential structure on that parcel. The land on which the residential structure is sited, other than land required for the construction of the drainage channel and corridor,

shall retain its current zoning (AG/UL) and use allowances until the property is annexed to the City of Eugene and rezoned consistent with the Royal Avenue Specific Plan. Annexation and rezoning shall be initiated completely at the discretion of the property owner. (Policy 6)

4. With the exception of the future extension of Roosevelt Boulevard and the reconstruction of Royal Avenue, the City shall not require the construction of any street or alley depicted on the Royal Avenue Land Use diagram until the property on which that street or alley is shown is annexed to the City and approved for new development. New development is defined, for the purpose of this policy, the same as that of Policy #2. (Policy 9)

- (b) Land use, Bethel-Triangle Neighborhood. Highest priority shall be given to preserving housing in the Bethel Triangle area. It shall be recognized that it is an irreplaceable resource. Support for its continued viability shall be provided along the following guidelines:

1. Efforts should be made to upgrade the public facilities and services (sanitary sewers, storm sewers, streets, street lighting) in the area. Particular attention should be given to street conditions and the need for improving Trainsong Park.
2. Efforts to upgrade public facilities and services should consider alternatives to full assessments where hardships can be established. (Policy 1)

- (c) Urban Services and the Urban Growth Boundary, Parks.

1. Landscape buffer shall be provided in conjunction with new public improvements, such as highways, freeways, power substations, etc. (Policy 6)
2. Landscape buffer should be provided along existing highways and freeways. (Policy 7)

- (d) Transportation, Streets.

1. In newly developing portions of Bethel-Danebo, street network design should ensure that through traffic movements are adequately served by higher level streets (i.e., arterials and collectors) and that local traffic alone is encouraged to use the local streets, thereby enhancing the local character of the streets in residential areas. (Policy 1)
2. When high traffic generators are located on higher level streets, particularly in the case of location on arterials, access should be controlled wherever possible and joint access by several uses encouraged. (Policy 2)
3. On principal and minor arterials and collectors, the predominant function of carrying through traffic should prevail and removal of on-street parking privileges should occur where the traffic-moving function requires it and right-of-way is inadequate to accommodate both functions. (Policy 3)

4. Where vacant parcels contain frontage on other than a local street (i.e., on an arterial or collector), development of the parcel should include provision for controlled access onto the higher level street, or, where possible, from an adjacent local street. (Policy 4)
 5. On collector streets, the land access service and the traffic moving functions are somewhat balanced. In improving these streets, the decision to remove on-street parking privileges should include consideration of the degree of impact on adjacent development. (Policy 5)
 6. In the future, location of collector and local street systems and land use planning should be coordinated to prevent occasions where the same collector or local street serves potentially conflicting land uses. For example, the same collector should not serve both industrial and residential development, except where an intervening street intercepts industrial traffic. The same local street should never serve both industrial and residential traffic. (Policy 6) On local streets, the predominant function of land access and service should encourage the retention of on-street parking privileges. (Policy 8)
 7. Land use planning in Bethel-Danebo should not allow high traffic attractor-generators to locate on local streets. (Policy 9)
 - (e) Transportation, Mass Transit. The city of Eugene should continue working with the planning staff of Lane Transit District in determining shelter locations, transfer point locations, design of shelters, and bus pullouts. (Policy 4)
 - (f) Transportation, Pedestrian Facilities. Whenever possible, development of vacant parcels in the Bethel-Danebo area should be designed with attention to providing adequate bike-pedestrian connections to schools and park sites, as well as to existing and proposed bike-pedestrian ways. (Policy 2)
- (2) **Bethel-Danebo Refinement Plan (Phase II - 1979) - Policy Direction.**
- (a) While economic growth and revitalization is to be encouraged, strong emphasis should be placed on enhancing Eugene's environment and its quality of life. (Policy 1) Economic development should:
 1. Diversify the employment base; and
 2. Provide employment opportunities for existing and future residents while addressing concerns for preservation of the area's livability. (Policy 2)
 - (b) While the amount of industrial lands unused and unsuitable by reason of location outside the urban service area could appropriately be reduced, those remaining needed industrial areas are to be protected from encroachment by incompatible land use. (Policy 4)
 - (c) Sites of sufficient size for industrial expansion, parking, landscaping, and buffering need to be provided. Government action could occur in

development of existing large vacant or near-vacant parcels for specialized projects requiring such land. (Policy 5)

(Section 9.9510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)

9.9520 Comprehensive Stormwater Management Plan Policies.

- (1) Incorporate the beneficial functions (flood control, stormwater conveyance, water quality treatment) of natural resources into the city's storm drainage system. (Policy 1.1)
- (2) Maintain flood control, drainage, and water quality treatment capacities along the city's stormwater conveyance corridors while protecting and enhancing the health, diversity and continuity for wildlife habitat, native vegetation, and endangered species. (Policy 1.2)
- (3) Balance the operational needs of managing natural resource and wildlife habitat areas against any associated nuisance conditions that may result. (Policy 1.6)
- (4) Evaluate the effectiveness and appropriateness of a variety of surface water management facilities for meeting the multiple objectives of this plan. (Policy 1.8)
- (5) Meet or exceed federal flood hazard requirements. (Policy 2.1)
- (6) Protect adjoining land uses from flood and drainage hazards. (Policy 2.2)
- (7) Maximize the capacity of existing stormwater facilities especially where deficiencies exist by encouraging the use of techniques that lower and slow the rate of stormwater runoff. (Policy 2.3)
- (8) Meet or exceed federal and state stormwater quality requirements especially where they conform with existing local policy. (Policy 3.1)
- (9) Reduce stormwater pollution associated with new construction and development, soil erosion, improper use of stormwater facilities, and city operations and maintenance practices. (Policy 3.3)
- (10) Evaluate the effectiveness of stormwater quality management measures. (Policy 3.4)
- (11) Maintain the stormwater system through techniques and practices that balance flood control, drainage services, water quality, and natural resource protection needs. (Policy 4.1)

(Section 9.9520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9530 Eugene Commercial Lands Study Policies.

