

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: An Ordinance Concerning Urban Animal Keeping Standards; and Amending Sections 9.2010, 9.2682, 9.2740, 9.3115, 9.3210, 9.3310, 9.3810, 9.3910, and 9.5250 of the Eugene Code, 1971, and Section 4.996 of that Code
(City File CA 12-2)

Meeting Date: February 11, 2013
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Kristie Brown
Contact Telephone Number: 541-682-6041

ISSUE STATEMENT

The City Council will hold a work session on a package of land use code amendments related to urban animal keeping within the city limits. The purpose of the work session is to allow the council the opportunity to discuss proposed changes to the draft ordinance raised by individual councilors prior to taking action at a subsequent meeting.

BACKGROUND

Last year, the City Council initiated code amendments related to farm animal standards. These amendments are intended to promote elements of the City of Eugene Food Security Scoping and Resource Plan, Envision Eugene and the Climate and Energy Action Plan. The Food Security Scoping and Resource Plan and the animal keeping codes from a broad range of other cities were used as a basis to develop these amendments. Code language addressing the farm animal standards was drafted, and the renaming of these standards to “urban animal keeping” was proposed, to help clarify the intent. A summary of the proposed code language as recommended by the Planning Commission is provided as Attachment A.

While farm animals are currently allowed in residential zones, these amendments are intended to increase the number of farm animals allowed in an urban setting, while still addressing neighborhood livability issues. Specifically, the amendments propose the following:

- Increase the number of allowed chickens, rabbits, and other fowl.
- Add an allowance for two miniature goats, one miniature pig and two beehives.
- Clarify and strengthen the requirements on sanitation, fencing, enclosures, and setbacks.
- Allow for harvesting of chickens, fowl, or rabbits on site.

On January 22, 2013, the City Council held a public hearing on this package of code amendments. Written testimony received prior to the hearing date was provided previously to the City Council and can be found at www.eugene-or.gov/farmanimals. At the public hearing, eight people spoke in support of the amendments. Seven of those eight however, also expressed concerns about specific items, including those that had been modified by the Planning Commission.

One of the issues raised in testimony to City Council pertained to the limitation to two categories of animals for development sites comprising less than 20,000 square feet. Staff originally proposed that there would be no limitation on the animal categories, just the number of animals allowed in each category. However, the Planning Commission recommended that it be limited to only two categories of animals.

Additionally, the proposed limitation on the number of chickens, rabbits, and domestic fowl under six months of age was raised in testimony. While staff proposed no change to the current code (which does not limit the number of animals under six months of age), the Planning Commission recommended that it be limited to a maximum of six chickens, rabbits, and domestic fowl under six months of age.

Testimony was also received regarding a desire to have an increase in the number of goats, rabbits, and bee hives allowed in each animal category for development sites less than 20,000 square feet.

Following the public hearing, Councilor Poling requested additional information on sanitation and licensing. As part of this code amendment process, staff considered whether additional requirements were needed to address any potential impacts to the stormwater system or open water ways. It was determined that the existing waterside protection and water quality overlay zones prohibit animal waste in or near the protected waterways, riparian areas, and adjacent wetlands. Similarly, dumping wastewater into the stormwater system is prohibited and regulated by the current Eugene Code in 6.446.

The animal keeping codes from other cities varied whether or not they had a licensing program. Historically the need to enforce the farm animal standards has been low. Over the last two years an average of 24 complaints were received, mostly relating to roosters. Although the new standards increase the allowable amount of animals, the proposed standards clarify current code and strengthen compatibility standards. At this time, staff does not anticipate the need for a licensing program, but recommend re-evaluating this based on community feedback.

The attached draft ordinance (Attachment B) represents the Planning Commission's recommendation. Further details regarding the Planning Commission's discussion, along with a complete set of record materials, are available for review in a binder located at the City Council Office and on line at www.eugene-or.gov/faranimals.

Findings in support of the amendments are included as Exhibit A to the ordinance. The ordinance and findings, with any directed changes, will be utilized in the event that the City Council votes to approve the proposal upon finding that it complies with the applicable approval criteria.

RELATED CITY POLICIES

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an Exhibit A to the draft ordinance. As noted above, these are also consistent with the City of Eugene Food Security Scoping and Resource Plan and support a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar

and the Climate and Energy Action Plan.

