

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 17-03

IN THE MATTER OF AMENDING LANE
CODE CHAPTER 10 TO REFLECT
ADOPTED AMENDMENTS TO THE
EUGENE DEVELOPMENT CODE ADDING
PROVISIONS RELATING TO THE CLEAR
LAKE OVERLAY ZONE BY AMENDING
SECTIONS 10.600-20 AND 10.600-25 (LC
10.600-20 AND 10.600-25) AND ADOPTING
A SAVINGS AND SEVERABILITY CLAUSE

WHEREAS, on April 8, 1986 the Lane County Board of Commissioners enacted Ordinance No. 18-86 to adopt the City of Eugene land use regulation for application to urbanizable lands within the Eugene Urban Growth Boundary in accordance with an urban transition agreement with the City of Eugene; and

WHEREAS, that urban transition agreement provides for joint development and adoption of land use regulations applicable to urbanizable lands within the Eugene Urban Growth Boundary; and

WHEREAS, the Lane County Board of Commissioners has from time to time enacted ordinances subsequent to Ordinance No. 18-86 to adopt amendments to the City of Eugene land use regulation for application to urbanizable lands within the Eugene Urban Growth Boundary in accordance with an urban transition agreement with the City of Eugene, including most recently in Lane County Ordinance 14-15; and

WHEREAS, by enactment of Lane County Ordinance 14-15 on December 2, 2014, the Lane County Board of Commissioners intended to incorporate what became Eugene Ordinance No. 20546, but by a scrivener's error Ordinance 14-15 indicated that Eugene Ordinance No. 20545 was being incorporated; and

WHEREAS, the Lane County Board of Commissioners now wishes to correct the above error; and

WHEREAS, the Eugene Planning Commission held a public hearing and after deliberation, recommended approval of the amendments of the Eugene Development Code; and

WHEREAS, the Eugene City Council held a hearing and adopted the amendments to the Eugene Development Code and has requested adoption of the proposed changes by the Lane County Board of Commissioners for application to the urbanizable lands within the Eugene Urban Growth Area; and

WHEREAS, the Board of County Commissioners has conducted a public hearing, reviewed the record, and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. The provisions of the Eugene Land Use Code (Chapter 9 of the Eugene Code, 1971, in effect on the date this Ordinance is enacted), as those provisions are amended by the revisions shown in Exhibit "A", are adopted and incorporated by this reference for application on the specific urbanizable lands within the Eugene Urban Growth Area specified in Lane Code 10.600-25(2), as amended by this ordinance, and will not be codified into Lane Code.

2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THESE SECTIONS

10.600-20 and 10.600-25

INSERT THESE SECTIONS

10.600-20 and 10.600-25

These sections are attached and incorporated by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include reference to this Board of County Commissioners action adopting amendments to the City of Eugene land use regulations to be applied by the City of Eugene on urbanizable lands within the Eugene Urban Growth Area as specified Lane Code 10.600-25(2), as amended.

3. Ordinances and regulations amended by this Ordinance remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.
4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

ENACTED this 8th day of August, 2017.



Pat Farr, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date: 6-22-17



LANE COUNTY OFFICE OF LEGAL COUNSEL

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

10.600-20 Lane Code 10.600-25

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09; 7-11, 11.4.2011; 3-12, 10.05.12; 13-05, 11.19.13; 13-07, 04.15.14; 14-13, 11.25.14; 14-15, 1.2.15; 16-05, 1.5.17)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene ~~shall have~~**has** the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary **as specified in Lane Code 10.600-25**. For the purpose of this subsection, the following words and phrases ~~shall mean~~**have the following meanings:**

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on **the specified** urbanizable land within the Eugene Urban Growth Boundary.

(1) **To all urbanizable land not addressed in (2), ~~the~~ Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86-5-00 as amended in Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 2-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02, 3-02 and 14-15 PA 1234, as further amended by the incorporation of Eugene Ordinance 20546 through enactment of Lane County Ordinance 14-15.**

(2) **To the land added to the Eugene Urban Growth Boundary by Ordinance No. PA 1345 as shown on the maps at Exhibit A-4 (“Proposed Metro Plan Designations”) attached to Ordinance No. PA 1345, the provisions of Chapter 9 of the Eugene Code, 1971, in effect on the date Ordinance 17-03 is approved (“Eugene Land Use Code”), as that Land Use Code is amended by the revisions shown in Exhibit A Ordinance No. 17-03.**

(~~2~~**3**) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02; 14-15, 1.2.15)*

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07, 14-13, 14-15 and 16-05.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09; 7-11, 11.4.2011; 3-12, 10.05.12; 13-05, 11.19.13; 13-07, 04.15.14; 14-13, 11.25.14; 14-15, 1.2.15; 16-05, 1.5.17)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene has the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary as specified in Lane Code 10.600-25. For the purpose of this subsection, the following words and phrases have the following meanings:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on the specified urbanizable land within the Eugene Urban Growth Boundary.

(1) To all urbanizable land not addressed in (2), the Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 5-00 as amended in Ordinance No. PA 1234, as further amended by the incorporation of Eugene Ordinance 20546 through enactment of Lane County Ordinance 14-15.

(2) To the land added to the Eugene Urban Growth Boundary by Ordinance No. PA 1345 as shown on the maps at Exhibit A-4 (“Proposed Metro Plan Designations”)

attached to Ordinance No. PA 1345, the provisions of Chapter 9 of the Eugene Code, 1971, in effect on the date Ordinance 17-03 is approved (“Eugene Land Use Code”), as that Land Use Code is amended by the revisions shown in Exhibit A to Ordinance No. 17-03.

(3) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02; 14-15, 1.2.15)*

Eugene Code, 1971 Amendments
(Employment, Park and School Land)

- Subsections (a) and (b) of Section 2.350 of the Eugene Code, 1971, are amended to provide as follows:

2.350 **Planning Commission - Duties and Powers.** It shall be the duty of the commission, and it shall have power, except as otherwise provided by law:

- (a) To keep current a comprehensive plan for the city adopted by the council as an official guide to public and private uses of land.
- (b) To prepare city legislation that will implement the purposes of the comprehensive plan.

- Subsection (6) of Section 2.1086 of the Eugene Code, 1971, is amended to provide as follows:

2.1086 **Manufactured Dwelling Park Closures.**

- (6) **Provision of Housing Information.** After notice of park closure to affected tenants, a park owner shall create, maintain, and make available to all affected tenants a current survey showing the total number of manufactured dwelling spaces, the number of vacant manufactured dwelling spaces, rent schedules, and available manufactured dwellings for sale in manufactured dwelling parks located within the urban growth boundary shown on the Envision Eugene Comprehensive Plan. The park owner shall update this information at least every four months, or at such intervals as required in administrative rules issued hereunder. The survey shall contain such information as required by the administrative rules issued hereunder.

- The definitions of “Stage I red advisory” and “Stage II red advisory” in Section 6.250 of the Eugene Code, 1971, are amended to provide as follows:

6.250 **Solid Fuel Space Heating Devices - Definitions.** As used in sections 6.255 to 6.265, the following words and phrases mean:

Stage I red advisory. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 125 micrograms per cubic meter but less than 150 micrograms per cubic meter, or when PM2.5 levels are forecast by LRAPA to be greater than or equal to 30 micrograms per cubic meter but less than 35 micrograms per cubic meter, within the Eugene Urban Growth Boundary.

Stage II red advisory. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 150 micrograms per cubic meter, or when PM2.5 levels are forecast by LRAPA to be greater than or equal to

35 micrograms per cubic meter, within the Eugene Urban Growth Boundary.

- Subsection (1)(d) and the lead in paragraph of subsection (2) of Section 6.320 of the Eugene Code, 1971, are amended to provide as follows:

6.320 **Criteria for Permit Issuance.**

- (1) The city manager or designee shall approve, approve with conditions, or deny a permit application based on consideration of the following criteria:
 - (d) The necessity to remove trees in order to construct proposed improvements, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this code, the comprehensive plan, and other applicable adopted plans;
- (2) In the event a plot plan for full development of the site has not been approved by the city, felling of trees shall be permitted only on a limited basis consistent with the preservation of the site's future development potential and preservation of important natural values as prescribed in the comprehensive plan and this code, and consistent with the following criteria:

- Subsection (2) of Section 7.715 of the Eugene Code, 1971, is amended to provide as follows:

7.715 **SDC - Compliance With State Law.**

- (2) The capital improvement plan required by state law as the basis for expending systems development charge revenues for capital improvements shall be the Eugene Capital Improvements Plan (CIP) and the comprehensive plan as adopted by the council (Plan), other city facilities plans that may include SDC-eligible capital projects, or the capital improvement plan adopted by another governmental body which was used by the city manager in establishing the methodology for the systems development charge, provided such capital improvement plan is consistent with the CIP and the Plan.

- The lead in paragraph of subsection (1) of Section 9.0020 of the Eugene Code, 1971, is amended to provide as follows:

9.0020 **Purpose.** The purpose of the land use code is to protect and promote the health, safety, and general welfare of the public and to preserve and enhance the economic, social, and environmental qualities of the community.

- (1) The land use code is intended to effectively and efficiently implement applicable state and federal laws, the Envision Eugene Comprehensive Plan, the Metro Plan, and the following policies from the Growth Management Study:

- Definitions for “Comprehensive Plan” and “Envision Eugene Comprehensive Plan” are added in alphabetical order to Section 9.0500

of the Eugene Code, 1971, and the definition of “Metro Plan” is amended to provide as follows:

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Comprehensive Plan. “Comprehensive plan” is a reference to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan), to the Envision Eugene Comprehensive Plan, or to both plans. The applicable plan is determined by considering the context of the code’s reference and the content of the two plans at the time the reference question arises. The city is taking incremental actions to adopt the Envision Eugene Comprehensive Plan and to make corresponding portions of the Eugene-Springfield Metropolitan Area General Plan inapplicable to the city.

Envision Eugene Comprehensive Plan. The Envision Eugene Comprehensive Plan is Eugene’s city-specific comprehensive land use plan, co-adopted by Eugene and Lane County. This Plan provides guidance to the city as it plans for the future growth and development of the city. The city is taking incremental actions to adopt the Envision Eugene Comprehensive Plan and to make corresponding portions of the regional comprehensive plan (the Eugene-Springfield Metropolitan Area General Plan) inapplicable to the city.

Metro Plan. The Eugene-Springfield Metropolitan Area General Plan, is the regional comprehensive land use plan for the cities of Eugene and Springfield and those parts of Lane County within the urban growth boundary. The jurisdictional boundary of the plan also includes a slightly larger geographic area outside the urban growth boundary west of I-5. The city is taking incremental actions to adopt the Envision Eugene Comprehensive Plan and to make corresponding portions of the Metro Plan inapplicable to the city.

- Section 9.1010 of the Eugene Code, 1971, is amended to provide as follows:

9.1010 **Purpose of Zoning Regulations.** The broad purpose of zoning regulations is to protect and promote the public health, safety, and welfare, and to provide the economic, social and environmental advantages which result from an orderly, planned use of land resources. Such regulations generally are designed to implement the, comprehensive plan, Growth Management Study and other applicable adopted plans and policies.

