

Land Use Code Maintenance 2015

Summary of Amendments - July 2015

		Issue	Proposed Amendment (additions in <i>bold italic</i> and deletions in strikethrough)															
Corrective	1	<i>Parking Exempt Map:</i> The boundary of the West University Automobile Parking Exempt Area was inadvertently changed during approval of the package of code amendments to adopt the Downtown Riverfront Special Area zone for the EWEB property (which included a change to the Downtown Automobile Parking Exempt Area). The West University Automobile Parking Exempt Area boundary should be corrected to reflect the originally adopted boundary.	<p>Map 9.6410(4)(a) Downtown and West University Automobile Parking Exempt Areas</p> <p>See attached maps: Map A shows the original map prior to the Downtown Riverfront amendments (As adopted per Ordinance No. 20235) Map B shows the map adopted as part of Downtown Riverfront amendments with the incorrect boundary for West University. (As adopted per Ordinance No. 20235) Map C shows the corrected boundary for West University.</p>															
	2	<i>Exemptions to Sign Standards:</i> An incorrect section of the Fire Code is referenced when describing the exemption for building addresses. It reads Fire Code 901.4.4 and it should be corrected to 505.1.	<p>9.6610 Exemptions to Sign Standards.</p> <p>(2) Except as provided in subsection (3) of this section, the following signs are exempt from the requirements of EC 9.6600 through 9.6680, and are exempt from the requirement to obtain a sign permit if they are located on private property outside of vision clearance areas:</p> <p><u>Addresses.</u> Number and street name of any size. (Addresses are regulated per EC 8.005(21) <u>Numbering of Structures and Premises</u> and Fire Code 901.4.4 Premise Identification. 505.1 Address Identification)</p>															
	3	<i>Appeal Standing:</i> The appeal procedures sets out the parties who can file an appeal (i.e., those who have standing) of a hearings official or Historic Review Board decision. Current code language does not include those who participated <u>orally</u> and who did not submit written comments. The code should be revised to correct this omission and reflect that any participant in the hearing process should have the ability to file an appeal.	<p>9.7655 Filing of Appeal of Hearings Official or Historic Review Board Initial Decision.</p> <p>(1) Within 12 days of the date of the mailing of the decision of the hearings official or historic review board, the decision may be appealed to the planning commission as specified in Table 9.7055 Applications and Review Authorities by the following:</p> <ul style="list-style-type: none"> (a) Applicant. (b) Owner of the subject property. (c) Neighborhood group officially recognized by the city that includes the area of the subject property. (d) Any person who submitted written comments in regard to the original application. (e) Any person who provided oral testimony in regard to the original application at the public hearing. 															
	4	<i>Process for Zone Changes:</i> For zone changes processed concurrently with Metro Plan amendments, the code references the procedures for Type IV and V applications. Since Metro Plan Amendments follow a separate process (as opposed to the Type IV or V application process), reference to that specific process should be added to correct the omission.	<p>9.1060 Changes in Zone Boundaries and Overlay Zone Boundaries. 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, or code amendment, Type IV Application Procedures (EC 9.7400 - 9.7455). or Metro Plan amendment shall follow the applicable procedure for each type of amendment. Decisions shall be based on the criteria contained in EC 9.8865 <u>Zone Change Approval Criteria</u></p> <p>9.4260 Procedure for Applying the /ND Nodal Development Overlay Zone. Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures consistent with the Metro Plan Amendment Procedures as provided in EC 9.7700 through 9.7730. Except as provided in EC 9.7840 EC 9.7820(3), rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro 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.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2" style="text-align: center;">Table 9.7505 Type V Application Requirements and Criteria</th> </tr> <tr> <th style="text-align: left;">Type V Applications</th> <th style="text-align: left;">Beginning Reference</th> </tr> </thead> <tbody> <tr> <td>Land Use Code Amendments</td> <td>EC 9.8060</td> </tr> <tr> <td>Refinement Plan Amendments to policies and/or maps that are not limited to a specific site</td> <td>EC 9.8421</td> </tr> <tr> <td>Refinement Plan Adoption or Update</td> <td>EC 9.8421</td> </tr> <tr> <td>Zone Change concurrent with a Code Amendment</td> <td>EC 9.8850</td> </tr> <tr> <td>Special Area Zone Establishment or Amendment</td> <td>EC 9.3000</td> </tr> <tr> <td>Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation</td> <td>EC 9.4260</td> </tr> </tbody> </table>	Table 9.7505 Type V Application Requirements and Criteria		Type V Applications	Beginning Reference	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	Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation
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		<p>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:</p> <p>(3) The proposed zone change involves a concurrent amendment to the Metro Plan or a refinement plan, or the adoption of a new refinement plan, in which case the zone change shall be processed as a Type IV or Type V application as provided in EC 9.7400 through EC 9.7455 Type IV Application Procedures and EC 9.7500 through 9.7560 Type V Application Procedures.</p> <p>(4) The proposed zone change involves a concurrent amendment to 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.</p> <p>(4)(5) [Renummer remaining subsections . . .]</p>		
5	<p>Definition of a Legal Lot: The definition of legal lot needs to be updated consistent with state law to include lots that were not lawfully established (for lots created prior to 2007) but could have complied with applicable land division time in effect when the land was sold, as provided for in state law. [ORS 92.176]</p>	<p>9.0500 Definitions Legal Lot. A lot of record that has boundary lines that were established:</p> <p>(A) Through a partition or subdivision procedure, or</p> <p>(B) By a deed that was signed before April 2, 1962-, or</p> <p>(C) Through approval of an application to validate a unit of land consistent with ORS 92.176.</p>		
6	<p>Day Care Allowances: Day cares are allowed in residential and commercial zones. For day cares serving between 3 and 12 people, the use is listed in the land use code as permitted. For day cares serving 13 or more, a conditional use permit is required. State law was changed to establish a minimum number of 4 people to qualify as a day care and to require that certified day cares with up to 16 people must be allowed as permitted uses in residential and commercial zones. To resolve this inconsistency with state law, the threshold must be raised from 3 -12 people to 4-16 people in all residential and commercial zones where day care is listed as a permitted use, and from 13 to 17 people where day care is listed as a conditional use. The corresponding provisions for bicycle and motor vehicle parking standards that reference day care uses must also be revised for consistency. [ORS 329A.250(4), ORS 329A.280 and ORS 329A.440]</p>	<p>9.0500 Definitions Day Care. Care or supervision of 3 four or more persons by a paid caregiver who is not the parent, guardian, or related by blood or marriage to the persons being served. Day care does not include boarding or temporary care or other support services for adult transitory persons.</p> <p>Table 9.2740 Residential Zone Land Uses and Permit Requirements Table 9.2160 Commercial Zone Land Uses and Permit Requirements Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements EC 9.3510 S-HB Blair Boulevard Historic Commercial Special Area Zone Uses (2) Areas Designated for Neighborhood Commercial. Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements Table 9.6105(5) Minimum Required Bicycle Parking Spaces Table 9.6410 Required Off-Street Motor Vehicle Parking</p> <p><i>In each of the above referenced tables (which identify permitted and conditionally allowed uses), reference to the use of Day Care to be revised as follows:</i></p> <table border="1" data-bbox="1044 1237 1631 1300"> <tr> <td>Day Care (3 to 12 4 to 16 people served)</td> </tr> <tr> <td>Day Care (13-17 or more people served)</td> </tr> </table> <p>9.5200 Day Care, Small (3-12 4 to 16 people served) Standards. These standards apply to small, (3-12 4 to 16 people served) day care operations in residential zones where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use(s) “permitted subject to zone verification and EC 9.5000 to 9.5850.”</p> <p>(1) In addition to the standard required parking for other uses on the property, 1 off-street parking space is required per each outside employee.</p> <p>(2) Education programs offered as a primary activity or specialized training in activities such as dance, drama, music or religion shall be limited to preschool children.</p> <p>(3) At least 1 of the business owners of a day care service serving 3-12 4 to 16 people in R-1 and R-2 zones shall reside in the building.</p> <p>(4) No overnight care permitted without a conditional use permit.</p>	Day Care (3 to 12 4 to 16 people served)	Day Care (13-17 or more people served)
Day Care (3 to 12 4 to 16 people served)				
Day Care (13-17 or more people served)				
7	<p>Notice Requirements: The public hearing notice procedures for Type III, IV and V applications require notice to be mailed to the State Department of Land Conservation and Development at least 45 days prior to the planning commission public hearing and describes what must be included in that notice. Notice of decision is required to be mailed 5 days after a decision is rendered.</p>	<p>Type III Application Procedures 9.7315 Public Hearing Notice. (1) When required by state law, at least 45 35 days prior to the public hearing, the city shall mail submit notice to the state Oregon Department of Land Conservation and Development that includes the proposed map change and the date of the hearing information required by state law.</p> <p>9.7335 Notice of Decision. (1) Within 5 days after the hearings official or historic review board renders a decision, notice of the decision shall be mailed to the following: (a) Applicant.</p>		