- (1) **General Policies.**
 - (a) Allow some flexibility to mix commercial and industrial uses where the site and public infrastructure can ensure compatibility with surrounding land uses and adequate provision of public services. (Policy 4)
 - (b) Promote redevelopment of existing commercial areas and compact, dense growth by encouraging businesses to revitalize and reuse existing

Eugene Code

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- commercial sites. (Policy 6)
- (c) Recognize the differing needs of residential areas in the various parts of the community, and determine the need to create additional commercial sites in light of opportunities for redevelopment. (Policy 8)
 - (d) Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers. (Policy 11)
 - (e) Concentrate development in existing commercial areas to minimize traffic impacts on the rest of the city. (Policy 12)
 - (f) Reduce congestion on commercial developed streets (strip commercial areas). (Policy 13)
 - (g) Encourage transportation alternatives to automobile use. (Policy 14)
 - (h) Improve the quality of planning for commercial traffic impacts. (Policy 15)
 - (i) Take steps to address the underlying goal in the Metro Plan to have viable neighborhood commercial uses that meet the needs of nearby residents and reduce the use of the automobile. (Policy 16)
- (2) **Central/University Subarea.**
- (a) Recognize that additional commercial development will occur primarily through redevelopment of existing commercial sites. (Policy 17)
- (3) **Willakenzie Subarea.** Identify appropriate areas within the Willakenzie subarea to accommodate office development and address neighborhood commercial needs. In identifying commercial sites, evaluate impacts on traffic patterns and surrounding land uses. (Policy 18)
- (4) **West Subarea.**
- (a) Consider commercial land in the West Eugene subarea to accommodate both neighborhood commercial needs and those of the larger community. In siting additional commercial land, evaluate impacts on traffic patterns and surrounding land uses. (Policy 19)
 - (b) Retain the floating node indicated on the Plan Diagram south of West 18th Avenue between Bailey Hill and Chambers Street. (Policy 20)
- (5) **South Subarea.**
- (a) Consider downtown as the commercial service area for South Eugene. If a new area for medium-density residential development is established in South Eugene, additional general commercial land may be created with the housing. (Policy 21)
 - (b) Further strip commercial activity along Willamette Street will be discouraged. Strip commercial is defined as commercial facilities which are largely oriented to automobile traffic, such as retail uses found in the C-2 General Commercial District. Small-scale General Office District developments are not considered strip commercial. (Policy 22)
- (6) **River Road/Santa Clara Subarea.** Recognize that the commercial sites designated in the River Road/Santa Clara Urban Facilities Plan provide adequate commercial supply for the area. Consider additional commercial land in the vicinity of the Chambers Connector if needed to address community commercial needs. (Policy 22)

(7) Commercial Site Development.

- (a) Foster the development of attractive and functional commercial areas that not only increase property values, but enhance Eugene's reputation as a pleasant, productive, and attractive community in which to live or do business. Recognize that innovative building designs and neighborhood-enhancing streetscapes — especially those designed to accommodate both pedestrian and automobile users with sidewalks, convenient bus stops, and adequate parking — are key factors in the success of such developments. (Policy 23)
- (b) Give special emphasis to upgrading existing commercial developments. (Policy 24)
- (c) Provide access controls on all streets, emphasizing the functional operation of the streets based on their classification (as arterial, collector, or local) while maintaining reasonable and legal access to adjacent property. (Policy 25)
- (d) Encourage parking lot design that is attractive, does not exceed a reasonable ratio of parking spaces per building area, and support compact growth. (Policy 26)
- (e) Encourage commercial developments to provide for alternative modes of transportation. (Policy 27)

(Section 9.9530, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9540 Eugene Downtown Plan Policies.**(1) Downtown as Commercial Center, Destination Point, and Neighborhood.**

- (a) Recognize and reinforce diverse functions in the downtown. (Policy 1)
- (b) Promote intensity of development and use. (Policy 2)
- (c) Maintain and improve the downtown's ability to serve as a major employment center, including attention to maintaining downtown as a high-quality work environment for employers and employees. (Policy 3)
- (d) Strengthen downtown's role as a destination point for cultural and tourist activities and assist local businesses in capturing possible economic spin-offs. (Policy 4)
- (e) Encourage production and conservation of facilities affordable to new small-scale businesses. (Policy 5)
- (f) Recognize the need for the mall to remain a people-oriented place while providing an attractive environment for businesses. (Policy 6)
- (g) Enhance and maintain public facilities and services to promote a positive image and increased use of downtown. (Policy 7)
- (h) Provide the highest possible degree of physical security for the downtown area, recognizing its multi-use character. Security measures must address urban design, police resource deployment, and public education and awareness. (Policy 8)
- (i) Encourage developments with visually stimulating activity on the ground floor. (Policy 11)