COUNCIL OPTIONS

1. Direct City Manager to bring back draft ordinance with modifications.
2. Direct City Manager to bring back draft ordinance without modifications.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends that the City Council provide direction for any proposed modifications to the draft ordinance provided as Attachment B.

SUGGESTED MOTION

Move to direct the City Manager to bring back a final ordinance that [insert proposed modification].

ATTACHMENTS

- A. Summary of Code Amendments
- B. Draft Ordinance and Findings as recommended by the Planning Commission

As noted above, a complete set of record materials are available for review in a binder located at the City Council Office. This information is also available via www.eugene-or.gov/faranimals.

FOR MORE INFORMATION

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Summary of Code Amendments as recommended by the Planning Commission

January 14, 2013

Overall Goal of the Urban Animal Keeping Code Amendments

Revise the land-use code to allow increased opportunities for raising “micro-livestock” within the city limits. These amendments are intended to:

- Increase the number of farm animals allowed in an urban setting
- Promote and encourage compatibility within an urban environment
- Promote the City of Eugene Food Security Scoping and Resource Plan
- Supports a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar and the Climate and Energy Action Plan

Standard	Current Standard in Land Use Code	Planning Commission Recommendation
General Requirements	<ul style="list-style-type: none"> • None required 	<ul style="list-style-type: none"> • Require all persons keeping farm animals to reside on or adjacent to the development site on which the animals are kept, include exception for school & church uses
Farm Animals Allowed (Less than 20,000 sq. ft. development site)	<ul style="list-style-type: none"> • Up to 2 adult rabbits or fowl over 6 months of age are allowed in R-1, R-1.5, R-2, R-3, & R-4 zones 	<ul style="list-style-type: none"> • Permitted outright in R-1, R-2, R-3, R-4, AG agricultural, and all special area zones which allow residential uses. • Any two of the following four categories would be allowed: <ul style="list-style-type: none"> • Up to 6 chickens over 6 months of age and up to 6 chickens under 6 months of age (No roosters, geese, peacocks, turkeys or other similar loud fowl) • Up to 6 rabbits over 6 months of age and up to 6 rabbits under 6 months of age • Up to 2 miniature goats, provided that the males are neutered • No more than 1 miniature pig up to 150 pounds • Add allowance for up to 2 honey bee hives; with water source
Farm Animals Allowed (20,000 sq. ft. or greater development site)	<p>The following are allowed in AG agricultural & R-1 zones:</p> <ul style="list-style-type: none"> • Rabbits and fowl (no limit) • Cows, horses, sheep, goats, emus, and llamas must meet minimum area requirement 	<ul style="list-style-type: none"> • Permitted outright in R-1, R-2, AG agricultural, and all special area zones which allow residential uses • Chickens, rabbits and domestic fowl subject to the minimum area requirement

		<ul style="list-style-type: none"> • Up to 2 miniature goats provided that the males are neutered. Additional goats are allowed subject to the minimum area requirement • No more than 1 miniature pig up to 150 pounds • Cows, horses, sheep, goats, emus, alpacas, and llamas subject to the minimum area requirement • Up to 4 bee hives; with water source
Sanitation	<ul style="list-style-type: none"> • No accumulation of farm animal waste allowed. • No odors detectable beyond the property line. • Food must be stored in rodent-proof containers. 	<p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> • Add language regarding the purpose of the sanitation standards • Add language regarding location and enclosure of compost piles • Add language regarding disposal of animal waste
Fencing	Shall be designed and constructed to confine farm animals to the owner's property	<p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> • Fencing is required • Fencing must meet applicable base & overlay zone standards related to height and setback
Enclosures	None required	<ul style="list-style-type: none"> • Requires enclosure which provides shelter for all farm animals, which is roofed and at least two sided • Enclosure must meet applicable base & overlay zone standards related to height and setback
Required Setbacks	Structures that house farm animals are required to be located at least 25 feet from existing residences (except the animal owner's) and 10 feet from interior lot line.	<ul style="list-style-type: none"> • Structures are required to be 15 feet from residences on adjacent lots • Structures must meet setback requirements of base & overlay zone • Bee hives shall be a minimum of 15 feet from property line if lot is less than 20,000 sq. ft. and 25 feet if lot is 20,000 sq. ft. or greater
Area Requirement for Animals	<p>On lots 20,000 sq. ft. or greater a minimum area per animal (over 6 months of age):</p> <ul style="list-style-type: none"> • Cows, horses: 10,000 sq. ft. • Sheep, goats, emus, and llamas: 5,000 sq. ft. 	<ul style="list-style-type: none"> • Add minimum area of 5,000 sq. ft. for miniature cows, miniature horses, miniature goats, and alpacas • Add minimum area of 1,000 sq. ft. for chickens, rabbits, and domestic fowl
Harvesting	Not permitted	Chickens, fowl, and rabbits may be