State law recently changed to require a 35 day notice for the initial notice and 20 days for the notice of decision, to allow for electronic submittal (in addition to mail submittal) and to clarify submittal requirements. The applicable code sections need to be updated accordingly. [ORS 197.610 and OAR 660-018-0020]

- (b) Owner of the subject property.
 - (c) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
 - (d) Any group or individual who provided written or oral testimony prior to the close of the public comment period.
 - (e) For Willamette Greenway permits, to the Oregon Department of Transportation.
- (2) The notice shall include the following:
- (a) A summary of the decision.
 - (b) An explanation of the appeal rights.
- (3) **Within 20 days of the decision, when required by state law, the city shall submit written notice to the Oregon Department of Land Conservation and Development that includes the information required by state law.**
[Renumber remaining subsections]

Type IV Application Procedures

9.7415 Public Hearing Notice.

- (1) In the case of a refinement plan amendment, at least ~~45~~ **35** days prior to the planning commission public hearing the city shall ~~mail~~ **submit** written notice to the State **Oregon** Department of Land Conservation and Development that includes the ~~text of the proposed amendment, any proposed change to the zoning map to be considered concurrently with a refinement plan amendment (unless notice is not required by state law), and the date of the planning commission hearing~~ **information required by state law.**

9.7455 Notice of Decision.

- (1) Within 5 days of the decision, written notice of the decision shall be mailed to all of the following:
- (a) Applicant.
 - (b) Any person who has submitted written or oral testimony in a timely manner during the city council hearing procedures.
 - (c) Any person who requested notice of the city council's decision.
 - ~~(d) In the case of a refinement plan amendment, the Oregon Department of Land Conservation and Development.~~
- (2) The notice shall:
- (a) Summarize the decision of the city council.
 - (b) Explain the appeal rights.
 - ~~(c) In case of a notice being provided to the Oregon Department of Land Conservation and Development, the notice shall also contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text previously sent under EC 9.7440(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed.~~
- (3) **Within 20 days of the decision, the city shall submit written notice of a refinement plan amendment to the Oregon Department of Land Conservation and Development that includes the information required by state law.**
- (4) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

Type V Application Procedures

9.7520 Public Hearing Notice.

- (1) At least ~~45~~ **35** days prior to the planning commission public hearing, the city shall ~~mail~~ **submit** written notice to the State **Oregon** Department of Land Conservation and Development that includes the ~~text of the proposed amendment, any proposed change to the zoning map to be considered concurrently with a code amendment (unless notice is not required by state law), and the date of the planning commission hearing~~ **information required by state law.**

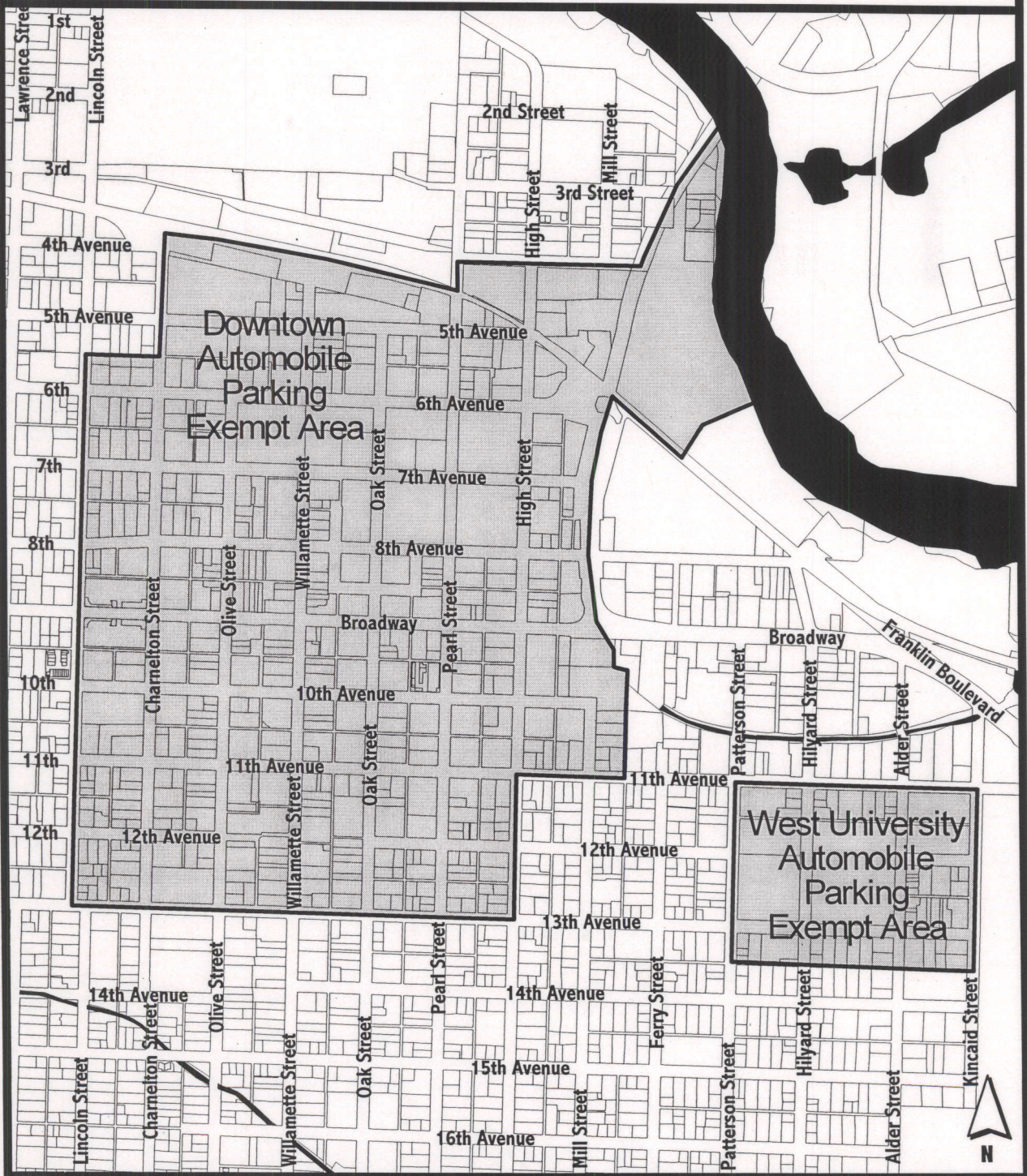
9.7560 Notice of Decision.