- (j) Enhance existing nodes of night-time activity and improve the pedestrian routes used between such centers. (Policy 13)
- (k) Encourage the production and conservation of housing and residential support services in the downtown that are attractive and affordable to a diverse population. (Policy 14)
- (l) Enhance and support buildings, landmarks, or events that have distinct historical value or special assets that contribute to the character of the downtown and the sense of place. (Policy 15)
- (m) Strengthen ties between downtown and the surrounding park system. (Policy 16)
- (n) Promote the Willamette River as an important element of downtown. (Policy 17)
- (2) **Downtown Development, Services, and Marketing.**
 - (a) Support and revitalize existing retail activity downtown. (Policy 4)
 - (b) Support existing and potential office development and employment-generating uses. (Policy 6)
 - (c) Facilitate development downtown that is consistent with the community's goals for the city center. (Policy 7)
 - (d) Conserve viable residential resources, especially on the edges of the downtown area. (Policy 8)
 - (e) Identify ways additional housing can be brought into the downtown. (Policy 9)
 - (f) Improve services to meet the needs of downtown's elderly population. (Policy 10)
 - (g) Expand the ability of the disabled to use and enjoy the downtown area. (Policy 11)
- (3) **Downtown Access, Circulation, and Parking.**
 - (a) Improve access and entrances into downtown from the regional transportation system. (Policy 1)
 - (b) Provide better access within downtown and links between downtown and other major activity centers. (Policy 2)
 - (c) Continue efforts to aggressively promote access to and circulation within the downtown by bicycles, mass transit, walking, carpooling, and other alternative modes of transportation. (Policy 3)
 - (d) Encourage actions that will recognize the role of various streets and maximize their use for access to the downtown and circulation and parking within downtown. (Policy 4)
 - (e) Improve access to specific points on the mall by people using a variety of transportation modes and take steps to reduce the size of the mall. (Policy 5)
 - (f) Encourage new parking structures to accommodate other uses at the first floor either at the outset or in the design of the building. (Policy 8)

(Section 9.9540, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9550 Eugene Parks and Recreation Plan Policies.**(1) Physical Access.**

- (a) Provide safe parking at parks and recreational facilities that commonly draw crowds arriving by both automobiles and bicycles. (Policy 4)
- (b) Provide safe and convenient access to parks and recreational facilities for persons with disabilities. (Policy 5)
- (c) When possible, require land divisions and planned unit developments to provide for pedestrian access to parks and potential park sites. (Policy 6)

(2) Urban Design.

- (a) Protect the unique geographical features, buttes, and other natural landmarks in parks and other recreational facilities for their contribution to the community's identity. (Policy 1)
- (b) Use the Trees for Eugene street tree planting guide when designing streetscapes next to and within parks and other recreational facilities. (Policy 3)
- (c) Minimize the impacts of park use on surrounding lands through:
 - 1. Buffering borders shared with residential, commercial, industrial, and agricultural uses.
 - 2. Expanding sub-standard sized parks, when possible, through acquisition to improve access, visibility, and aesthetic quality.
 - 3. Careful siting of access roads, parking areas, and activities that require lighting or produce high noise levels. (Policy 4)]
- (d) Treat environmental enhancement as a component of recreational development. (Policy 5)

(3) Willamette and McKenzie Rivers.

- (a) Use the January, 1985, Willamette River Greenway Management Proposal as a source for identifying natural vegetation and wildlife areas as well as possible management techniques and specific land use actions and decisions that will provide a balance among physical access areas, visual access areas, and areas where access should be limited or discouraged. (Policy 1)
- (b) Preserve and enhance natural habitats and scenic corridors that deserve special merit along the rivers. (Policy 6)
- (c) Assure that developments within the established Willamette River Greenway boundaries comply with State and local Greenway standards and regulations. (Policy 7)

(4) South Hills.

- (a) Preserve the character and habitat value of the South Hills by siting and developing recreational facilities and other improvements in a way that preserves and enhances the natural conditions of the area. (Policy 1)
- (b) Manage the South Hills as a passive recreational feature by providing a variety of recreational facilities, such as trails, view points, and natural areas, to accommodate a range of interests and activities. (Policy 2)
- (c) Extend the Ridgeline Trail System along or near the ridge of the South Hills and provide linkages to adjacent neighborhoods. (Policy 4)

- (5) **Delta Ponds.** Develop the Delta Ponds as a major recreational area and corridor including a variety of recreational and educational opportunities. (Policy 1)
- (6) **Amazon Channel.**
 - (a) Develop the channel as a major recreational corridor by providing a variety of recreational facilities along its length. (Policy 1)
 - (b) Provide access to the channel from adjacent neighborhoods. (Policy 3)
 - (c) Where channel street crossings are absent, install foot bridges that are sensitive to wildlife for convenient access to recreational areas. (Policy 4)
 - (d) Improve the safety and aesthetic quality of the channel corridor to encourage its use and contribute to its beautification. (Policy 6)
- (7) **Millrace and Other Waterways and Drainageways.**
 - (a) Maintain and enhance the character and recreational opportunities of the Millrace. (Policy 1)
 - (b) Protect natural stream courses, sloughs, and wetlands in connection with parks and recreational facilities. (Policy 3)

(Section 9.9550, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9560 Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

- (1) **Land Divisions in Campus Industrial Designated Area.** A 50-acre minimum lot size shall be applied to ownerships of 50 or more acres to protect undeveloped sites from piecemeal development until a site development plan has been approved by the responsible city. (Plan Diagram, page II-E-8)
- (2) **Land Divisions in Special Heavy Industrial Designated Area.** Land divisions in these areas shall be controlled to protect large parcels (40 acres minimum parcel size). (Plan Diagram, page II-E-8)
- (3) **Land Divisions in North of Awbrey Lane Area.** The minimum parcel size for lots in the industrial park shall be 40 acres. (Plan Diagram, page II-E-9)
- (4) **Environmental Resources Element.**
 - (a) Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design consideration and construction measures to be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas. (Policy 4, page III-C-7.)
 - (b) Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input. (Policy 28, page III-C-11)
- (5) **Environmental Design Element.** Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental, and energy consequences in the design and construction of urban developments. Landscaping shall be utilized to enhance distinctive natural features. (Policy 2, page III-E-3)

(Section 9.9560, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9570 Fairmount/U of O Special Area Study Policies.**(1) General.**