- Section 9.1040 of the Eugene Code, 1971, is amended to provide as follows:

9.1040 **Establishment and List of Overlay Zones.** The overlay zones listed in Table 9.1040 Overlay Zones are established as follows:

Table 9.1040 Overlay Zones	
Overlay	Description
/#	Residential Density Range Overlay Zone (# indicates density range)
/BW	Broadway Overlay Zone
/CAS	Commercial Airport Safety Overlay Zone
/CL	Clear Lake Overlay Zone
/HD	Hillside Development Overlay Zone
/ND	Nodal Development Overlay Zone
/PD	Planned Unit Development Overlay Zone
/SR	Site Review Overlay Zone
/TD	Transit Oriented Development Overlay Zone
/UL	Urbanizable Land Overlay Zone
/WP	Waterside Protection Overlay Zone
/WQ	Water Quality Overlay Zone
/WR	Water Resources Conservation Overlay Zone
/WB	Wetland Buffer Overlay Zone
/WG	Willamette River Greenway Overlay Zone

- Section 9.1060 of the Eugene Code, 1971, is amended to provide as follows:

9.1060 Changes in Zone Boundaries and Overlay Zone Boundaries. Unless automatically changed upon annexation pursuant to EC 9.7820, changes in zone boundaries or overlay zone boundaries shall be processed pursuant to the Type III Application Procedures (EC 9.7300 - 9.7340) or, if processed concurrently with a refinement plan, code or comprehensive plan amendment shall follow the applicable procedure for each type of amendment. Decisions shall be based on the criteria contained in EC 9.8865 Zone Change Approval Criteria.

- Section 9.2100 of the Eugene Code, 1971, is amended to provide as follows:

9.2100 Purpose of C-1 Neighborhood Commercial Zone. The C-1 Neighborhood Commercial zone is designed to implement the comprehensive plan by providing commercial areas to serve the day-to-day needs of the surrounding neighborhood. Neighborhood commercial areas should enhance rather than intrude on the character of a neighborhood by providing landscaped buffering and ensuring sufficient street frontage to provide safe and efficient access. These areas are usually 5 acres or less in size. Some uses not necessarily oriented to daily consumer needs, but similar in size and external impacts to convenience commercial and personal service uses, are also included in the C-1 zone.

- Section 9.2110 of the Eugene Code, 1971, is amended to provide as follows:

9.2110 **Purpose of C-2 Community Commercial Zone.** The C-2 Community Commercial zone is designed to implement the comprehensive plan by providing areas for community commercial uses. These areas usually include at least 5 acres and not more than 40 acres, and are intended to include a wide range of purchaser goods and entertainment, office, and service needs for a support population smaller than that of the metropolitan area but larger than that of a neighborhood. Housing is also permitted in this zone, which may occur independently on individual lots or parcels, or be located in clusters that share parking facilities and other common areas.

- Section 9.2120 of the Eugene Code, 1971, is amended to provide as follows:

9.2120 **Purpose of C-3 Major Commercial Zone.** The C-3 Major Commercial zone is designed to implement the comprehensive plan by providing areas for regional commercial uses. These uses include a wide range of purchaser goods, educational opportunities, entertainment, offices, travel accommodations, and services that attract people from the entire metropolitan area, Lane County, and adjacent counties.

- Section 9.2140 of the Eugene Code, 1971, is amended to provide as follows:

9.2140 **Purpose of GO General Office Zone.** The GO General Office zone is designed to implement the comprehensive plan by providing areas that allow a compatible mix of office and residential development. The zone is intended to provide for small- to medium-sized office buildings, often in transitional locations between residential and commercial uses. Developments shall be compatible with nearby residential uses in terms of scale, bulk, building and parking coverage, traffic generation, and other external factors. This zone also encourages a compatible mix of dwellings and offices on the same or adjacent properties. Retail uses are also permitted.

- Section 9.2400 of the Eugene Code, 1971, is amended to provide as follows:

9.2400 **Purpose of E-1 Campus Employment Zone.** The purpose of the E-1 Campus Employment zone is to implement the Campus Industrial designation of the comprehensive plan by providing large areas for a variety of light industrial and office-based scientific, medical, research and development, or other professional firms to locate in a campus-like setting. In general, this zone is designed for firms that will help achieve economic diversification objectives and that typically have a large number of employees per acre. The activities of such firms do not generate offensive external impacts and usually do not tolerate substantial noise, pollution, or

vibration from surrounding uses. The “campus” setting is characterized by enhanced landscaping, pedestrian amenities, and unique architectural design. Provision is also made for small-scale complementary commercial uses that primarily serve employees in the area and are preferably part of a mixed-use development.

- Section 9.2405 of the Eugene Code, 1971, is amended to provide as follows:

9.2405 **Purpose of E-2 Mixed Use Employment Zone.** The purpose of the E-2 Mixed Use Employment zone is to implement the Light-Medium Industrial designation of the comprehensive plan by providing areas for a mixture of compatible employment opportunities – industrial, office, and commercial – that benefit from multi-modal transportation access. The zone is generally sited along key transit corridors with existing commercial and industrial businesses. It is intended to provide a wide range of permitted uses, while creating a transit-supportive, pedestrian friendly corridor.

- Section 9.2410 of the Eugene Code, 1971, is amended to provide as follows:

9.2410 **Purpose of I-2 Light-Medium Industrial Zone.** The purpose of the I-2 Light-Medium Industrial zone is to implement the Light-Medium Industrial designation of the comprehensive plan by providing areas to serve a wide variety of manufacturing and other industrial activities with controlled external impacts in locations designated for Light-Medium Industry in the comprehensive plan. These types of industries are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. Supporting offices and small-scale commercial uses that serve employees in the immediate area are permitted.

- Section 9.2420 of the Eugene Code, 1971, is amended to provide as follows:

9.2420 **Purpose of I-3 Heavy Industrial Zone.** The purpose of the I-3 Heavy Industrial zone is to implement the comprehensive plan by providing areas to serve a range of manufacturing uses including those involved in the processing of large volumes of raw materials into refined products and/or industrial uses that have significant external impacts. In general, these areas are designated for heavy industry in the comprehensive plan. Heavy industrial uses often have transportation needs that include both rail and truck. Less intensive industrial uses that are permitted in the Light-Medium Industrial zone are also permitted.

- Section 9.2430 of the Eugene Code, 1971, is amended to provide as follows:

- 9.2430 Employment and Industrial Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:
- (1) **E-1 Campus Employment.** This zone is limited to areas designated Campus Industrial in the comprehensive plan.
 - (2) **E-2 Mixed Use Employment.** This zone is limited to areas designated Light-Medium Industrial in the comprehensive plan and those that meet either (a) or (b) of the following minimum siting requirements:
 - (a) Property has frontage on an arterial street.
 - (b) Contiguous to parcels currently zoned E-2 or C-2 Community Commercial.
 - (3) **I-2 Light-Medium Industrial.** This zone is limited to areas designated Light-Medium Industrial in the comprehensive plan or those that meet all of the following minimum siting requirements:
 - (a) Access to arterial streets without undue negative impact on residential streets.
 - (b) No more than 5 acres.
 - (c) Sufficient street frontage to accommodate structures, parking, and access in character with adjacent non-industrial properties.
 - (4) **I-3 Heavy Industrial.** This zone is limited to areas designated either Heavy Industrial or Special Heavy Industrial in the comprehensive plan.

- The “Agricultural, Resource Production and Extraction” section of Table 9.2450 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements				
	E-1	E-2	I-2	I-3
Agricultural, Resource Production and Extraction				
Horticultural Uses. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.	P	P	P	P
Mineral Resource Mining, Recovery, Stockpiling, Processing (excluding smelter or ore reduction)			SR	SR

- Section 9.2500 of the Eugene Code, 1971, is amended to provide as follows:

- 9.2500 Purpose of NR Natural Resource Zone.** The NR natural resource zone is designed to implement the comprehensive plan by providing areas that will be preserved for long-term protection of native vegetation, wetlands, waterways, wildlife habitat, rare plants and surface and ground water quality. In general, this zone is intended to protect outstanding natural resource areas identified in adopted plans. The NR zone is also intended to address state and federal laws and policies

that regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws. The natural functions and values intended to be protected by this zone include all of the following:

- (1) Habitat for federally listed rare, threatened, or endangered plant and animal species.
- (2) Floodwater storage and conveyance.
- (3) Sediment and erosion control.
- (4) Natural pollution control.
- (5) Fish and wildlife habitat.
- (6) Aquifer recharge and water supply.
- (7) Native plant communities.

It is recognized that each natural resource area may not exhibit all of these functions and values.

- Subsection (1) of Section 9.2600 of the Eugene Code, 1971, is amended to provide as follows:

9.2600 **Purpose of PRO Park, Recreation, and Open Space Zone.** The Park, Recreation, and Open Space Zone (PRO) is intended to accomplish all of the following:

- (1) Implement the comprehensive plan and other applicable plans by providing areas that will conserve and preserve a variety of parks, recreation areas, and open spaces to maintain livability of the metropolitan area.

- The definition of “Non-Publicly Owned Open Space” in Section 9.2620 of the Eugene Code, 1971, is amended to provide as follows:

9.2620 **PRO Zone Terms.** The determination of park classification shall be based on Eugene's applicable parks plan, or in the absence of a plan, by the city manager. As used with reference to this zone, unless the context requires otherwise, the following words and phrases mean:

Non-Publicly Owned Open Space. Open or natural areas above 2 acres in size, including golf courses, cemeteries, drainage corridors, and private recreation space that are not owned by the public and are designated as open space in the comprehensive plan, a refinement plan, or a PUD.

- Section 9.2680 of the Eugene Code, 1971, is amended to provide as follows:

9.2680 **Purpose of Public Land Zone.** The public land zone is intended for public and semi-public uses that are designed to implement the comprehensive plan by providing areas for government services and education. Government services include the full spectrum of activities conducted by public agencies, including parks

and open space. As used in EC 9.2680 through 9.2687, “public agency” includes public/private partnerships that conduct the activities authorized in those sections.

- Section 9.2700 of the Eugene Code, 1971, is amended to provide as follows:

9.2700 **Purpose of R-1 Low-Density Residential Zone.** The purpose of the R-1 Low-Density Residential zone is to implement the comprehensive plan by providing areas for low-density residential use. The R-1 zone is designed for one-family dwellings with some allowance for other types of dwellings, and is also intended to provide a limited range of non-residential uses that can enhance the quality of low-density residential areas.

- Section 9.2705 of the Eugene Code, 1971, is amended to provide as follows:

9.2705 **Purpose of R-1.5 Rowhouse Zone.** The purpose of the R-1.5 Rowhouse zone is to implement the comprehensive plan by providing areas for attached rowhouse dwellings.

- Section 9.2710 of the Eugene Code, 1971, is amended to provide as follows:

9.2710 **Purpose of R-2 Medium-Density Residential Zone.** The purpose of the R-2 Medium-Density Residential zone is to implement the comprehensive plan by providing areas for medium-density residential use and encourage a variety of dwelling types. The R-2 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the medium-density residential area.

- Section 9.2720 of the Eugene Code, 1971, is amended to provide as follows:

9.2720 **Purpose of R-3 Limited High-Density Residential Zone.** The purpose of the R-3 Limited High-Density Residential zone is to implement the comprehensive plan by providing areas for limited high-density residential use that encourage attached one-family dwelling units and multiple-family dwelling units. The R-3 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the limited high-density residential area.

- Section 9.2730 of the Eugene Code, 1971, is amended to provide as follows:

9.2730 **Purpose of R-4 High-Density Residential Zone.** The R-4 High-Density Residential zone is designed to implement the comprehensive plan by providing areas for high-density residential use and is intended to provide an opportunity for a dense living environment. The R-4 zone must ensure that public facilities and services will be provided in a timely manner to adequately serve the projected demand. The R-4 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the high-density residential area.