- (1) Within 5 days of the decision, written notice of the decision shall be mailed to all of the following:
- (a) Any person who provided oral or written testimony in a timely manner during the city council hearing procedures.
 - (b) Any person who requested notice of the city council's decision.
 - ~~(c) The Oregon Department of Land Conservation and Development.~~
- (2) The notice shall summarize the decision of the city council and state the date of the decision.
- (3) **Within 20 days of the decision, the city shall submit written notice** ~~The notice to the Oregon Department of Land Conservation and Development must contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text, if any, previously sent under EC 9.7520(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed~~ **that includes the information required by state law.**

	<p>8 <i>Property Line Adjustments:</i> The code provides that removal of a line that was platted through a partition or subdivision cannot be processed through a property line adjustment; removal of such a line would require a replat. State law has changed to allow removal of a property line without requiring a replat. For consistency with state law, the code needs to be revised to remove this provision. [ORS 92.010(12) and ORS 92.190(3)]</p>	<p>9.8400 <u>Purpose of Property Line Adjustment.</u> Sections 9.8400 through 9.8420 provide an expedited process for the review of property line adjustments. A property line adjustment is the relocation of a single boundary line or the removal of non-platted boundary lines between two legal lots. Property line adjustments shall be considered in accordance with the Type I application procedures contained in EC 9.7100 <u>General Overview of Type I Application Procedures.</u></p> <p>9.8405 <u>Applicability of Property Line Adjustment Applications.</u></p> <p>(1) A property line adjustment application is applicable to changes to the property lines of adjoining properties when all of the following exist:</p> <p>(a) A property line proposed for removal is not platted in a partition or subdivision plat. <i>[Renumber remaining subsections . . .]</i></p>
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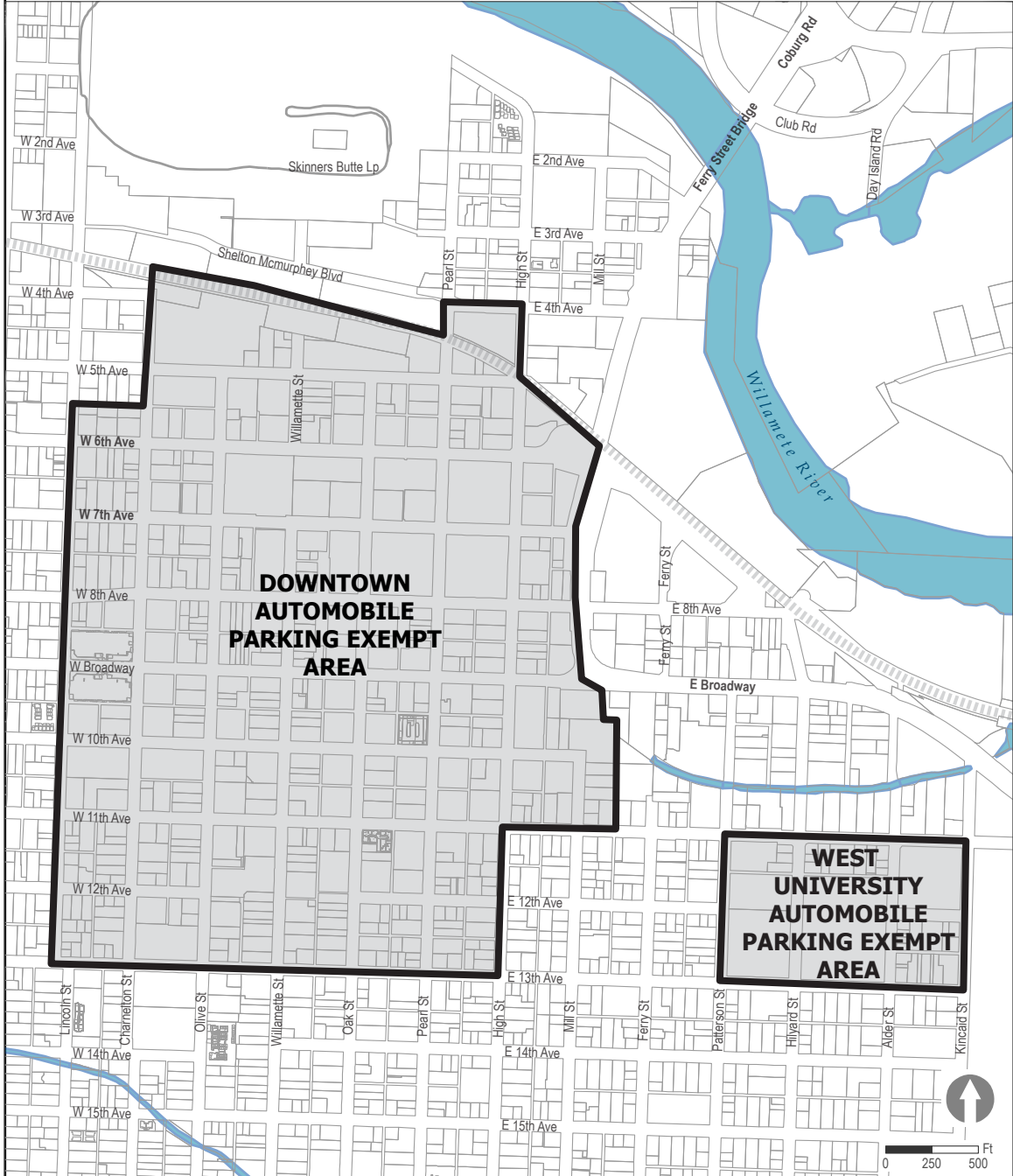
Map 9.6410(4)(a)