- (a) The City of Eugene will use the Land Use Diagram and the policies of this plan along with other City policies in making land use and other decisions regarding the plan area. The Land Use Diagram is a generalized map and graphic depiction of the policies and proposals of this plan and the Community Goals and Policies. It is a supplement to and a refinement of the Metropolitan Area General Plan Diagram. (Policy 1)
- (b) Businesses shall be encouraged to landscape their sites. Where feasible, such encouragement shall include development of mechanisms to fund such landscaping. (Policy 4)]

(2) Oregon Department of Transportation Lands Policies. Future use of the ODOT lands shall be for residential, park, and office as defined in the following policy statements:

- (a). Future use of the ODOT lands shall be primarily residential. This use shall be for low- to medium-density residential development.
- (b) Future development of the ODOT lands shall preserve and enhance the existing "gateway" effect as an attractive entrance to the city, and special attention shall be given to developing a portion as a gateway park.
- (c) Under future development, office use on the ODOT lands shall be limited to the site of the present Department of Motor Vehicles (DMV) building on the northwest corner of Tax Lot 1000--Assessor's Map 17-03-33-3 1 ("S" on the Land Use Diagram). (Policy 1)
- (d) Upon conversion of the ODOT lands from public to private ownership and the ensuing development of the lands shall be compatible with the single-family development along East 15th Avenue, the commercial uses along Franklin Boulevard and Walnut Avenue, and the existing bike route. (Policy 2)

(3) University of Oregon Lands Policies (East Campus Area).

- (a) The City of Eugene and the Fairmount Neighbors recognize the 'University of Oregon Development Policy East Campus Area (dated April 28, 1982),' as a statement of the binding intent of the University, governing land use in the East Campus Area. (Policy 1)
- (b) The City shall encourage the University to use its property in East Campus in an orderly fashion: intensity of use will be greatest near the already dense Central Campus Area (Agate Street and 15th Avenue) and become less intense as the properties approach low-density residential uses. (Policy 2)
- (c) The City shall encourage the University to use lands currently zoned PL (Public Land District) with energy and space efficient structures and land-use patterns. (Policy 3)
- (d) The City shall encourage the University to develop high- and medium-density residential units with concern for adequate parking and appropriate parking solutions, regard for landscaping, and consideration of the impacts

on the rest of the neighborhood. (Policy 4)

(4) Traffic Circulation Policies.

- (a) The Department of Motor Vehicles site shall continue to gain access from Walnut Avenue and not from Franklin Boulevard. (Policy 1)
- (b) The adverse effects of motor vehicle movement shall be mitigated as much as possible. (Policy 2)
- (c) Primary vehicular access to the Oregon Department of Transportation Land should minimize impact on nearby residences and Fairmount Park. (Policy 3)
- (d) Traffic management techniques shall continue to be used and new techniques developed to reinforce the idea of a hierarchy of streets in the plan area. Some streets shall combine their local, collector, or arterial function with a role as primary pedestrian or bicycle ways. The use of low-volume, local neighborhood streets for through movements by truck and heavy construction equipment shall be discouraged. (Policy 4)

(5) Parking Policies.

- (a) Steps shall be taken to gain better use of existing off-street parking areas and to discourage long-term storage of vehicles on the street. (Policy 1)
- (b) The adverse effects of motor vehicle parking shall be mitigated as much as possible. (Policy 3)
- (c) Parking systems adopted for any area within the special study area should avoid creating parking problems for any other area or land use of the Fairmount Neighborhood. (Policy 4)

(6) Bicycle and Pedestrian Policies.

- (a) When the Department of Transportation lands are developed in the future, consideration shall be given to realigning the 15th Avenue bicycle path in the vicinity of those lands and making it more attractive. (Note: If the bicycle path is realigned, the City shall require an easement for the path to ensure its permanence in the future.) (Policy 1)
- (b) Existing and future businesses shall be encouraged to provide safe and covered bicycle parking for employees and patrons. (Policy 3) The use of bicycles, mass transit, walking, carpooling, and other appropriate alternative modes of transportation, especially by employees working in the plan area, shall be actively encouraged and provided for in order to reduce automobile dependence and alleviate traffic and parking problems. (Policy 4)

(Section 9.9570, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9580 Jefferson/Far West Refinement Plan Policies.

- (1) Land Use Element, General.** Use the Land Use Diagram and the accompanying text along with other policies in the Jefferson/Far West Refinement Plan and applicable City goals, policies, and plans to provide policy direction for public decisions made affecting the area. (Policy 3)

- (2) **Land Use Element, Residential.**
 - (a) Encourage both public and private actions that will improve the overall appearance of the area and the condition of residential structures. (Policy 1)
 - (b) Increase the opportunity for home ownership within the area. (Policy 2)
 - (c) Encourage a mixture of housing densities and types to allow a diverse population group to live within the area. (Policy 3)
- (3) **Land Use Element, Commercial/Industrial.**
 - (a) Promote a mix of mutually supportive land uses which will help stimulate neighborhood-based economic development. (Policy 1)
 - (b) Encourage both public and private actions which will improve the overall appearance of commercial areas and the condition of non-residential structures. (Policy 2)
- (4) **Land Use Element, Public/Civic.**
 - (a) Recognize the resources of land used for public purposes and their value to the neighborhood and broader community, and yet also address potential conflicts with surrounding uses. (Policy 1)
 - (b) Recognize the potential assets a church can lend to a community, yet also address the potential conflicts with surrounding land uses. (Policy 3)
- (5) **Land Use Element, Far West, Residential Areas, North Low-Density Residential Area.** The City shall continue to recognize the area as suitable for low-density housing. Efforts shall be made to maintain and improve the existing housing stock through both public and private investments. In an effort to allow additional residential units and yet maintain the character of the area, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.
- (6) **Land Use Element, Far West, Residential Areas, Central Low-Density Residential Area.** The low-density designation recognizes existing residential development and land uses. The City shall continue to recognize the residential character of the area and provide incentives for public and private rehabilitation of rundown structures. In addition, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.
- (7) **Land Use Element, Far West, Residential Areas, West Medium-Density Residential Area.** This area shall be recognized as appropriate for medium-density housing. The City shall consider rezoning land designated PL Public Land and in use as Westmoreland Family Housing to reflect existing development. The City shall improve and maintain public access for bicyclists and pedestrians along the Amazon Canal and crossing the Amazon Canal easement.
- (8) **Land Use Element, Far West, Residential Areas, South Low-Density Residential Area.** This area shall be recognized as appropriate for low-density residential use. The City shall encourage the rehabilitation of rundown structures, block planning, infilling, and shared housing.