- Subsection (3)(b) of Section 9.2790 of the Eugene Code, 1971, is amended to provide as follows:

9.2790 **Solar Lot Standards.**

(3) Exceptions to the Solar Lot Requirements. A proposed subdivision shall be exempt from EC 9.2790(2) if either of the following exists:

(b) Site Constraints. One of the following circumstances is present:

1. Compliance with applicable street standards or public street plans requires a street configuration that prevents the lots from being oriented for solar access.
2. An existing public easement or right-of-way prevents the lot from being oriented for solar access.
3. There is a significant natural feature on the site, identified as such in the comprehensive plan, adopted refinement plan, or in any city-adopted natural resource inventory that will continue to exist after the site is developed, and that prevents the lot from being oriented for solar access.

- Subsection (1)(a) of Section 9.3020 of the Eugene Code, 1971, is amended to provide as follows:

9.3020 **Criteria for Establishment of an S Special Area Zone.** Before adopting an ordinance establishing a S Special Area Zone, the city council shall find that the proposal is in compliance with following criteria:

(1) The area to which the S Special Area Zone is being applied meets at least one of the following criteria:

- (a)** Is identified in the comprehensive plan or a refinement plan as appropriate for nodal development or for a special range of uses or development that can best be achieved with the use of a special area zone; or

- The lead in paragraph of Section 9.3100 of the Eugene Code, 1971, is amended to provide as follows:

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

- Subsection (2)(e) of Section 9.3130 of the Eugene Code, 1971, is amended to provide as follows:

9.3130 **Purpose of S-DR Downtown Riverfront Special Area Zone.**

(2) **Design Objectives.** The design objectives of the S-DR Zone are:

(e) Implement Nodal Development policies in the comprehensive plan.

- The lead in paragraph of Section 9.4070 of the Eugene Code, 1971, is amended to provide as follows:

9.4070 **Purpose of /BW Broadway Overlay Zone.** The /BW overlay zone is intended to implement the comprehensive plan and TransPlan by:

- Sections 9.4150 through 9.4170 are added to the Eugene Code, 1971, to provide as follows:

9.4150 **Purpose of /CL Clear Lake Overlay Zone.** The /CL Clear Lake Overlay Zone is intended to provide and protect the City's large-lot industrial portfolio in the Clear Lake expansion area. A minimum of eleven large lots of various sizes (10-20, 20-50, 50-75, and greater than 75 acres) will be provided as a means to ensure future development fulfills the community's desired outcomes for economic prosperity and increased employment opportunities, while addressing environmental justice concerns. The /CL Overlay implements supporting comprehensive plan policies that call for fairness and equity in achieving a healthy environment, vibrant community, and improved quality of life for surrounding neighborhoods. To this end, the /CL Overlay regulations identify certain uses that are restricted or prohibited. These prohibitions and restrictions are intended to avoid incompatibilities between odorous emissions or particulate discharges and nearby residences, schools, or parks. In addition to the permitted uses in the base zone, future development in the Clear Lake area is encouraged to build upon Eugene's competitive advantages and recognize the community's values around climate change, sustainability, local food systems, and natural resources.

9.4155 **/CL Clear Lake Overlay Zone Applicability.** EC 9.4150 through EC 9.4175 apply to all property to which the /CL Clear Lake Overlay Zone has been applied through the city's rezoning process. The provisions of the /CL Clear Lake Overlay Zone supplement those of the applicable base zone. Where the overlay zone and base

zone provisions conflict, the requirements of this overlay shall apply.

9.4160 **/CL Clear Lake Overlay Zone Siting Requirements.** When consistent with the approval criteria in EC 9.8865 Zone Change Approval Criteria, the /CL Clear Lake Overlay Zone shall be applied only to the area depicted on Figure 9.4160 Clear Lake Area Overlay Zone.

9.4165 **/CL Clear Lake Overlay Zone Special Application and Development Standards**

- (1) Application Requirements.** In addition to standard required application materials, a development permit proposing a new building, change of use, additional use, or building expansion that exceeds 25 percent of the existing building square footage on the development site shall include the following additional application material at the time of submittal:
 - (a) Demonstration of compliance with EC 9.7007 Neighborhood/Applicant Meetings. Developments that require multiple applications may convene a single neighborhood/ applicant meeting to address all materials; and
 - (b) A pre-clearance letter issued by the Lane Regional Air Protection Agency (LRAPA) confirming that the proposed use and associated operations have the ability to meet air quality standards with appropriate control technologies and mitigation measures. The LRAPA pre-clearance letter does not constitute formal approval of the use by either LRAPA or the City of Eugene.
- (2) Development Standards.** In addition to the development standards of the applicable base and overlay zones, a development permit proposing a new building, change of use, additional use, or building expansion that exceeds 25 percent of the existing building square footage on the development site shall demonstrate compliance with the following standards at the time of application submittal.
 - (a) Single Business. Development shall be limited to a single business per tax lot (tax lots shown on Figure 9.4170 or subsequently created as permitted by the lot standards in EC 9.4170).
 - (b) Lighting. The proposed use shall comply with the Outdoor Lighting standards in EC 9.6725.
 - (c) Indoor Activity. For development located south of Clear Lake Road only, manufacturing operations of the proposed use shall be conducted indoors.
- (3) Performance Standards.** In addition to demonstrating compliance with the development standards of the applicable base and overlay zones, a development permit proposing a new building, change of use, additional use, or building expansion that exceeds 25 percent of the existing building square footage on the development site shall provide a statement on the application plans committing the applicant to compliance with the following performance standards during operation:
 - (a) Odors and Emissions. Emission of smoke, dust, fumes, offensive odors, or gases associated with the proposed use will not be noticeable at the property line by a human observer relying on human senses without the aid of a device. Additionally, the permit requirements of the State and/or LRAPA will remain applicable.

- (b) Vibration. Uses are operated so that any generated ground vibrations – continuous or recurrent – will not be perceptible, without instruments, at any point along the property boundary within which the proposed use is located.
 - (c) Noise. The proposed use will comply with the Environmental Noise Disturbance standards in EC 6.750. In addition to the standards therein, measurements of the 60 dBA limitation shall also be applicable along property lines of adjacent, affected public lands (i.e., schools, public parks).
- (4) Prohibited Uses in the /CL Clear Lake Overlay Zone.** The following uses are prohibited within the /CL Clear Lake Overlay zone:
- (a) Asphalt mixing and batching.
 - (b) Chemical products manufacturer (includes synthetic fertilizers).
 - (c) Chrome and nickel plating.
 - (d) Cleaning and dyeing plant.
 - (e) Correctional facility, excluding residential treatment center.
 - (f) Concrete, gypsum, and plaster products manufacturer.
 - (g) Dry cleaner.
 - (h) Garbage dump, sanitary land fill.
 - (i) Mineral resource mining, recovery, stockpiling, processing (including smelter or ore reduction).
 - (j) Paper mill (conversion of raw material, i.e., pulp to paper).
 - (k) Petroleum/fuel refining and re-refining.
 - (l) Race track, including drag strip and go-cart tracks (not including indoor uses).
 - (m) Rubber and plastic products manufacturer (includes tire manufacturing and re-tread operations).
 - (n) Wood preservation.
 - (o) Wood biomass-fueled cogeneration facility.
 - (p) Wastewater (sewer) treatment facility (not including industrial pre-treatment facilities).
 - (q) On land designated Campus Industrial by the comprehensive plan, the following uses are also prohibited:
 - 1. Manufactured and mobile homes manufacturer.
 - 2. Recreational vehicles manufacturer.
 - 3. Wholesale, warehousing, and distribution (unless provided as an accessory use)
- (5) Adjustment Review.**
- (a) The standards at EC 9.4165(2) through (3) may be adjusted in accordance with EC 9.8030(36).
 - (b) Even if adjustment would be allowed in the base zone, the stormwater standards in EC 9.6790 through 9.6797 are not eligible for adjustment in the /CL Clear Lake Overlay Zone.

9.4170 /CL Clear Lake Overlay Zone Lot Standards.

- (1) Industrial Site Portfolio Attainment.** The area subject to the /CL Clear Lake Overlay Zone is included in the urban growth boundary for the purpose of meeting Eugene’s long-term need for a specific number of large industrial sites in specific size ranges. This need, referred to as the “Large Lot Portfolio” in the Envision Eugene Comprehensive Plan, is identified in Table 9.4170(1)

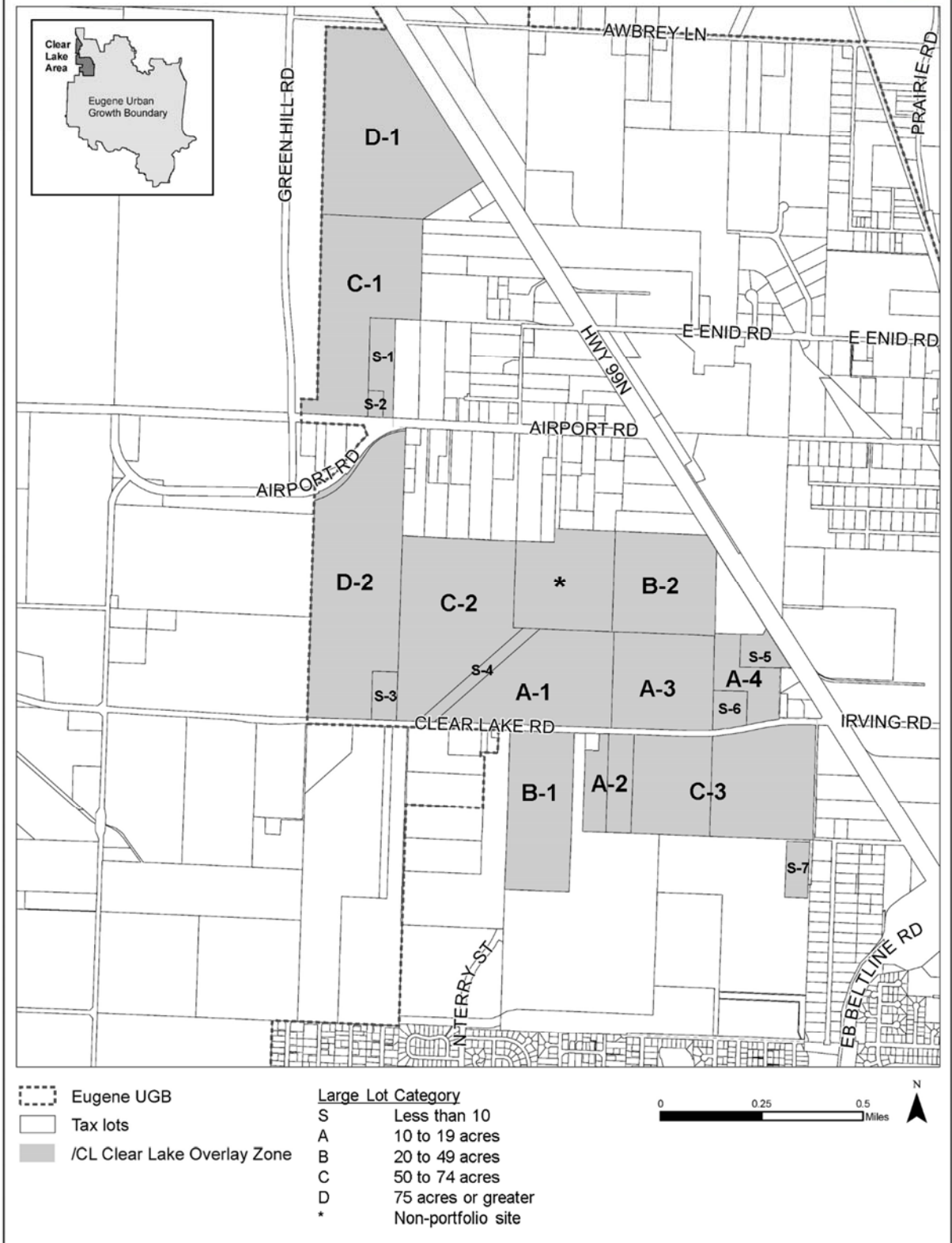
Clear Lake Area: Large Lot Portfolio – Lot Size Ranges, below. The lot standards in this section are intended to preserve the ability of this area to meet the portfolio of needed sites identified in Figure 9.4170 Clear Lake Area – Large Lot Portfolio.