Downtown And West University Automobile Parking Exempt Areas

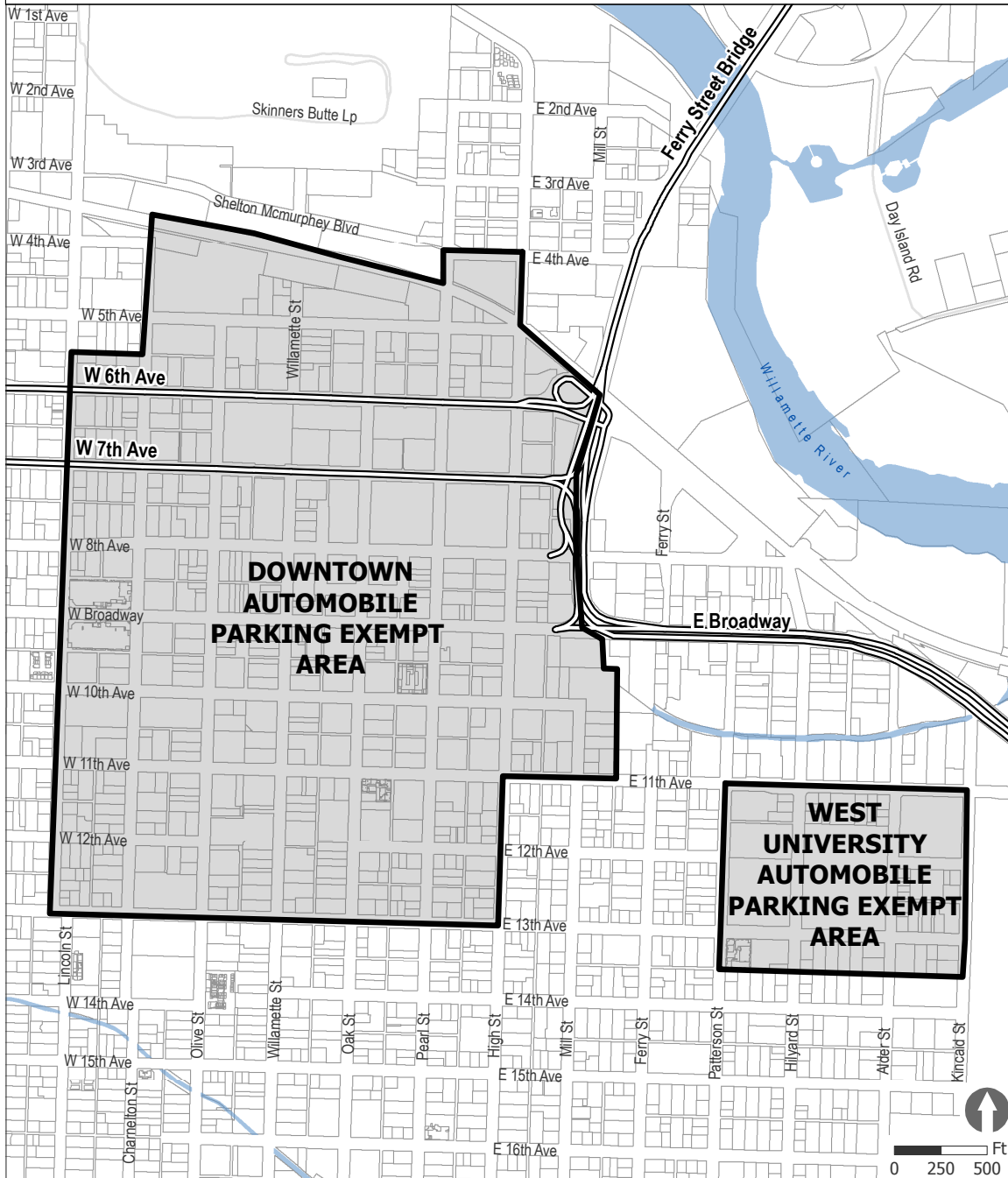


Map 9.6410(4)(a)

Downtown and West University Automobile Parking Exempt Areas



Map 9.6410(4)(a) Downtown and West University Automobile Parking Exempt Areas



ORDINANCE NO. _____

AN ORDINANCE CONCERNING LAND USE CODE MAINTENANCE AND AMENDING SECTIONS 9.0500, 9.1060, 9.2160, 9.2740, 9.3115, 9.3210, 9.3310, 9.3510, 9.3810, 9.3910, 9.4260, 9.5200, 9.6105, 9.6410, 9.6610, 9.7315, 9.7335, 9.7415, 9.7455, 9.7505, 9.7520, 9.7560, 9.7655, 9.8400, 9.8405, AND 9.8855 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definitions of “Day Care” and “Legal Lot” in Section 9.0500 of the Eugene Code, 1971, are 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:

Day Care. Care or supervision of [3] **four** or more persons by a paid caregiver who is not the parent, guardian, or related by blood or marriage to the persons being served. Day care does not include boarding or temporary care or other support services for adult transitory persons.

Legal Lot. A lot of record that has boundary lines that were established:

- (A) Through a partition or subdivision procedure, [or]
- (B) By a deed that was signed before April 2, 1962[;], **or**
- (C) ***Through approval of an application to validate a unit of land consistent with ORS 92.176.***

Section 2. Section 9.1060 of the Eugene Code, 1971, is amended to provide as follows:

9.1060 **Changes in Zone Boundaries and Overlay Zone Boundaries.** 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, [or] code [amendment, Type IV Application Procedures (EC 9.7400 – 9.7455)] ***or Metro 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 3. The “Day Care” entries in the Residential section of Table 9.2160 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Residential				
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)				
Day Care ([3 to 12] 4 to 16 people served)	P	P	P	P
Day Care ([13] 17 or more people served)	C	P	P	P