- (9) **Land Use Element, Far West, Commercial/Industrial Areas, West 11th Avenue/Garfield Street Commercial/Industrial Area.** The City shall promote development along West 11th Avenue and Garfield Street that will allow it to continue to be a major commercial corridor and yet respond to the need for efficient movement of automobile traffic. The City shall encourage the consolidation of off-street parking, the reduction of access points and, therefore, turning movements, and the grouping of compatible commercial uses. The City shall encourage businesses and property owners along West 11th Avenue and Garfield Street to provide landscaping and other amenities which will beautify the area and create a better edge between pedestrians and vehicular traffic. Businesses in the area shall be encouraged to form a Merchants Association.
- (10) **Land Use Element, Far West, Commercial/Industrial Areas, West 18th Avenue and Chambers Street Commercial Area.** This area shall be recognized as an important commercial node. Commercial activities shall be allowed to expand or redevelop within this area in a manner sensitive to surrounding land uses. To avoid strip commercial development along either West 18th Avenue or Chambers Street, expansion of commercial uses outside of this area shall not be considered appropriate.
- (11) **Land Use Element, Far West, Mixed Use/Transition Areas, Mixed Use/Transition Area (South of West 10th Avenue).** The City shall promote development that will provide a transition between retail and auto-oriented activities on West 11th Avenue and low-density residential developments to the north. The City shall allow zoning that permits medium-density residential developments, and/or professional offices, yet prohibits intensive commercial activities such as drive-up uses. Site review subdistrict zoning shall be applied in this area to address the relationship of the development to the residential area to the north and the commercial area to the south. Efforts shall be made to improve the area by constructing needed sidewalks, planting trees, and providing other amenities, and by encouraging access and parking in rear yard areas. The City shall recognize the need to maintain an appropriate scale of development within this area and to encourage developments that are sensitive to the adjacent park.
- (12) **Land Use Element, Far West, Mixed Use/Transition Areas, Mixed Use/Transition Area (North of West 12th Avenue).** The City shall promote development that will provide a transition between retail and auto-oriented activities on West 11th Avenue and low-density residential developments. Allow zoning that permits medium-density residential developments, and/or professional offices, yet prohibits intensive commercial activities such as drive-up uses. Site-review subdistrict zoning shall be applied to this area to address the relationship of the development to the residential area to the south and commercial area to the north. Efforts shall be made to create a distinctive quality in this area by such actions as sidewalk construction, landscaping, and rehabilitation of rundown structures, and by encouraging access and parking in rear yards.

- (13) **Land Use Element, Far West, Land in Public Ownership, Public Facilities and Open Space.** Land owned by the City along Amazon Canal shall be improved and maintained as public open space.
- (14) **Land Use Element, Jefferson, Residential Areas, West Low-Density Residential Area.** Promote retention of existing viable residential structures by targeting the use of rehabilitation funds in this area and encouraging the relocation and rehabilitation of residential structures when land is needed for public or quasi-public uses. Encourage additional residential developments that will maintain the character of the area by pursuing the application of block planning and allowing additional housing units on undeveloped or underutilized sites, division of existing single-family structures into duplexes, and access to additional housing units off alleys. Promote development of public and quasi-public uses in the area that will minimize conflicts with adjacent residential areas by encouraging shared use of existing parking facilities and allowing inter-agency agreements to account for parking requirements.
- (15) **Land Use Element, Jefferson, Residential Areas, West Medium-Density Residential Area.** This area is appropriate for medium-density residential use.
- (16) **Land Use Element, Jefferson, Residential Areas, Low-Density Residential Area - South of the Fairgrounds.** This area shall remain a low-density residential area. Efforts shall be made to maintain and improve the quality of the existing housing stock.
- (17) **Land Use Element, Jefferson, Residential Areas, Low-to-Medium-Density Residential Area.** This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review. The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals. The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.
- (18) **Land Use Element, Jefferson, Residential Areas, East Medium-Density Residential Area.** This area shall be recognized as appropriate for medium-density residential development. Efforts shall be made to preserve the existing residential structures by encouraging rehabilitation, infilling, or relocation of structures within the neighborhood.
- (19) **Land Use Element, Jefferson, Commercial Areas, Willamette Street Commercial Corridor.** This area shall be recognized as appropriate for neighborhood and regional-oriented commercial uses. This designation, however, recognizes that the half-block west of Willamette Street is the dividing line between residential and commercial uses. Efforts shall be made to encourage street trees and other amenities which will create a distinctive quality on this portion of Willamette Street.