Table 9.4170(1) Clear Lake Area: Large Lot Portfolio – Lot Size Ranges	
Large Lot Category (See Figure 9.4170)	Lot Size Range (Acres)
A	10 to 19
B	20 to 49
C	50 to 74
D	75 or greater

- (2) Tax lots in existence as of January 1, 2017 that are less than 10 acres in size and do not meet an identified portfolio need (identified in Figure 9.4170 as “S-#”) are not subject to additional lot size requirements that apply to other tax lots as identified below.
- (3) Tax lots in existence as of January 1, 2017 that meet an identified portfolio need (identified in Figure 9.4170 as A, B, C, or D) are prohibited from land division (partitions or subdivisions) with the exception of the tax lot shown as C-2/A-1, which is divided by a utility tax lot (S-4), and may partition only along those existing tax lot lines. Portfolio tax lots (A, B, C, or D) may pursue a property line adjustment (EC 9.8400), so long as the property line adjustment does not reduce either tax lot below its needed portfolio acreage (identified in Table 9.4170) of contiguous unconstrained land or result in an adjusted lot reduced to less than 10 acres in size. Unconstrained land is defined as land that is free from: slopes in excess of 5%, the Special Flood Hazard Area (i.e. FEMA mapped 100-year floodplain), Goal 5 protected areas, wetlands without a fill permit, or overlay zones that prohibit development such as the /WQ Water Quality Overlay Zone.
- (4) Tax lots in existence as of January 1, 2017 that are not expected to contribute to the large lot portfolio need due to existing natural constraints and future transportation corridors (identified in Figure 9.4170 as *) may pursue property line adjustments (EC 9.8400) so long as the adjusted lots are no less than 10 acres in size.
- (5) Tax lots in existence as of January 1, 2017 bisected by future street extensions will be eligible to pursue a partition along the right of way when right of way is established, provided that the partition does not result in any new lot of less than 10 acres in size.



Figure 9.4170
Clear Lake Area – Large Lot Portfolio



- Figure 9.4160 Clear Lake Overlay Area is added to the Eugene Code, 1971, as shown on Attachment 1 to this Exhibit.

- Section 9.4260 of the Eugene Code, 1971, is amended to provide as follows:

9.4260 **Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a comprehensive plan diagram amendment to apply the /ND Nodal Development designation shall be processed consistent with the applicable procedures for amending the comprehensive plan. Except as provided in EC 9.7820(3), rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the comprehensive plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.

- Section 9.4610 of the Eugene Code, 1971, is amended to provide as follows:

9.4610 **Applicability.** The /UL overlay zone applies to all unincorporated areas between the Eugene city limits and Eugene’s urban growth boundary. The provisions of the /UL overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies. The /UL overlay zone is automatically removed from land upon its annexation to the city.

- Subsection (3) of Section 9.4640 of the Eugene Code, 1971, is amended to provide as follows:

9.4640 **Annexation and/or Annexation Agreements.**

- (3) A consent to annexation agreement required by subsection (1) of this section shall provide for and be limited in its use to the following contingencies:
- (a) The annexation shall be contingent upon the city being contiguous to the area proposed to be annexed. For purposes of applying this paragraph, a property is not considered contiguous to the city unless it is contiguous to the main incorporated area of the city.
 - (b) The annexation shall be contingent upon the city’s ability to provide key urban facilities and services listed in the comprehensive plan to the area proposed to be annexed.

- Section 9.4700 of the Eugene Code, 1971, is amended to provide as follows:

9.4700 **Purpose of /WP Waterside Protection Overlay Zone.** The purpose of the /WP

Waterside Protection overlay zone is to protect water quality in designated waterways, riparian areas, and adjacent wetlands by maintaining an undeveloped setback area between these features and adjacent developed areas. Maintenance of this setback area is also intended to protect wildlife habitat and prevent property damage from storms and floods. The /WP overlay zone is intended to maintain or enhance open space areas adjacent to water features. These open space areas are important because they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff; provide habitat for wildlife and, where appropriate, can provide legally obtained access for channel maintenance. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities are proposed, site plan approval based on conformance with specified natural resource special standards (EC 9.2530 Natural Resource Zone Development Standards) is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the comprehensive plan and refinement plans that call for protection of riparian vegetation, wetlands, waterways, wildlife habitat, and surface and ground water quality.

- The lead in paragraph of subsection (1) of Section 9.4778 of the Eugene Code, 1971, is amended to provide as follows:

9.4778 /WQ Water Quality Overlay Zone – /WQ Management Area.

- (1) Except as provided in subsections (2), (3) or (4) the /WQ Management Area is that area depicted on the city’s adopted Water Quality Waterways Map, including any amendments made to it.

- Section 9.4800 of the Eugene Code, 1971, is amended to provide as follows:

9.4800 Purpose of /WB Wetland Buffer Overlay Zone. The purpose of the /WB overlay zone is to maintain or improve water quality within protected wetland sites identified in the West Eugene Wetlands Plan by maintaining an undeveloped setback area between the wetland and developed areas. Secondary benefits of buffers and setbacks include creating open space between the resource and adjacent uses, helping to maintain or improve wildlife habitat values and wetland hydrology, protecting the aesthetic value of the site and minimizing property damage from floods. The /WB overlay zone is also intended to maintain or enhance open space areas adjacent to wetlands identified for protection in the West Eugene Wetlands Plan. These open space areas are important because they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff; and provide habitat for wildlife. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities must occur, either conditional use permit or site review approval based upon conformance specified in EC 9.2530 Natural Resource Zone Development Standards is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the

comprehensive plan that call for protection of wetlands, wildlife habitat, and surface and ground water quality. The provisions of this overlay zone are also intended to address state and federal laws and policies that regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws.

- Subsection (3) of Section 9.6600 of the Eugene Code, 1971, is amended to provide as follows:

9.6600 **Purpose of Sign Standards.** The purpose of sections 9.6600 through 9.6680 is to establish standards for the design, quality of materials, construction, size, number, location, electrification, illumination, installation and maintenance of all signs and sign structures not located within a building. The regulations are not intended to, and do not restrict, the content of sign messages. The primary basis for the sign standards are:

(3) It is necessary to regulate the number, type and location of signs to implement the comprehensive plan, such as preserving views of natural land features, waterways, and distinct local and neighborhood areas. Proliferation of signs seriously detracts from the pleasure of observing the natural scenic beauty and the human environment of the city.

- Subsections (1) and (3) of Section 9.6791 of the Eugene Code, 1971, are amended to provide as follows:

9.6791 **Stormwater Flood Control.**

(1) **Purpose.** The purpose of EC 9.6791 is to protect life and property from flood and drainage hazards by maintaining the capacity of the city's stormwater conveyance system through the establishment of flood control regulations for stormwater runoff. These standards are also intended to ensure that urban stormwater discharged into Junction City Water Control District's flood control system meets the assigned downstream capacity of the District's system.

(3) **Standards.**

(a) Stormwater flood control facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in EC Chapters 6 and 7, and the stormwater flood control provisions and the facility design requirements set forth in the Stormwater Management Manual.

(b) Based on the Rational Method flow calculation, stormwater runoff from the development site for the flood control design storm shall be:

1. Discharged into existing stormwater flood control facilities that, considering all developments that have received tentative or final plan approval as of the date the applicant submits a complete application, have the capacity to handle the stormwater runoff; or
2. Retained or detained onsite; or
3. Discharged into a new stormwater flood control facility constructed by the applicant.

- (c) For development proposed within the area shown on Map 9.6791(3)(c) Special Stormwater Flood Control Area Map, the post-development peak flow rate shall not exceed the pre-development peak flow rate for the applicable flood control design storm unless the applicant submits documentation from Junction City Water Control District that the proposed flow rate is acceptable.

- Map 9.6791(3)(c) Special Stormwater Flood Control Area Map, is added to the Eugene Code, 1971, as shown on Attachment 2 to this Exhibit.
- Subsection (2)(a) of Section 9.6860 of the Eugene Code, 1971, is amended to provide as follows:

9.6860 **Street Right-of-Way Map.** The November 1999 Street Right-of-Way Map is an official map adopted by the city council by Ordinance No. 20181 designating the widths of street right-of-way and street paving for specific street segments. Any street segment for which no widths are designated on this map shall have the maximum widths for its classification as set forth in Table 9.6870 Right-of-Way and Paving Widths. The Street Right-of-Way Map may be amended or modified as follows:

- (2) **Criteria.** When entering an order concerning the Street Right-of-Way Map under subsection (1)(b) above the following criteria shall be considered:
 - (a) The comprehensive plan, refinement plans, transportation plan, special area studies and relevant adopted city policies and transportation goals.

- Subsection (1) of Section 9.6880 of the Eugene Code, 1971, is amended to provide as follows:

9.6880 **Purpose of Tree Preservation and Removal Standards.** Sections 9.6880 to 9.6885 establish standards for tree preservation and removal in a manner designed to:

- (1) Implement comprehensive plan and refinement plan policies related to vegetation preservation;

- Section 9.7000 of the Eugene Code, 1971, is amended to provide as follows:

9.7000 **Introduction.** Review of an application to annex property, divide land, develop or use property, or amend this land use code, the comprehensive plan, or a refinement plan, shall be processed as provided in sections 9.7000 through 9.7885.

- Subsections (1) and (5) of Section 9.7007 of the Eugene Code, 1971, are amended to provide as follows:

9.7007 Neighborhood/Applicant Meetings.

- (1) This section applies to the following types of applications:
- (a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews;
 - (b) Type III: Only conditional use permits and tentative planned unit developments;
 - (c) Type IV applications that are not city-initiated;
 - (d) Metro Plan amendments that are not city-initiated.
 - (e) Within the /CL Clear Lake Overlay zone: development permits for a new building, change of use, building expansion that exceeds 25 percent of the existing building square footage on the development site, and land use applications (except Type I applications).
- (5) The applicant shall mail notice of the meeting:
- (a) At least 14 days and no more than 28 days prior to the meeting;
 - (b) To:
 - 1. Owners and occupants of properties:
 - a. within 300 feet of the subject property for Type II and IV applications (except as provided below in subsection (5)(b)1.b.); or
 - b. within 500 feet of the subject property for Type III applications, Metro Plan amendments, and development permits and land use applications listed in subsection (1)(e), above;
 - 2. Any city-recognized neighborhood associations whose boundaries are within 300 feet of the subject property;
 - 3. The city planning director;
 - 4. The city engineer; and
 - 5. For applications within the /CL Clear Lake Overlay Zone, the Lane Regional Air Protection Agency, Lane County Public Health Department, and the City’s Toxics Right-to-Know program; and
 - (c) That states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.