Section 4. The “Day Care” entries in the Residential section of Table 9.2740 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential					
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)					
Day Care ([3 to 12] 4 to 16 people served) (See EC 9.5200)	S		S	S	S
Day Care ([13] 17 or more people served)	C		C	C	C

Section 5. The “Day Care” entries in the Residential section of Table 9.3115 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
Residential			
Assisted Living & Day Care (Residences Providing Special Services, Treatment or Supervision)			
Day Care ([3 to 12] 4 to 16 people served) (See EC 9.5200)	S	S	S
Day Care ([13] 17 or more people served)	C	C	C

Section 6. The “Day Care” entries in the Residential section of Table 9.3210 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Residential	
Assisted Care and Day Care	
Day Care ([3 to 12] 4 to 16 people served) (See EC 9.5200)	S
Day Care ([13] 17 or more people served)	C

Section 7. The “Day Care” entries in the Residential section of Table 9.3310 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
Residential	
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)	
Day Care ([3 to 12] 4 to 16 people served) (See EC 9.5200)	P
Day Care ([13] 17 or more people served)	C

Section 8. Subsection (2)(b)19. of Section 9.3510 of the Eugene Code, 1971, is

amended to provide as follows:

9.3510 S-HB Blair Boulevard Historic Commercial Special Area Zone Uses. The S-HB zone designation is based on the area’s association with the city’s working class and the mix of residential, commercial and light industrial uses within the zone. The S-HB zone is the commercial core of the residential districts located to the east and west of the zone. The Whiteaker Plan Land Use Diagram reflects four underlying land use designations for this zone of residential, commercial, mixed use, and parks. Uses permitted within the S-HB zone are as follows:

(2) Areas Designated for Neighborhood Commercial.