- (20) **Transportation Element, General.** In recognition of the T-2000 Plan, continue to encourage a variety of transportation mode that create accessibility for all segments of the community. (Policy 1)
- (21) **Transportation Element, Major Transportation Corridors.**
 - (a) Limit the impact of arterial streets within the plan area, especially in residential areas. (Policy 1)
 - (b) Encourage actions that will preserve local streets for local traffic. (Policy 2)
 - (c) Improve the traffic flow on West 13th Avenue between Charnelton and Willamette Streets. (Policy 3)
- (22) **Transportation Element, Pedestrians/Bikeways.** Encourage convenient, safe, and pleasant access for pedestrians, bicyclists, and handicapped persons throughout the plan area, emphasizing movements to and from: 1) Ida Patterson, Westmoreland, and O'Hara Elementary Schools; 2) Lane County Fairgrounds; 3) transit lines; 4) community facilities such as the Jefferson Pool; and 5) neighborhood commercial areas. (Policy 1)
- (23) **Public Service & Facilities Element, Educational/Recreational/Leisure Resources.** Maintain the Amazon Canal as an important flood control device and yet continue to develop as a distinctive recreation corridor and non-motorized transportation link. (Policy 6)
- (24) **Public Service & Facilities Element, Public Safety/Utilities.**
 - (a) Encourage actions that will reduce crime and fear of crime for residents and employees in the plan area. (Policy 1)
 - (b) Encourage actions that will maintain adequate fire protection within this area. (Policy 2)
 - (c) Maintain and develop important corridors or linkages. (Policy 6)
 - (d) Provide safe and enjoyable access throughout the neighborhood. (Policy 7)
 - (e) Preserve and enhance elements that reflect neighborhood features and improve neighborhood identity. (Policy 8)
 - (f) Inventory and preserve historic and natural features. (Policy 11)
 - (g) Discourage unnecessary barriers, nuisances, and other elements detrimental to the revitalization of the neighborhood, including noise and site pollution. (Policy 13)

(Section 9.9580, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9590 Laurel Hill Plan Policies.

- (1) **Laurel Hill Valley Neighborhood Land Use and Future Urban Design (Section I, Subsection C).**
 - (a) Approval of Valley Development will take into consideration:
 - 1. Density. The appropriate density for residential development shall be determined based on 1) the provision of the Metropolitan Area General Plan calling for an overall density range of one to ten units per acre; and 2) provisions of the South Hills Study, including those

limiting density to five units per acre for sites above 500 feet in elevation.

2. Size. Large apartment complexes (over thirty-two units) are objectionable because their dominance would alter entirely the character of the Valley. Approval of apartment complexes larger than 32 units will depend upon the feasibility of providing adequate urban services, streets, schools, and transportation.
 3. Dispersal. Planned Unit Developments composed primarily of multiple dwelling units shall be separated and dispersed and not abutting. (Policy 1)
- (b) New land divisions shall be planned to respect the existing topography and ensure solar potential to the extent possible. Developer shall be encouraged to investigate techniques other than grid-type division of land when planning for development. (Policy 5)
 - (c) The Laurel Hill Plan supports the South Hills Study standards. In general, alteration of land contours shall be minimized to retain views of natural features and retain as much of the forested atmosphere as possible. Aside from purely aesthetic considerations, these hillsides demand care in development because the topsoil is thin and the water runoff is rapid. Proposed developments shall respect the above considerations. The Valley hillside policy applies to all land with an average slope, from toe to crest, of 15 percent or greater. (A 15-percent slope is one in which the land rises 15 feet per 100 horizontal feet.)
 1. If, in the opinion of the responsible City official, an adverse conservation or geological condition exists upon a parcel of land proposed for a subdivision, or before any major hillside clearing, excavation, filling or construction is contemplated, the requirements of the Uniform Building Code, Chapter 70, Excavation and Grading, and those sections of the code relative to foundation design may be invoked.
 2. Considerable latitude shall be allowed the developer in the shaping, depth, and required street frontages of lots where it is necessary to preserve the terrain. (Policy 6)
- (2) **Laurel Hill Valley Neighborhood, Land Use and Future Urban Design (Section II, Subsection C).**
- (a) No arterial or limited access road will be allowed within the boundaries of the Valley which would connect the Glenwood interchange on Interstate 5 to 30th Avenue or Spring Boulevard (see goal #1). (Policy 1)
 - (b) No arterial or limited access road will be allowed within the Valley except as necessary to serve Valley residents, as it would physically divide and thus destroy the neighborhood. (Policy 2)
- (3) **East Laurel Hill Area, Land Use and Future Urban Design.** The Glenwood collector shall be designed to avoid breaking up large and existing properties, improve the intersection alignment of the Laurel Hill-Glenwood overpass, and maintain safe sight distance. It shall serve as the primary access to future

residential development south of the floating node, but terminate and diffuse into other roads serving the area. No connection to 30th Avenue shall be made. (Section II Policy)

(Section 9.9590, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9600 19th and Agate Special Area Study Policies.

- (1) **19th and Agate Special Area Study and Agate Commercial Area.**
 - (a) Increase availability of short-term on-street parking and decrease long-term on-street automobile storage. (Policy 1)
 - (b) Allow flexibility in the way required off-street parking is met for businesses in the 19th and Agate Commercial Area. (Policy 2)
- (2) **General Traffic and Circulation.** Reduce problems of dust and noise generated by vehicular traffic in the alley east of Condon School. (Policy 11)

(Section 9.9600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9610 River Road - Santa Clara Urban Facilities Plan Policies.