- Table 9.7055 in Section 9.7055 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Adjustment Review						
- Minor	II	D	A			
- Major	II	D			A	
Annexations (See EC 9.7800)						D

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Cluster Subdivision	II	D	A			
Code Amendment	V				R	D
Conditional Use Permit	III		D		A	
Conditional Use Permit, Modification	II	D	A			
Design Review	II	D	A			
Design Review, Modification	II	D	A			
Envision Eugene Comprehensive Plan Amendment	IV or V				R	D
Extra-Territorial Extension of Water or Sewer Service						D
Hazardous Materials Review	II	D	A			
Historic Landmark (Local):						
- Designation	III			D	A	
- Removal of Designation	I	D				
Historic Property:						
- Alteration	II	D		A		
- Demolition	II	D		A		
- Moving	II	D		A		
Metro Plan Amendment	N/A (See EC 9.7700)				R	D
Partition:						
- Tentative Plan	II	D	A			
- Final Plat	I	D				
Planned Unit Development:						
- PUD Tentative Plan	III		D		A	
- PUD Final Plan	II	D	A			
- PUD Modification	II	D	A			
Property Line Adjustment	I	D				
Refinement Plan Amendment	IV or V				R	D
Site Review	II	D	A			
Site Review, Modification	II	D	A			
Standards Review	II	D	A			
Street Name Change	IV				R	D
Subdivision:						
- Tentative Plan	II	D	A			
- Final Plat	I	D				
Temporary Manufactured Dwelling Hardship Permit	I	D				
Temporary Manufactured Dwelling Hardship Permit, Renewal	I	D				
Traffic Impact Analysis Review	II	D	A			
Vacations:						
- Unimproved Easement	I	D				
- Undeveloped Plat						D

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
- Unimproved Public Right-of-way, Improved Public Easements	II	D	A			
- Vacation and Re-dedication of Unimproved Public Right-of-way	II	D	A			
- Vacation of Improved Public Right-of-way, and vacation of any public way acquired with public funds						D
Variance	II	D	A			
WQ Water Quality Overlay Zone - Map or Zone Error (See EC 9.4786)	II	D	A			
WR Water Resources Conservation Overlay Zone - Map or Zone Error (See EC 9.4960)	I or II	D	A			
Willamette Greenway Permit	III		D		A	
Willamette Greenway Permit, Modification	II	D	A			
Zone Change	III		D		A	
Zone Change, concurrent with a refinement plan, land use code, Envision Eugene Comprehensive Plan or Metro Plan amendment shall follow applicable procedure for each type of amendment.						

- Section 9.7305 of the Eugene Code, 1971, is amended to provide as follows:

9.7305 Type III Application Requirements and Criteria Reference. The following applications are typically reviewed under the Type III review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7305. To accommodate a request for concurrent review, the city may instead review multiple applications according to the highest applicable type.

Table 9.7305 Type III Application Requirements and Criteria	
Type III Applications	Beginning Reference
Adjustment Review (when part of a Type III Application)	EC 9.8015
Conditional Use Permits (CUP)	EC 9.8075
Historic Landmark Designation	EC 9.8150

Table 9.7305 Type III Application Requirements and Criteria	
Type III Applications	Beginning Reference
Planned Unit Development, Tentative Plan	EC 9.8300
Willamette Greenway Permit	EC 9.8800
Zone Changes*	EC 9.8850

*Zone changes processed concurrently with an Envision Eugene Comprehensive Plan or Metro Plan amendment, the adoption or amendment of a refinement plan, or a land use code amendment shall follow the applicable procedure for the amendment. A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260. Removal of the /WQ overlay zone is controlled by EC 9.4786. Removal of the /WR overlay zone is controlled by EC 9.4960.

- Section 9.7400 of the Eugene Code, 1971, is amended to provide as follows:

9.7400 General Overview of Type IV Application Procedures. The Type IV process provides for a quasi-judicial review by the planning commission and city council of applications that involve a specific site. The Type IV process includes public notice and a public hearing. A public hearing is held before the planning commission, which forwards a recommendation to the city council. The city council holds a public hearing before making a final decision. The city council’s decision is based on compliance with applicable approval criteria in this land use code. (For Metro Plan amendments, instead of Type IV procedures, refer to EC 9.7700 through EC 9.7735.)

- Section 9.7405 of the Eugene Code, 1971, is amended to provide as follows:

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

Table 9.7405 Type IV Application Requirements and Criteria	
Type IV Applications	Beginning Reference
Envision Eugene Comprehensive Plan Amendments, Site Specific Change	EC 9.8070
Refinement Plan Amendment, Site Specific Change	EC 9.8421
Street Name Change	EC 9.8475
Zone Changes Processed Concurrent with a site specific Envision Eugene Comprehensive Plan or Refinement Plan amendment*	EC 9.8850

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

- Section 9.7500 of the Eugene Code, 1971, is amended to provide as follows:

9.7500 **General Overview of Type V Application Procedures.** Type V applications provide for a legislative review by the planning commission and city council of changes to this land use code, amendments to refinement plans that include policies or map changes that are broad in scope (not limited to a specific site), and adoption of an entire update to a refinement plan. The Type V process includes public notice and a public hearing before the planning commission, which forwards a recommendation to the city council. The city council holds a public hearing before making a final decision. The city council’s decision is based on compliance with the applicable criteria of this land use code. (For Metro Plan amendments, instead of Type V procedures, refer to EC 9.7700 through EC 9.7735.)

- Table 9.7505 in Section 9.7505 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.7505 Type V Application Requirements and Criteria	
Type V Applications	Beginning Reference
Envision Eugene Comprehensive Plan Amendments to policies and/or maps that are not limited to a specific site	EC 9.8070
Land Use Code Amendments	EC 9.8060
Refinement Plan Amendments to policies and/or maps that are not limited to a specific site	EC 9.8421
Refinement Plan Adoption or Update	EC 9.8421
Zone Change concurrent with a Code Amendment	EC 9.8850
Special Area Zone Establishment or Amendment	EC 9.3000

- Section 9.7510 of the Eugene Code, 1971, is amended to provide as follows:

9.7510 **City-Initiation of Applications.** The city council may initiate a Type V application on its own behalf, or in response to a person’s written request filed with the planning director that the city council initiate a land use code, refinement plan or Envision Eugene Comprehensive Plan amendment. A copy of any staff report shall be mailed to the person requesting initiation of the amendment and, if the request is for a refinement plan amendment, the neighborhood group that includes the area of the refinement plan, at the same time that it is provided to the planning commission.

- Section 9.7800 of the Eugene Code, 1971, is amended to provide as follows:

9.7800 **Annexation – Purpose.** The provisions of EC 9.7800 – 9.7835 are intended to implement state law, the Statewide Planning Goals and the comprehensive plan by

providing procedures for the review of proposals to annex land to the city and the subsequent withdrawal of such land from public service districts.

- Subsection (3) and Table 9.7820 of Section 9.7820 of the Eugene Code, 1971, are amended to provide as follows:

9.7820 Annexation – Procedures.

- (3) Land annexed to the city according to the procedures in EC 9.7800 – 9.7835 shall be automatically rezoned as of the effective date of the annexation from Lane County land zones and zoning overlays to equivalent Eugene zones and overlay zones as shown in Table 9.7820 Equivalent Zones and Overlay Zones.

Table 9.7820 Equivalent Zones and Overlay Zones			
Urbanizable Land Zones		Eugene Zones	
AG/UL	Agricultural	AG	Agricultural, except as provided in (c), below.
PL/UL	Public Land	PL	Public Land
R-1/UL	Low-Density Residential	R-1	Low Density Residential
R-2/UL	Medium-Density Residential	R-2	Medium Density Residential
GO/UL	General Office	GO	General Office
C-1/UL	Neighborhood Commercial	C-1	Neighborhood Commercial
C-2/UL	Community Commercial	C-2	Community Commercial
I-2/UL	Light-Medium Industrial	I-2	Light-Medium Industrial
I-3/UL	Heavy Industrial	I-3	Heavy Industrial
Urbanizable Land Zoning Overlay		Eugene Overlay Zones	
/SR	Site Review	/SR	Site Review
/CAS	Commercial Airport Safety	/CAS	Commercial Airport Safety
/WR	Water Resources Conservation	/WR	Water Resources Conservation
/CL	Clear Lake	/CL	Clear Lake

- (a) Land that is also within an area identified as a Nodal Development Area on the comprehensive plan diagram shall be automatically included in the Eugene /ND Nodal Development Overlay Zone.
- (b) A parcel that was identified on Exhibit C to Ordinance No. 20430 (as amended by Ordinance No. 20584) as a parcel to which the /WQ Water Quality Overlay Zone should be applied upon annexation, or any portion of such a parcel that contains a /WQ Management Area, will also automatically be changed to include the /WQ Overlay Zone.
- (c) A parcel in the Clear Lake area shall be automatically rezoned to the base zone depicted for that parcel on Figure 9.7820(3)(c) Clear Lake Zoning Upon Annexation.
- (d) A parcel in the Santa Clara area shall be automatically rezoned to the base zone depicted for that parcel on Figure 9.7820(3)(d) Santa Clara Zoning Upon Annexation.
- (e) The official city zoning map shall be amended to reflect the automatic changes of zone described in this subsection.

- Figure 9.7820(3)(c) is added to the Eugene Code, 1971, as shown on Attachment 3 to this Exhibit.
- Figure 9.7820(3)(d) is added to the Eugene Code, 1971, as shown on Attachment 4 to this Exhibit.
- Map 9.8010 of the Eugene Code, 1971, is amended as shown on Attachment 5 to this Exhibit.
- Section 9.8010 of the Eugene Code, 1971, is amended to provide as follows:

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

Table 9.8010 List of Adopted Plans	
Bethel-Danebo Refinement Plan (Phase II)	River Road-Santa Clara Urban Facilities Plan
Bethel-Danebo Refinement Plan	Riverfront Park Study
Comprehensive Stormwater Management Plan	South Hills Study
Downtown Riverfront Specific Area Plan	South Willamette Subarea Study
Envision Eugene Comprehensive Plan	TransPlan (Metro Area Transportation Plan)
Eugene Downtown Plan	Walnut Station Specific Area Plan
Eugene-Springfield Metropolitan Area General Plan (Metro Plan)	West University Refinement Plan
Eugene 2035 Transportation System Plan	Westside Neighborhood Plan
Fairmount/U of O Special Area Study	Whiteaker Plan
Jefferson/Far West Refinement Plan	Willakenzie Area Plan
Laurel Hill Neighborhood Plan	Willow Creek Special Area Study
19 th and Agate Special Area Study	

- The lead in paragraph of subsection (24) of Section 9.8030 of the Eugene Code, 1971, is amended and a new subsection (36) is added to provide as follows:

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

(24) Stormwater Quality, Flow Control, Oil Control and Source Control Standards Adjustment. (Adjustments under this subsection are not

permitted within the /CL Clear Lake Overlay Zone.)

- (36) **/CL Clear Lake Overlay Zone.** Where EC 9.4165 provides that the development standards of the /CL Clear Lake Overlay Zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The Purpose of the zone (EC 9.4150);
 - (b) Development impacts will have negligible effects on school and park users, surrounding residents, and the environment, and alternative mitigation measures will be employed to offset the proposed adjustment;
 - (c) Development will increase access to open space and improve ecological functions of natural features on-site;
 - (d) Development is consistent with local and regional economic development goals (e.g., it is one of the targeted industries from the City's Economic Opportunities Analysis or Regional Prosperity Plan (2010)).