(b) Notwithstanding subparagraph (a) of this subsection, the following uses are permitted:

19. Day care(~~[3 to 12]~~ **4 to 16** people served).

Section 9. The “Day Care” entries in the Residential section of Table 9.3810 of the

Eugene Code, 1971, are amended to provide as follows:

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Residential					
Assisted Living & Day Care (Residences Providing Special Services, Treatment or Supervision)					
Day Care ([3 to 12] 4 to 16 people served) (See EC 9.5200)	S	S	P	P	P
Day Care ([13] 17 or more people served)	C	C	C	C	C

Section 10. The “Day Care” entries in the Residential section of Table 9.3910 of the

Eugene Code, 1971, are amended to provide as follows:

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
Residential	
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)	
Day Care ([3 to 12] 4 to 16 people served) (See EC 9.5200)	S
Day Care ([13] 17 or more people served)	P

Section 11. 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 Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed ~~[as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures]~~ **consistent with the Metro Plan Amendment Procedures as provided in EC 9.7700 through 9.7730.** Except as provided in EC ~~[9.7810]~~ **9.7820(3)**, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro 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 12. Section 9.5200 of the Eugene Code, 1971, is amended to provide as follows:

9.5200 Day Care, Small (~~[3-12]~~ **4 to 16 people served) Standards.** These standards apply to small, (~~[3 to 12]~~ **4 to 16** people served) day care operations in residential zones where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use(s) “permitted subject to zone verification and EC 9.5000 to 9.5850.

- (1) In addition to the standard required parking for other uses on the property, 1 off-street parking space is required per each outside employee.
- (2) Education programs offered as a primary activity or specialized training in activities such as dance, drama, music or religion shall be limited to preschool children.
- (3) At least 1 of the business owners of a day care service serving ~~[3-12]~~ **4 to 16** people in R-1 and R-2 zones shall reside in the building.
- (4) No overnight care permitted without a conditional use permit.

Section 13. The “Day Care” entries in the Residential section of Table 9.6105(5) of the Eugene Code, 1971, are amended to provide as follows:

Table 9.6105(5) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)	Type and % of Bicycle Parking
Residential		
Assisted Care & Day Care		
-- Day Care ([3 to 12] 4 to 16 people served)	-0-	NA
-- Day Care ([13] 17 or more people served)	1 per 10 employees	100% long term

Section 14. The “Day Care” entries in the Residential section of Table 9.6410 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
Residential	
Assisted Care & Day Care	
-- Day Care ([3 to 12] 4 to 16 people served)	.9 for each employee not living in home on site at the same time.
-- Day Care ([13] 17 or more people served)	.9 for each employee not living in home on site at the same time.

Section 15. Map 9.6410(4)(a) is amended as shown on Exhibit A attached to this Ordinance.

Section 16. The entry for “Addresses” in subsection (2) of Section 9.6610 of the Eugene Code, 1971, is amended to provide as follows:

9.6610 Exemptions to Sign Standards.

(2) Except as provided in subsection (3) of this section, the following signs are exempt from the requirements of EC 9.6600 through 9.6680, and are exempt from the requirement to obtain a sign permit if they are located on private property outside of vision clearance areas:

Addresses. Number and street name of any size. (Addresses are regulated per EC 8.005(21) Numbering of Structures and Premises and Fire Code ~~[901.4.4 Premise Identification]~~ **505.1 Address Identification.**)

Section 17. Subsection (1) of Section 9.7315 of the Eugene Code, 1971, is amended to provide as follows:

9.7315 Public Hearing Notice.

- (1) When required by state law, at least [45] **35** days prior to the public hearing, the city shall [mail] **submit written** notice to the [state] **Oregon** Department of Land Conservation and Development that includes the [proposed map change and the date of the hearing] **information required by state law.**

Section 18. Section 9.7335 of the Eugene Code, 1971, is amended to provide as follows:

9.7335 Notice of Decision.

- (1) Within 5 days after the hearings official or historic review board renders a decision, notice of the decision shall be mailed to the following:
- (a) Applicant.
 - (b) Owner of the subject property.
 - (c) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
 - (d) Any group or individual who provided written or oral testimony prior to the close of the public comment period.
 - (e) For Willamette Greenway permits, to the Oregon Department of Transportation.
- (2) The notice shall include the following:
- (a) A summary of the decision.
 - (b) An explanation of the appeal rights.
- (3) ***Within 20 days of the decision, when required by state law, the city shall submit written notice to the Oregon Department of Land Conservation and Development that includes the information required by state law.***
- (34) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.
- (45) Unless appealed pursuant to EC 9.7655 Filing of Appeal of Hearings Official or Historic Review Board Initial Decision, the decision is final on the 13th day after notice of the decision is mailed.