		slaughtered on site out of view of public areas and adjacent property
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DRAFT

Planning Commission Recommendation

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING URBAN ANIMAL KEEPING STANDARDS;
AND AMENDING SECTIONS 9.2010, 9.2682, 9.2740, 9.3115, 9.3210, 9.3310,
9.3810, 9.3910, AND 9.5250 OF THE EUGENE CODE, 1971, AND SECTION
4.996 OF THAT CODE.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following entry in Table 9.2010 of the Eugene Code, 1971, is amended to provide as follows:

9.2010 Agricultural Zone Land Use and Permit Requirements.

Table 9.2010 Agricultural Zone Uses and Permit Requirements	
	AG
Agricultural, Resource Production and Extraction	
[Farm] Urban Animal[s,] Keeping , including pastureland[-, excluding a slaughter house] (See 9.5250)	S

Section 2. A new subsections (1)(c) is added to Section 9.2682 of the Eugene Code, 1971, and subsection (c) is renumbered to (d) to provide as follows:

9.2682 Public Land Zone Land Use and Permit Requirements.

- (1) Permitted Public or Semi-Public Uses.** The following uses are permitted in the PL public land zone:
- (a) Accessory Uses, excluding those uses subject to the provisions of EC 9.2683 Special Use Limitations. Examples include caretaker dwellings; service stations for government vehicles; building maintenance services for government facilities; storage, utility and printing for government services; and small scale commercial services to primarily serve users of the public facility.
 - (b) Public Uses, operated by the public agency that owns the development site, except for the intensification of uses that require a site review or conditional use permit according to EC 9.2683 Special Use Limitations. Examples include government offices, libraries, park and recreation facilities, neighborhood and community centers, post offices, fire stations, pump stations, electrical substations, school district offices, schools, reservoirs, and specialized housing. (Refer to EC 9.2683 Special Use Limitations.)
 - (c) ***Urban Animal Keeping, including pastureland, subject to the Urban Animal Keeping Standards in EC 9.5250.***

- (ed) The following uses not operated by the public agency that owns the property when the owner declares that the property is not currently needed for public uses:
1. Athletic Field, outdoor.
 2. Ballet, Dance, Martial Arts, and Gymnastic Schools/Academies/Studios.
 3. Community and Allotment Gardens.
 4. Community and Neighborhood Centers.
 5. Day Care Facilities.
 6. Meal Services, non-profit.
 7. Parks and Playgrounds.
 8. Schools, Elementary through Middle School.
 9. Combinations of the above uses.

Section 3. The following entry in Table 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

9.2740 Residential Zone Land Use and Permit Requirements.

Table 9.2740 Residential Zone Land Use and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Agricultural, Resource Production and Extraction					
[Farm] Urban Animal[s], Keeping , including pastureland [-, excluding a slaughter house] (See 9.5250)	S		S	S	S

Section 4. The text of section 9.3115 is amended, and the following entry in Table 9.3115 of the Eugene Code, 1971, is added to provide as follows:

- 9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements.** The following Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements identifies those uses in the S-CN zone that are:
- (P) Permitted, subject to zone verification.
 - (C) Subject to an approved conditional use permit.
 - (S) Permitted, subject to zone verification **and the Special Development Standards for Certain Uses beginning at EC 9.5000.**
 - (#) The numbers in () in the table are uses that have special use limitations described in EC 9.3116.