- Subsection (2) of Section 9.8065 of the Eugene Code, 1971, is amended to provide as follows:

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

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

- Sections 9.8070, 9.8072, 9.8073 and 9.8074 of the Eugene Code, 1971, are added to provide as follows:

9.8070 **Envision Eugene Comprehensive Plan Amendment - Purpose.** The Envision Eugene Comprehensive Plan is intended to reflect the community's long-term vision. The Envision Eugene Comprehensive Plan must be flexible to adapt to changing conditions and emerging needs in the community and to respond to new data that relates to assumptions and projections in the plan. To ensure the plan remains effective, desirable and relevant, amendments are expected. The provisions of EC 9.8070 through EC 9.8074 set out the procedures and criteria that apply to amendments to the Envision Eugene Comprehensive Plan. These procedures apply to all amendments to the Envision Eugene Comprehensive Plan, whether a minor revision to a portion of the plan or a comprehensive update to the plan.

9.8072 **Envision Eugene Comprehensive Plan Amendment - Applicability.** EC 9.8070 through EC 9.8074 apply only to amendments to the Envision Eugene Comprehensive Plan. For procedures and criteria applicable to amendments to the Eugene-Springfield Metropolitan Area General Plan, see EC 9.7700. For procedures and criteria applicable to amendments to refinement plans, see EC 9.8421.

9.8073 Envision Eugene Comprehensive Plan Amendment – Application and Approval Process.

- (1) **Initiation.** Amendments to the Envision Eugene Comprehensive Plan may be proposed only as described in this subsection. The city council may initiate consideration of any amendment to the Envision Eugene Comprehensive Plan without the need for an application form.
- (2) **Approval Process.**
 - (a) Proposed amendments to the Envision Eugene Comprehensive Plan shall be reviewed under the Type IV process for site-specific amendments pursuant to EC 9.7400 – 9.7455 or, otherwise, a Type V process pursuant to EC 9.7500 – 9.7560.
 - (b) A proposed amendment to the Envision Eugene Comprehensive Plan requires approval of both the City of Eugene and Lane County only when the proposed amendment would apply to land located between the Eugene city limits and the Eugene urban growth boundary. Except as provided in subsection (c), below, when an amendment to the Envision Eugene Comprehensive Plan requires approval of both the City of Eugene and Lane County, both jurisdictions shall follow the EC Type IV or Type V process, with a joint hearing held before the Eugene planning commission and the Lane County planning commission and a joint hearing held before the city council and the board of commissioners. Deliberations may be held separately.
 - (c) If a proposed amendment to the Envision Eugene Comprehensive Plan is being reviewed concurrently with a proposed amendment to the Metro Plan, the Metro Plan amendment process shall be used to consider both proposed amendments instead of the Type IV or V process.

9.8074 Envision Eugene Comprehensive Plan Amendment - Amendment Approval Criteria.

If the city council decides to act, the application shall be approved, approved with modifications or denied based on compliance with the following criteria:

- (1) The proposed amendment is consistent with the Statewide Planning Goals.
- (2) The proposed amendment is consistent with the Eugene-Springfield Metropolitan Area General Plan.
- (3) The proposed amendment is consistent with the remaining portions of the Envision Eugene Comprehensive Plan.
- (4) The proposed amendment will not result in a deficit in the city's needed supply of employment or residential land, based on the most recently adopted and acknowledged employment land study or residential land study.

- Section 9.8085 of the Eugene Code, 1971, is amended to provide as follows:

9.8085 Conditional Use Permit Application Requirements. Conditional use applications shall be processed in accordance with the application procedures contained in EC 9.7000 through 9.7885, Application Procedures. When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of

that conditional use permit. If the proposal includes needed housing, as defined by state law, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria - General instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria - Needed Housing.

- Subsections (5)(a)1., (8)(a) and (8)(f)2. of Section 9.8090 of the Eugene Code, 1971, are amended to provide as follows:

- 9.8090** **Conditional Use Permit Approval Criteria - General.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:
- (5) The proposal is designed and sited to minimize impacts to the natural environment by addressing the following:
- (a) Protection of Natural Features.
1. For areas not included on the city’s acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
- a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under state or federal law), and native plant communities.
- b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under state or federal law).
- c. Prominent topographic features, such as ridgelines and rock outcrops.
- d. Wetlands, intermittent and perennial stream corridors and riparian areas.
- e. Natural resource areas designated in the comprehensive plan diagram as “Natural Resource” and areas identified in any city-adopted natural resource inventory.
- (8) The proposal complies with all applicable standards, including but not limited to:
- (a) EC 9.2000 through 9.4170 regarding lot dimensions, solar standards, and density requirements for the subject zone and overlay zone;
- (f) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category, it shall achieve the minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards, unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit. For purposes of calculating “net density,” the acreage of land considered shall include the entire development site and exclude public property, such as public streets, parks, and other public facilities. In considering whether to grant a modification to the density requirements, the hearing official shall evaluate the following factors:
2. The necessity of the development site to be developed with residential uses to be able to achieve the minimum residential density for the area designated on the comprehensive plan

diagram for either medium- or high-density residential use.

- Subsection (3) of Section 9.8100 of the Eugene Code, 1971, is amended to provide as follows:

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

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.
- (3) For areas not included on the city’s acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with all of the following:
 - (a) The proposal complies with EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.
 - (b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource” are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.

- Section 9.8115 of the Eugene Code, 1971, is amended to provide as follows:

9.8115 **Extra-Territorial Extension of Water or Sewer Service – Purpose.** Sections 9.8115 through 9.8121 govern the approval of requests that the city extend water service or sewer service from inside the city limits to serve property located outside of the city limits. Except as specifically permitted in EC 9.8121, extensions may not go beyond the urban growth boundary. These regulations are intended to accomplish the orderly development of land within the urban growth boundary, ensure the adequate provision of public facilities and services, protect the public health and safety of the community and enable development to occur consistent with applicable provisions of the comprehensive plan. Terms and criteria may be more specifically explained in adopted city resolutions concerning extra-territorial extensions.

- Section 9.8200 of the Eugene Code, 1971, is amended to provide as follows:

9.8200 **Purpose of Partitions, Tentative Plan.** Sections 9.8200 through 9.8245 govern the approval of partitions. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public

facilities and services, protect the public health and safety of the community and enable development to occur consistent with applicable provisions of the comprehensive plan.

- Subsection (1)(a) of Section 9.8215 of the Eugene Code, 1971, is amended to provide as follows:

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

- (1) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
 - (a) Lot standards of EC 9.2000 through 9.4170 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would occupy either:
 - 1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
 - 2. The /WQ Management Area.

- Subsection (5)(a) of Section 9.8220 of the Eugene Code, 1971, is amended to provide as follows:

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

- (5) If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:
 - (a) The proposed land uses and densities within the partition are consistent with the land use designation(s) shown on the comprehensive plan diagram, as refined in any applicable refinement plan.

- Subsections (4)(a)1.e., (4)(a)2.a.(2), and (10)(a) of Section 9.8320 of the Eugene Code, 1971, are amended to provide as follows:

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

- (4) The PUD is designed and sited to minimize impacts to the natural environment by addressing the following:
 - (a) Protection of Natural Features.
 - 1. For areas not included on the City's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
 - e. Natural resource areas designated in the comprehensive plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.
 - 2. For areas included on the City's acknowledged Goal 5 inventory:
 - a. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will:
 - (2) Avoid conversion of natural resource areas designated in the comprehensive plan to urban uses when alternative locations on the property are suitable for development as otherwise permitted.
- (10) The PUD complies with the following:
 - (a) EC 9.2000 through 9.4170 regarding lot dimensions, solar standards, and density requirements for the subject zone and overlay zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would occupy either:
 - 1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
 - 2. The /WQ Management Area.

- Subsections (1), (2) and (4)(b) of Section 9.8325 of the Eugene Code, 1971, are amended to provide as follows:

- 9.8325** **Tentative Planned Unit Development Approval Criteria - Needed Housing.** The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria - General, where the applicant proposes needed housing, as defined by the state statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:
- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.
 - (2) The proposed land uses and densities within the PUD are consistent with the land use designation(s) shown on the comprehensive plan diagram, as refined in any applicable refinement plan.
 - (4) For areas not included on the city's acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with all of the following:
 - (b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.

- Section 9.8421 of the Eugene Code, 1971, is amended to provide as follows:

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

- Subsection (1) of Section 9.8424 of the Eugene Code, 1971, is amended to provide as follows:

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

- (1) The refinement plan amendment is consistent with all of the following:
 - (a) Statewide planning goals.
 - (b) Applicable provisions of the comprehensive plan.
 - (c) Remaining portions of the refinement plan.

- Subsection (2)(a)1. and (5)(a) of Section 9.8440 of the Eugene Code, 1971, is amended to provide as follows:

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:

- (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 comprehensive plan diagram as “Natural Resource” and areas identified in any city-adopted natural resource inventory.
- (5) The proposal complies with all of the following standards:
- (a) EC 9.2000 through 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone;

- Subsection (3) of Section 9.8445 of the Eugene Code, 1971, is amended to provide as follows:

- 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 state statutes, the planning director shall approve or approve with conditions a site review based on compliance with the following criteria:
- (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 comprehensive plan diagram as “Natural Resource” are protected.

- Section 9.8500 of the Eugene Code, 1971, is amended to provide as follows:

- 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 comprehensive plan.

- Subsections (1)(a), (4) and (7)(a)1. of Section 9.8515 of the Eugene Code, 1971, are amended to provide as follows:

- 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 all of the following, unless specifically exempt from compliance through a code provision applicable to a special area

zone or overlay zone:

- (a) EC 9.2000 through 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone. Within the *WR* Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would occupy either:
 - 1. The combined area of the *WR* conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
 - 2. The *WQ* Management Area.
- (4) The proposed subdivision will be consistent with the property's designation in the comprehensive plan and applicable adopted plan policies as reflected in the sections beginning at EC 9.9500.
- (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 comprehensive plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.

- Subsections (2) and (7) of Section 9.8520 of the Eugene Code, 1971, are amended to provide as follows:

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:

- (2) The proposed land uses and densities are consistent with the land use designation(s) shown on the comprehensive plan diagram, as refined in any applicable refinement plan.
- (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 comprehensive plan diagram as “Natural Resource.”

- Section 9.8550 of the Eugene Code, 1971, is amended to provide as follows:

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 comprehensive plan.

- Section 9.8850 of the Eugene Code, 1971, is amended to provide as follows:

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

- Section 9.8855 of the Eugene Code, 1971, is amended to provide as follows:

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 a refinement plan, the Envision Eugene Comprehensive 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 involves a concurrent amendment of the Metro Plan, in which case the zone change shall be processed consistent with the Metro Plan Amendment Procedures as provided in EC 9.7700 through 9.7730.
- (5) 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.

- (6) The proposed zone change is to remove the /WR Water Resources Conservation Overlay Zone, in which case the zone change shall be processed as described in EC 9.4960.
- (7) The proposed zone change is to remove the /WQ Water Quality Overlay Zone, in which case the zone change shall be processed as described in EC 9.4786.