- (1) **General Land Use.** Minimize land use conflicts by promoting compatibility between land uses, especially among residential, commercial-industrial, and commercial-agricultural uses. (Policy 1)
- (2) **Residential Land Use.**
 - (a) Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan. (Policy 1)
 - (b) Evaluate traffic and compatibility impacts when considering new residential development on parcels fronting arterial streets. (Policy 3)
 - (c) Provide adequate buffering and traffic control for existing non-residential development fronting River Road, (to minimize conflicts with surrounding development). (Policy 4)
 - (d) Permit medium-density housing (10 to 20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit, and alternative modes of transportation, schools and parks, and open space should be considered. Medium-density residential development will be considered for the north Santa Clara area consistent with the above criteria. (Policy 5)
 - (e) Design residential development which is adjacent to the Greenway, parks, and other identified natural features in a manner that ensures its compatibility with those features. (Policy 6)
- (3) **Commercial and Industrial Land Use.**
 - (a) Maintain and enhance the compatibility of adjacent land uses through the use of appropriate buffering mechanisms, such as landscaping standards. (Policy 1)
 - (b) Require site plan reviews for all new commercial and industrial development. (Policy 2)

- (c) Prohibit the linear expansion of existing strip commercial areas fronting on River Road. Existing strip commercial development may expand by infilling, redevelopment, or expansion onto contiguous property that does not front on River Road. (Policy 3)
 - (d) Provide for buffering and traffic control for existing development that fronts River Road (to minimize conflicts with surrounding residential development). (Policy 4)
 - (e) Minimize impacts of new commercial development intended to consolidate and improve existing strip commercial uses along River Road by requiring development standards. (Policy 5)
 - (f) New neighborhood commercial uses shall be located away from River Road in locations that facilitate the provision of commercial facilities scaled to a residential area and that allow for dispersal of commercial uses throughout River Road-Santa Clara. (Policy 6)
 - (g) Ensure compatibility between neighborhood commercial developments and the surrounding residential area by identifying and applying siting and development standards. (Policy 7)
- (4) River Road/Railroad Avenue Subarea.**
- (a) Designate and zone existing medium-density development.
 - (b) Limit River Road access to existing commercial development.
 - (c) Maintain existing land use patterns until completion of the Chambers Connector. The effects of the Chamber Connector and related road improvements on the immediate area should be examined upon completion of final design and right-of-way acquisition and any appropriate changes adopted.
 - (d) The area south of Fir Lane and east of River Road is appropriate for commercial and low density residential uses.
 - (e) Medium density residential development along the east side of River Road north of Fir Lane is appropriate, and requires a minimum development area of 2/3 of an acre.
 - (f) Rezone the apartments on the west end of Briarcliff Drive from industrial to medium density residential use.
 - (g) Delay for six months rezoning of the vacant parcels south of Briarcliff and adjacent to the Northwest Expressway from industrial to low density residential use.
 - (h) Designate the two parcels north of Holeman Avenue and west of River Road for commercial use.
- (5) River Road/Knoop Subarea Recommendations.**
- (a) Maintain existing land use pattern.
 - (b) Apply site review for medium-density development in the northern portion of the subarea.
 - (c) Limit number of River Road access points to medium-density development in the southern portion of the subarea.
- (6) River Road/Hilliard Subarea.**
- (a) Rezone small split-zone tax lots to their most intensive use.

- (b) Maintain viability of existing residential land use.
 - (c) Recommend professional office development for the undeveloped land on the west side of River Road between West Hillcrest and Horn Lane. Only professional office development making unified use of one or more acres shall be allowed in the area. Access shall be limited to mitigate impacts on existing low-density residential development west of the area.
- (7) River Road/Howard Subarea.**
- (a) Maintain the status of non-conforming uses.
 - (b) Maintain the status of existing medium-density land use.
 - (c) Encourage medium-density residential development for all portions of the subarea, with the exception of the following areas: Hatten Street commercial area, the area west of River road between Maxwell and Howard, and the area east of River Road between Owosso and Corliss.
 - (d) Recommend professional office development on the east side of River Road between Owosso and Corliss.
- (8) Maxwell/Park Avenue.**
- (a) Recommend development of medium-density housing, while maintaining natural features, for neighborhood park and open space through use of clustering and site review.
 - (b) Concentrate medium-density development around the commercial node, with a transition to low-density, particularly at the northern and southern boundaries of the subarea.
 - (c) Apply site review for parcels fronting the Northwest Expressway and the Southern Pacific Railroad tracks.
 - (d) Maintain current commercial designation to the north of the line which would be Howard Avenue if ever extended westerly. Only commercial developments making unified use of five or more acres shall be allowed in the area.
- (9) Riviera.**
- (a) Continue existing land use pattern.
 - (b) Rezone single-family residential south of River Avenue to medium-density and north of River Avenue to commercial zoning.
 - (c) Rezone all residentially developed parcels south of River Avenue and east of River Road to medium-density residential use.
- (10) River Avenue.** Rezone the area north of River Avenue to commercial.
- (11) River Road/Irving.**
- (a) Rezone small split-zoned tax lots to their most intensive use.
 - (b) Parcels south of Santa Clara Avenue and west of River Road, that are not already developed for commercial use, should be zoned of office development.
 - (c) Designate the large southern undeveloped parcel for medium-density development.
 - (d) Designate the westerly portion of the large parcel south of Santa Clara Avenue and west of River Road for medium-density development, with an emphasis on development of health-related facilities.

- (e) Maintain the viability of existing low-density residential development.
- (f) Designate professional office development for five parcels north of Santa Clara Avenue and west of current commercial development on west River Road.

(12) River Road/Division.

- (a) Designate medium-density development for undeveloped and under-developed property west of Ross Lane and west of Lee's Trailer Park.
- (b) The transition from professional office use to medium-density residential use should occur in the vicinity of a line projected south from the east boundary of the Santa Clara Elementary School property.
- (c) Rezone parcels north of Santa Clara Square and south of Green Lane for professional office use.

(13) Irving Light-Medium Industrial.

- (a) Use Planned Unit Development procedures to mitigate impacts on existing adjacent low-density residential development upon rezoning to industrial.
- (b) Only industrial developments, making unified use of ten or more acres shall be allowed in the area.
- (c) Consider amending the Plan designation to Special-Light Industrial.