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

Table 9.3115 S-CN Chase Garden Node Special Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR

Table 9.3115 S-CN Chase Garden Node Special Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
Agricultural, Resource Production and Extraction			
<i>Urban Animal Keeping, including pastureland (See 9.5250)</i>		S	S

Section 5. The following entry in Table 9.3210 of the Eugene Code, 1971, is added to provide as follows:

9.3210 S-DW Downtown Westside Special Area Zone Land Use and Permit Requirements.

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Agricultural, Resource Production and Extraction	
<i>Urban Animal Keeping, including pastureland (See 9.5250)</i>	S

Section 6. The following entry in Table 9.3310 of the Eugene Code, 1971, is amended to provide as follows:

9.3310 S-E Elmira Road Special Area Zone Land Use and Permit Requirements.

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
Agricultural, Resource Production and Extraction	
[Farm] <i>Urban Animal[s.] Keeping, including pastureland [,-excluding a slaughter house] (See 9.5250)</i>	S(1)

Section 7. The following entry in Table 9.3810 of the Eugene Code, 1971, is added to provide as follows:

9.3810 S-RN Royal Node Special Area Zone Land Use and Permit Requirements.

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Agricultural, Resource Production and Extraction					
<i>Urban Animal Keeping, including pastureland (See 9.5250)</i>	S	S			

Section 8. The following entry in Table 9.3910 of the Eugene Code, 1971, is added to provide as follows:

9.3910 S-W Whiteaker Special Area Zone Land Use and Permit Requirements.

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
Agricultural, Resource Production and Extraction	
<i>Urban Animal Keeping, including pastureland (See 9.5250)</i>	S

Section 9. Section 9.5250 of the Eugene Code, 1971, is amended to provide as follows:

- 9.5250 [Farm] Urban Animal Keeping Standards.** [All of the following standards are applicable to farm animals:]
- (1) **Purpose.** *The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.*
 - (2) **Application of Standards.** *In addition to applicable provisions contained elsewhere in this land use code, where this land use code allows Urban Animal Keeping, all of the standards in this section apply.*
 - (3) **General Standards.**
 - (a) *Animals not addressed in this section are not permitted under the “Urban Animal Keeping” use category.*
 - (b) *Except for an animal kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.*
 - (c) *In addition to applicable provisions contained in this land use code, the keeping of one or more animals under these provisions shall also comply with all other applicable provisions of the Eugene Code, including but not limited to sections 4.083 through 4.084 Noise Disturbance, section 4.335 Animal Abuse, section 4.340 Animal Neglect, and section 4.430 Continuous Annoyance.*
 - (14) **[Farm] Animals Allowed.**
 - (a) [Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.] *On development sites of less than 20,000 square feet and located in a zone that allows “Urban Animal Keeping,” any two of the following four categories of animals are allowed:*
 1. **Chickens and Domestic Fowl.** *Up to 6 of any combination of chickens and domestic fowl over six months of age and up to 6 of any combination of chickens and domestic fowl under six months of age For purposes of EC 9.5250, “domestic fowl” means quails, pheasants, ducks, pigeons, and doves. Roosters, geese, peacocks, and turkeys are prohibited.*

2. **Rabbits. Up to 6 over six months of age and up to 6 under six months of age**
3. **Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered.**
4. **Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.**

In addition to the above, Honey Bees are allowed (up to 2 hives) provided that they are located at least 15 feet from all property lines and a water source is provided on site within 15 feet of each hive.

- (b) ~~[Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.]~~ **On development sites 20,000 square feet or greater and located in a zone that allows "Urban Animal Keeping," all of the following are allowed:**
1. **Chickens, Rabbits, and Domestic Fowl. Limited by the area requirement in section (8) below. Roosters, geese, peacocks, and turkeys are prohibited.**
 2. **Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered. Additional miniature goats are allowed subject to the area requirement in section (8) below.**
 3. **Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.**
 4. **Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (8) below.**
 5. **Honey Bees. Up to 4 hives, provided that they are located at least 25 feet from all property lines and a water source is provided on site within 15 feet of each hive.**
- (25) **Sanitation.** Proper sanitation shall be maintained for all [farm] animals **at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance.** Proper sanitation includes:
- (a) ~~[Not allowing farm]~~ **Disposing of animal waste matter and not allowing it to accumulate;[.]**
 - (b) **Compost piles that contain animal waste matter shall be located at least 5 feet from all property lines and be within a container or bin enclosed on all sides and covered to deter rodents, flies, and other pests;**
 - (bc) ~~[Taking necessary steps to be sure]~~ **Ensuring** odors resulting from **the** [farm] animals are not detectable beyond property lines;[.] and
 - (cd) Storing all [farm] animal food in metal or other rodent-proof containers.
- (36) **Fencing. Fencing is required and [S] shall be designed and constructed to confine all [farm] animals to the [owner's property] site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.**
- ~~[(4) —~~ **Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least