- Subsection (4) of Section 9.8865 of the Eugene Code, 1971, is amended to provide as follows:

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

- (4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:
 - (a) EC 9.2150 Commercial Zone Siting Requirements.
 - (b) EC 9.2430 Employment and 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 9.3055 S-C Chambers Special Area Zone Siting Requirements.
 - (h) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.
 - (i) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.
 - (j) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
 - (k) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
 - (l) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.
 - (m) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
 - (n) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
 - (o) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
 - (p) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.
 - (q) EC 9.4160 /CL Clear Lake Overlay Zone Siting Requirements.
 - (r) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
 - (s) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
 - (t) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).
 - (u) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).
 - (v) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
 - (w) An uncodified ordinance establishing a site specific S-H Historic Special

Area Zone, a copy of which is maintained at the city's planning and development department.

- Section 9.9530 of the Eugene Code, 1971, is repealed.
- Section 9.9560 of the Eugene Code, 1971, is amended by deleting subsections (1) and (2) and renumbering the subsequent subsections to provide as follows:

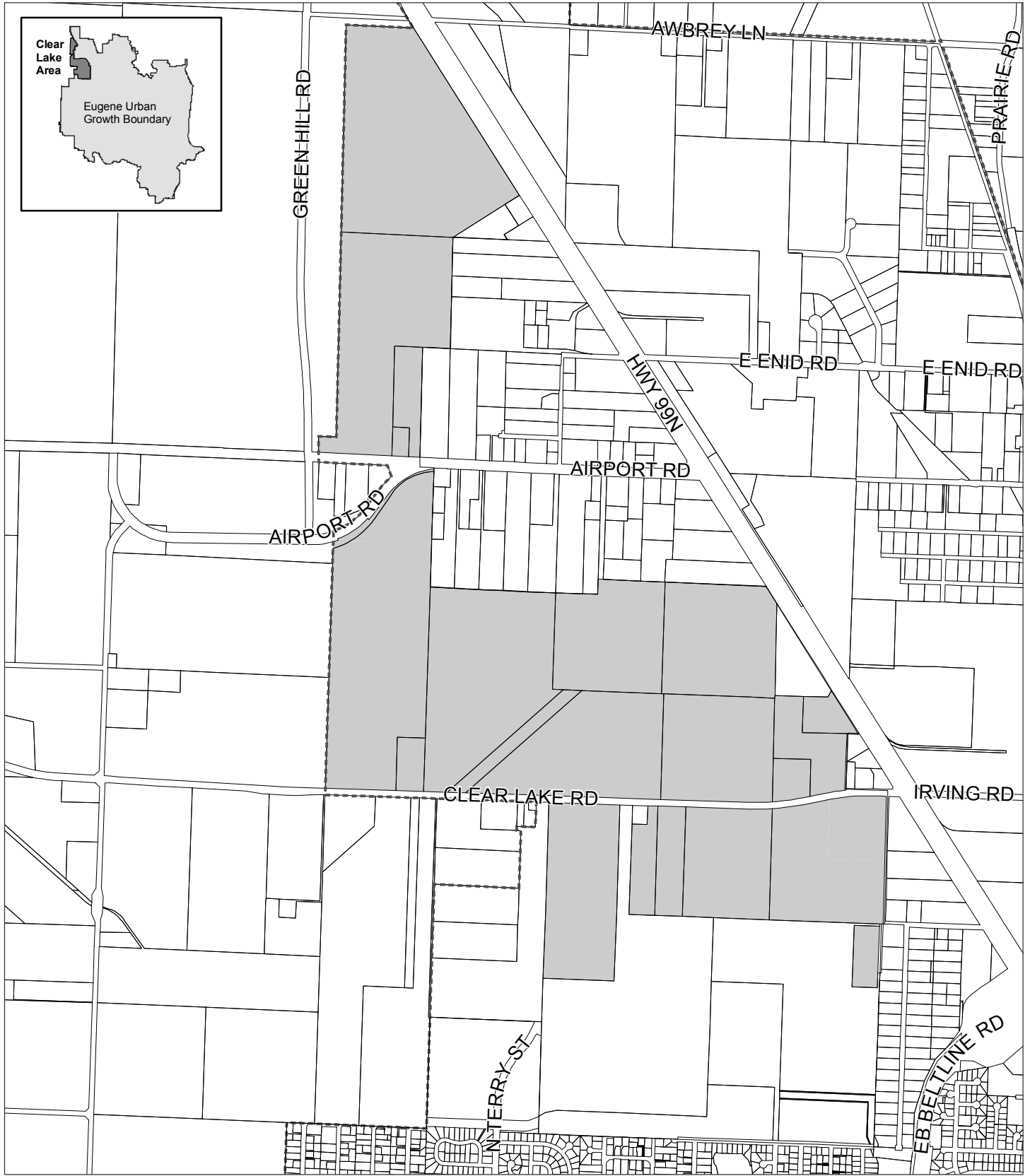
9.9560 Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

- (1) 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)
- (2) 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)
- (3) 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)

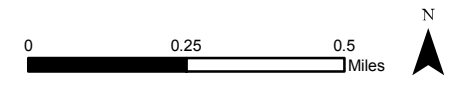
Figure 9.4160

Clear Lake Overlay Zone

Eugene Ordinance Exhibit E - Attachment 1
[Lane County Ordinance Exhibit A - Attachment 1]



- Eugene UGB
- /CL Clear Lake Overlay Zone
- Tax lots



July 2017



Special Stormwater Flood Control Area

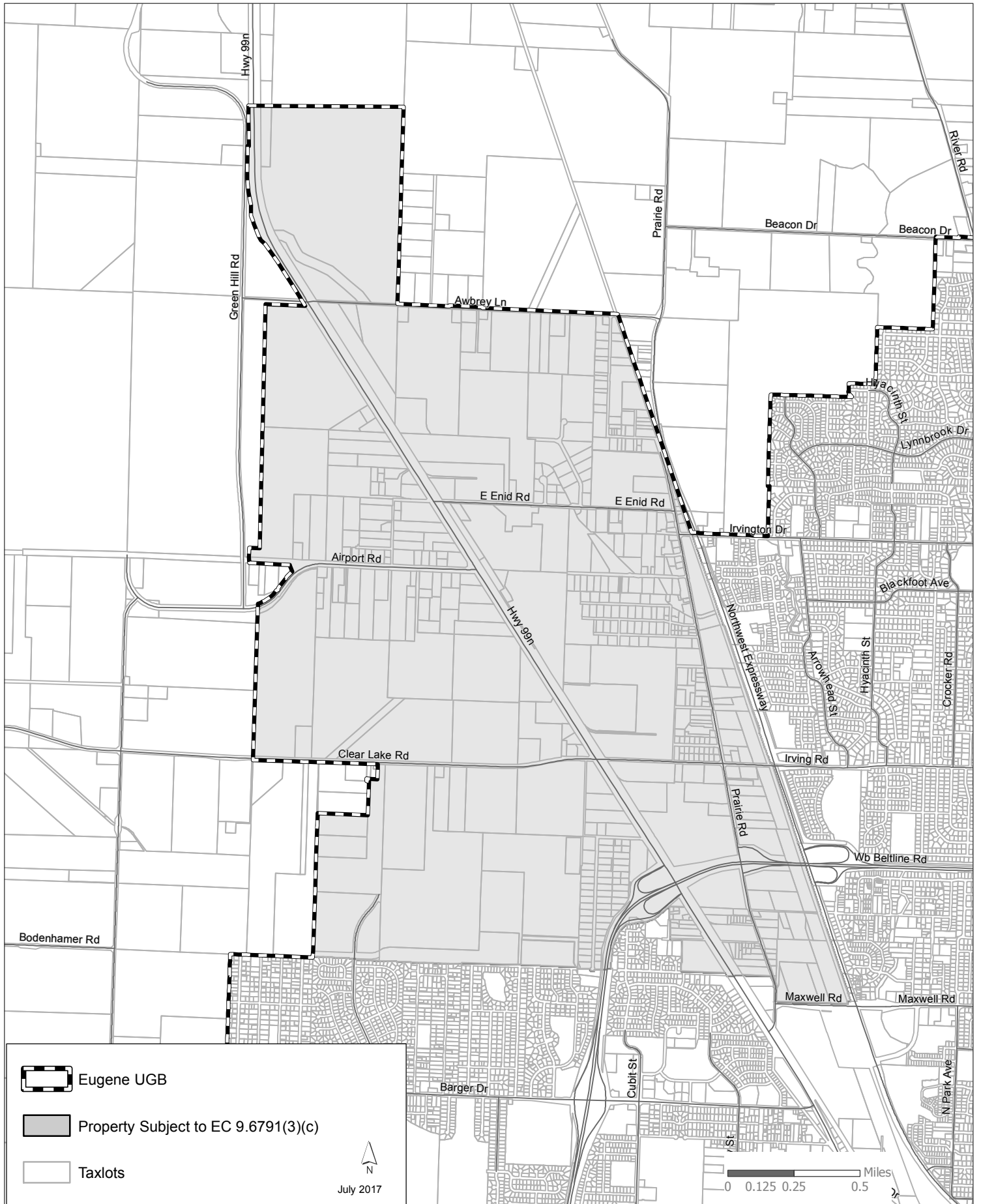
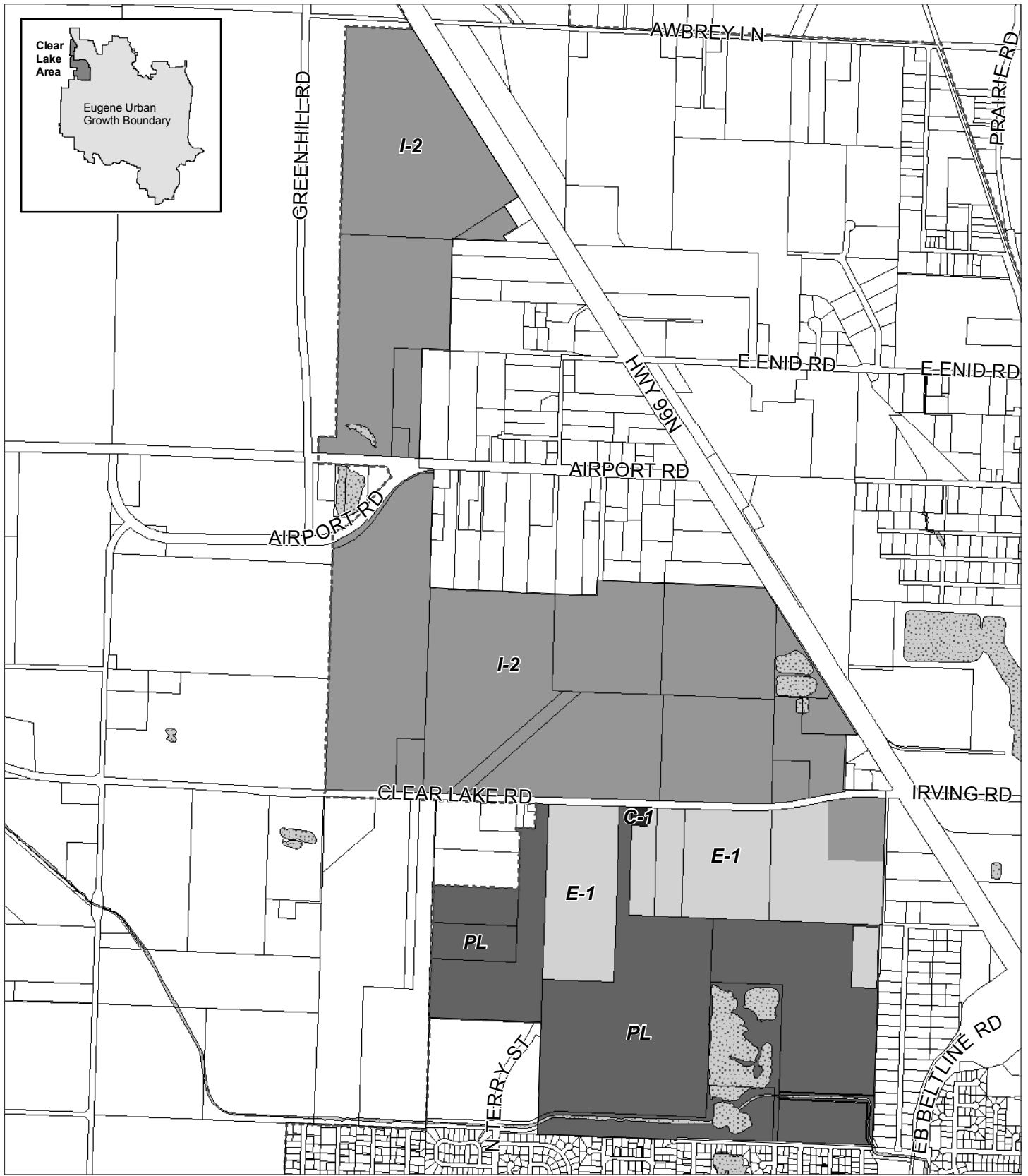