(14) Northwest Expressway.

- (a) Encourage development of a two- to five-acre neighborhood commercial node west of the slough for the following reasons:
 - 1. Arterial street access
 - 2. Access from the Northwest Expressway at Irvington Drive.
 - 3. Large parcel size in the area.
 - 4. Metropolitan Plan assumes large population growth in this area.
- (b) Apply site review for development of parcels fronting the Northwest Expressway and Southern Pacific Railroad.

(15) River Road/Wilkes.

- (a) Consolidate commercial development for property south of Swain Lane and bounded by the slough on the east and Greenwood Street on the south.
- (b) Rezone split-zone tax lots.
- (c) Designate medium-density development on the easterly portion of the large undeveloped parcel north of Swain Lane.
- (d) Designate community commercial development on the westerly portion of the large undeveloped parcel north of Swain Lane. Only commercial developments making unified use of five or more acres shall be allowed in the area.
- (e) Encourage commercial development contiguous to existing commercial uses east of River Road.
- (f) Encourage low-density zoning for property south of Brotherton, across from River Loop #2.
- (g) Designate neighborhood commercial development for two acres on the northwest corner of Irvington and River Road. Only commercial developments making unified use of one or more acres and with access limited to Irvington Drive, shall be allowed in the area.

(16) Public Facilities and Services.

- (a) Land development patterns in the area shall accommodate the provision of fire and emergency services. (Fire subsection, Policy 2)
- (b) If a transfer site in the western portion of the metropolitan area is desired, a cost-benefit analysis shall be conducted to determine its effectiveness before any siting plans are considered. (Solid Waste Service subsection, Policy 1)
- (c) Future road improvements providing sidewalks and bicycle lanes shall consider safety needs of students, especially at intersections near schools and along busy streets. (School subsection, Policy 1)
- (d) Encourage the continued multiple use of school facilities. (School subsection, Policy 3)
- (e) When appropriate, land for park and recreation facilities shall be dedicated as part of the development review process for vacant land. (Park and Recreation Service subsection, Policy 3)

(17) Environmental Design Element.

- (a) New residential development taking place in areas adjacent to the Northwest Expressway and the Southern Pacific Railroad shall be designed so as to minimize noise and visual impacts generated by these facilities. (Relationship of the Area to the Railroad, Policy 1)
- (b) Examine the possibility of providing landscaping and a noise barrier along the east side of the Northwest Expressway as a means of buffering adjacent residential areas. (Relationship of the Area to the Railroad, Policy 2)
- (c) Residential developments shall be designed to minimize potential conflicts with adjacent agricultural operations. (Urban and Agricultural Fringe Areas, Policy 1)
- (d) With the exception of high voltage transmission lines, require the installation of underground utilities in developing areas. (Signs/Utilities subsection, Policy 2)
- (e) Landscape buffers shall be provided for power substations in the study area by the responsible utility. (Signs/Utilities subsection, Policy 3)
- (f) Encourage the preservation and restoration of structures, landmarks, sites, and areas of cultural, historic, or archaeological significance. (Historic Structures subsection, Policy 2)
- (g) Future development along vegetated sloughs shall be reviewed to determine additional requirements, if any, to maintain and improve the sloughs as environmental assets. (Vegetated Sloughs subsection, Policy 2)

(18) Transportation Element.

- (a) All street improvement projects should support and recognize that different streets serve different functions. (Policy 1)
- (b) Support alternative to the automobile including mass transit, bicycle, walking, and carpooling. (Policy 2)

(Section 9.9610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.9620 Riverfront Park Study.

- (1) Land Use.** Development standards within the SD, Special Development District, applied to the Riverfront Park, shall be designed to:
 - (a) Provide for intensity of development while recognizing the environmental and open-space attributes and requirements of the area.
 - (b) Recognize that proximity to alternate transportation facilities may provide opportunities to reduce parking requirements for certain industrial uses.
 - (c) Provide for signing standards consistent with the purpose of the district.
 - (d) Allow for a mixture of uses in the SD, Special Development District.
 - (e) Ensure that development in the Riverfront Park is primarily related to University activities and programs.
- (2) Transportation.**
 - (a) The City, if possible in conjunction with a developer, shall work with the Oregon Department of Transportation (ODOT) and the Southern Pacific Railroad to increase the number of points of access to undeveloped property within the Riverfront Park Study area. (Policy 1)
 - (b) The City shall work with the Lane Transit District, the University of Oregon, and employers in the Riverfront area to maximize the use of alternative modes of transportation. Facilities and programs will be developed to work toward the goal of accommodating a substantial number of the trips made to new development within the Riverfront Park Study area through modes other than the single-occupancy automobile. (Policy 2)
 - (c) The City shall use its Capital Improvement Programming process to identify projects, their implementation schedules, and anticipated funding sources needed to provide transportation facilities to service development in the Riverfront Study Area. Special efforts shall be made to secure non-City funding for capital improvements whenever possible. (Policy 3)
 - (d) The City shall pursue construction of projects intended, by design and timing, to avoid Level of Service 'E' in the Franklin Boulevard corridor. (Policy 4)
 - (e) The City shall encourage the University of Oregon, Lane County, and the Oregon Department of Transportation to participate financially in transportation improvements involved in the Riverfront Park Development area. (Policy 6)
 - (f) The City, in cooperation with the University and developers, shall develop a plan for a comprehensive bicycle path network for the Riverfront Study area including: 1) the South Bank Bike Trail; 2) the Mill Race Bike Path (included in the Eugene Bikeways Master Plan); and 3) new paths providing access between Franklin Boulevard and the south Bank Trail and to destinations within the study area. (Policy 7)

(Section 9.9620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)