- 10 feet from interior lot lines.]
- (7) **Enclosures.**
- (a) *An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.*
 - (b) *The enclosure shall be roofed and have at least two solid sides.*
 - (c) *The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.*
 - (d) *All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all property lines, except where an adjacent property owner authorizes in writing that an enclosure can be located closer to the neighbor's property.*
- (58) ~~[Minimum Lot Size and]~~ **Area Requirement for [Large] Animals.[:]**
Minimum area of development site per animal over 6 months of age is as follows:
- ~~[(a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.~~
 - ~~[(b) Minimum area per animal over 6 months of age:
Cows, horses: 10,000 square feet
Sheep, goats, emus, and llamas: 5,000 square feet]~~
 - (a) *Cows and horses: 10,000 square feet per animal.*
 - (b) *Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet per animal.*
 - (c) *Chickens, Rabbits, and Domestic Fowl: 1,000 square feet per animal.*
- (9) **Harvesting.**
- (a) *Only chickens, domestic fowl, or rabbits can be harvested on site.*
 - (b) *Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.*
 - (c) *Harvesting shall be done in a humane and sanitary manner.*
 - (d) *No commercial slaughterhouse shall be allowed.*
- (10) **Enforcement.** *Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*

Section 10. A new subsection (5) of Section 4.996 of the Eugene Code, 1971, is added

to provide as follows:

4.996 Administrative Civil Penalty.

- (5) *In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340 and section 4.430 of this code, an administrative civil penalty as provided by section 2.018 of this code.*

Section 11. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 12. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Passed by the City Council this

___ day of _____, 2013

City Recorder

Approved by the Mayor this

___ day of _____, 2013

Mayor

**Exhibit A
Findings**

Urban Animal Keeping Code Amendments (CA 12-2)

Eugene Code Section 9.8065 requires that the proposed ordinance comply with the following approval criteria (in bold and *italics*):

- (1) *The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposed action does not amend the citizen involvement provisions. The process for adopting these amendments complies with Goal 1 because it is consistent with, and will not change the City's existing and acknowledged citizen involvement provisions.

The Planning Commission public hearing on the amendments was duly noticed. Notice of the public hearing was also published in the Register Guard. The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with Statewide Planning Goal 1.

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

The City's acknowledged land use code specifies the procedures and criteria to be used for decisions and actions related to land use applications. The amendments do not change the planning process, policy framework or information relied on in making decisions and actions related to land use applications. The record also shows that there is an adequate factual base for the amendments. There are no Goal 2 Exceptions required for the amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve agricultural lands.*

The amendments do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

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

The amendments do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

OAR 660-023-0250(3) provides: *Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

- (a) *The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) *The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) *The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The amendments do not create or amend the City's adopted inventory of Goal 5 resources, and does not amend any code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The amendments do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, the amendments are consistent with Statewide Planning Goal 5.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's protections for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not alter or affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. Therefore, Statewide Planning Goal 7 does not apply.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not alter or affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land. Therefore, the amendments are consistent with Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendments do not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, Goal 10 does not apply to the amendments.

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

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

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

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). TransPlan provides the regional policy framework through which the TPR is enacted at the local level. The amendments will not significantly affect any transportation facility. The level of development currently permitted through existing code and zoning regulations will remain the same. No change in the functional classification of streets will result from the amendments. In addition, no changes are proposed to the standards that implement the functional classification system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The amendments do not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

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

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

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

The amendments do not include any changes that affect the regulation of areas within the adopted Willamette River Greenway boundaries. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

The amendments do not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The amendments do not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement

plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the amendments comply with the above criterion.

(3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.*

The amendments do not establish a special area zone. Therefore, this criterion does not apply.