Figure 9.7820(3)(c)



Clear Lake Zoning Upon Annexation



Eugene UGB	Zoning Upon Annexation
Tax lots	E-1 Campus Employment
Water Bodies	I-2 Light-Medium Industrial
	PL Public Land
	C-1 Neighborhood Commercial

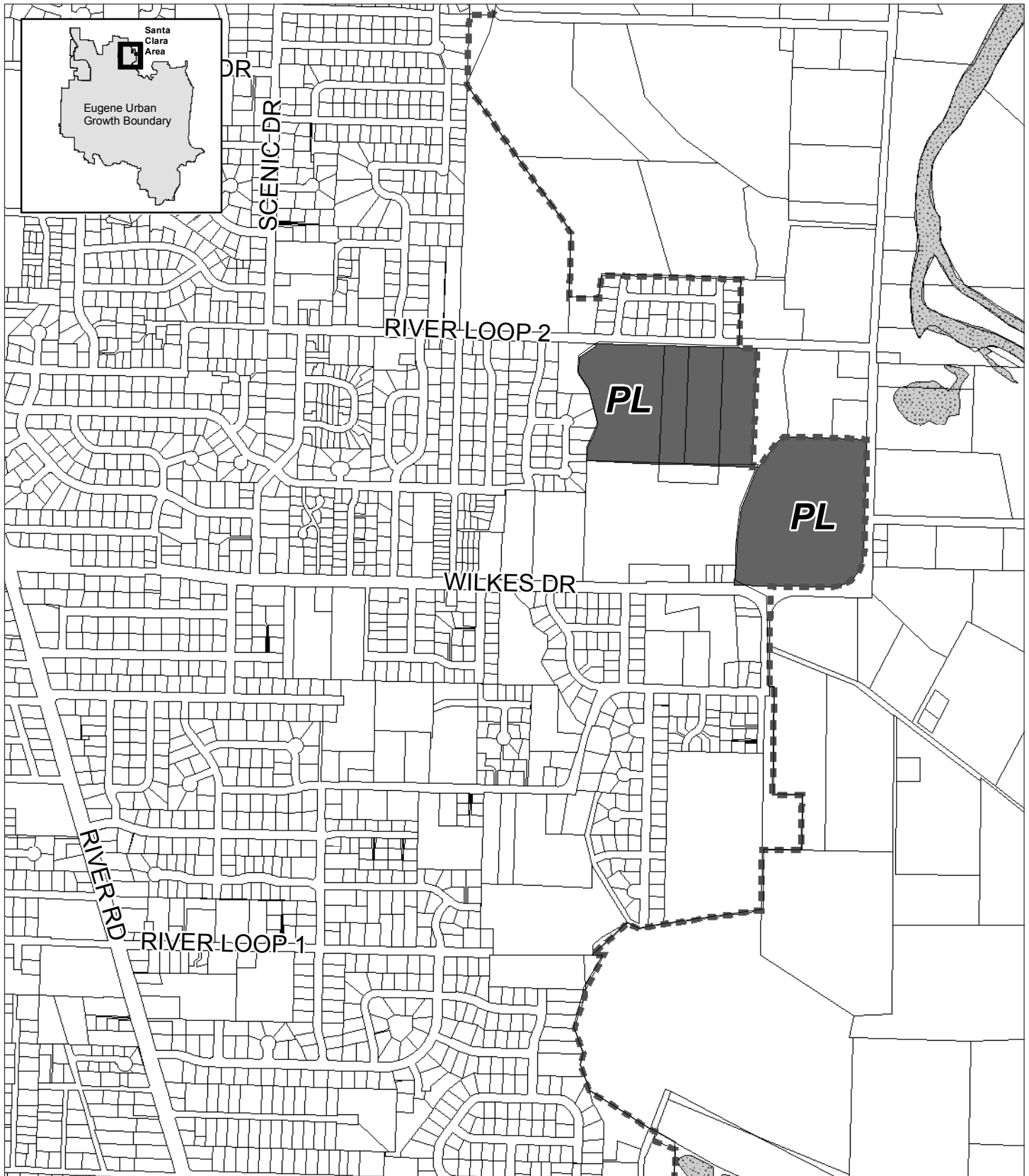
0 0.25 0.5 Miles





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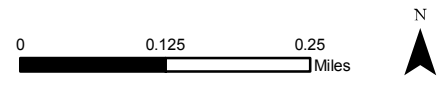
Figure 9.7820(3)(d)



Santa Clara Zoning Upon Annexation



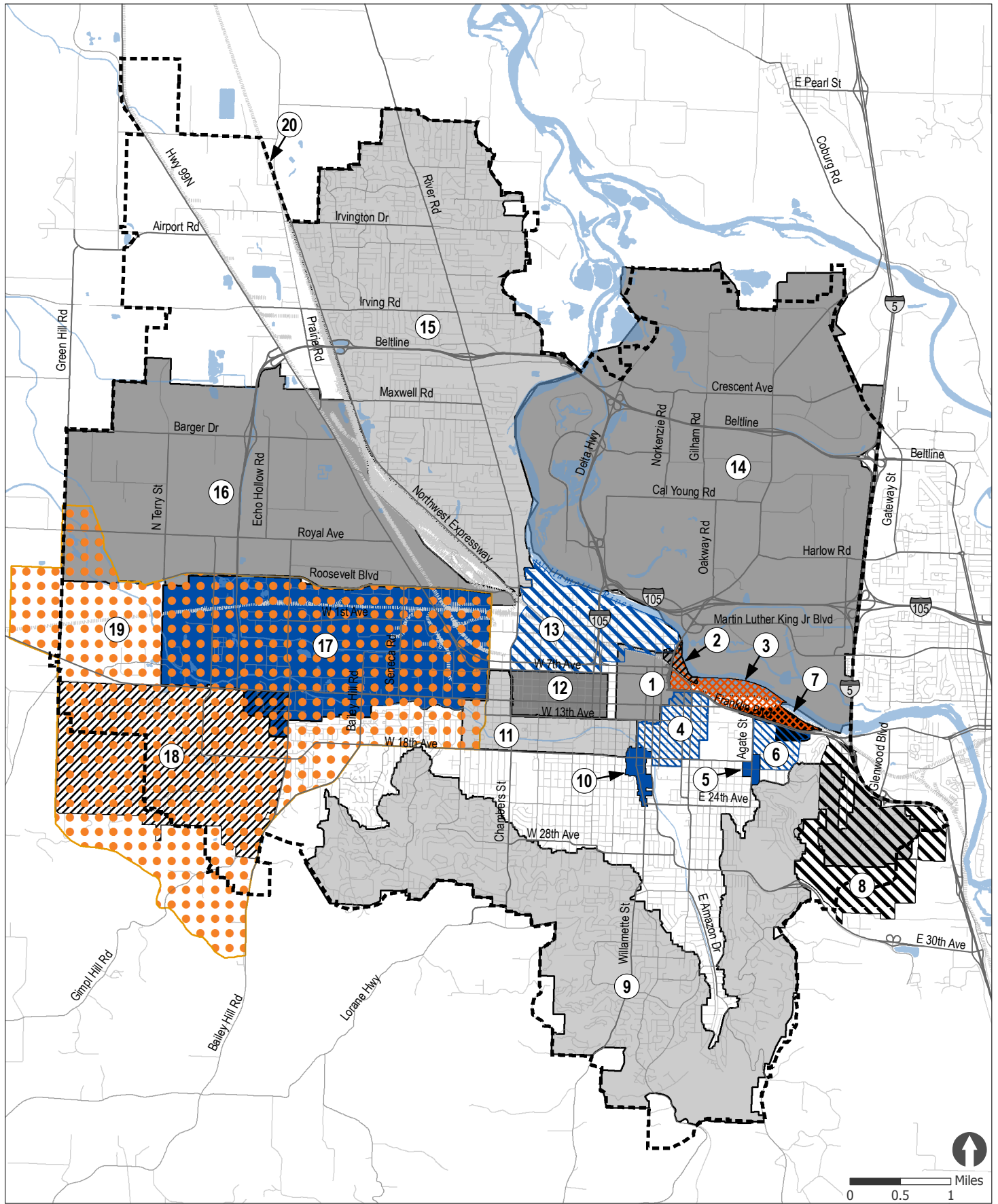
 Eugene UGB **Zoning Upon Annexation**
 Tax lots  PL Public Land
 Water Bodies



July 2017

Map 9.8010 Adopted Plans




















Eugene Ordinance Exhibit E - Attachment 5
[Lane County Ordinance Exhibit A - Attachment 5]



Map 9.8010 Adopted Plans Legend




Map Legend

-  1, Eugene Downtown Plan
-  2, Downtown Riverfront Specific Area Plan
-  3, Riverfront Park Study
-  4, West University Refinement Plan
-  5, 19th & Agate Special Area Study
-  6, Fairmount/University of Oregon Special Area Plan
-  7, Walnut Station Specific Area Plan
-  8, Laurel Hill Neighborhood Plan
-  9, South Hills Study
-  10, South Willamette Subarea Study
-  11, Jefferson/Far West Refinement Plan
-  12, Westside Neighborhood Plan
-  13, Whiteaker Plan
-  14, Willakenzie Area Plan
-  15, River Road - Santa Clara Urban Facilities Plan
-  16, Bethel-Danebo Refinement Plan
-  17, Bethel-Danebo Neighborhood Refinement Plan Phase II
-  18, Willow Creek Special Area Study
-  19, West Eugene Wetlands Plan

City or Metropolitan Area Plans

- Envision Eugene Comprehensive Plan = UGB
- Eugene 2035 Transportation System Plan = UGB + Airport Master Plan Area (not shown)
- Comprehensive Stormwater Management Plan = Eugene City Limits (not shown)
- Metro Plan = Eugene-Springfield Metropolitan Area (not shown)
- TransPlan = Eugene-Springfield Metropolitan Area (not shown)

This map is intended as general reference for the boundaries of plans adopted by the Eugene City Council. For specific boundaries, please refer to the plan. Map prepared by Eugene Planning and Development Department. (Some plans have overlapping boundaries.)

 Urban Growth Boundary (UGB)