Section 19. Subsection (1) of Section 9.7415 of the Eugene Code, 1971, is amended to provide as follows:

9.7415 Public Hearing Notice.

- (1) In the case of a refinement plan amendment, at least [45] **35** days prior to the planning commission public hearing the city shall [mail] **submit** written notice to the [State] **Oregon** Department of Land Conservation and Development that includes the [text of the proposed amendment, any proposed change to the zoning map to be considered concurrently with a refinement plan amendment (unless notice is not required by state law), and the date of the planning commission hearing] **information required by state law.**

Section 20. Section 9.7455 of the Eugene Code, 1971, is amended to provide as follows:

9.7455 Notice of Decision.

- (1) Within 5 days of the decision, written notice of the decision shall be mailed to all of the following:
 - (a) Applicant.
 - (b) Any person who has submitted written or oral testimony in a timely manner during the city council hearing procedures.
 - (c) Any person who requested notice of the city council's decision.
 - ~~[(d) In the case of a refinement plan amendment, the Oregon Department of Land Conservation and Development.]~~
- (2) The notice shall:
 - (a) Summarize the decision of the city council.
 - (b) Explain the appeal rights.
 - ~~[(c) In case of a notice being provided to the Oregon Department of Land Conservation and Development, the notice shall also contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text previously sent under EC 9.7440(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed.]~~
- (3) ***Within 20 days of the decision, the city shall submit written notice of a refinement plan amendment to the Oregon Department of Land Conservation and Development that includes the information required by state law.***
- (34) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

Section 21. Table 9.7505 of the Eugene Code, 1971, is amended to provide as follows:

9.7505 Type V Application Requirements and Criteria Reference. The following applications are reviewed under the Type V review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7505:

Table 9.7505 Type V Application Requirements and Criteria	
Type V Applications	Beginning Reference
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
[Zone Change to apply the ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation]	[EC 9.4260]

Section 22. Subsection (1) of Section 9.7520 of the Eugene Code, 1971, is amended to provide as follows:

9.7520 Public Hearing Notice.

- (1) At least ~~[45]~~ **35** days prior to the planning commission public hearing, the city shall ~~[mail]~~ **submit** written notice to the ~~[State]~~ **Oregon** Department of Land Conservation and Development that includes the ~~[text of the proposed amendment, any proposed change to the zoning map to be considered concurrently with a code amendment (unless notice is not required by state law), and the date of the planning commission hearing]~~ **information required by state law.**

Section 23. Section 9.7560 of the Eugene Code, 1971, is amended to provide as follows:

9.7560 Notice of Decision.

- (1) Within 5 days of the decision, written notice of the decision shall be mailed to all of the following:
 - (a) Any person who provided oral or written testimony in a timely manner during the city council hearing procedures.
 - (b) Any person who requested notice of the city council's decision.
 - ~~[(c) The Oregon Department of Land Conservation and Development.]~~
- (2) The notice shall summarize the decision of the city council and state the date of the decision.
- (3) ~~[The notice]~~ **Within 20 days of the decision, the city shall submit written notice** to the Oregon Department of Land Conservation and Development ~~[must contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text, if any, previously sent under EC 9.7520(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed]~~ **that includes the information required by state law.**
- (4) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

Section 24. Subsection (1) of Section 9.7655 of the Eugene Code, 1971, is amended to provide as follows:

9.7655 Filing of Appeal of Hearings Official or Historic Review Board Initial Decision.

- (1) Within 12 days of the date of the mailing of the decision of the hearings official or historic review board, the decision may be appealed to the planning commission as specified in Table 9.7055 Applications and Review Authorities by the following:
 - (a) Applicant.
 - (b) Owner of the subject property.
 - (c) Neighborhood group officially recognized by the city that includes the

- area of the subject property.
- (d) Any person who submitted written comments in regard to the original application.
- (e) ***Any person who provided oral testimony in regard to the original application at the public hearing.***

Section 25. Section 9.8400 of the Eugene Code, 1971, is amended to provide as follows:

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

Section 26. Subsection (1) of Section 9.8405 of the Eugene Code, 1971, is amended to provide as follows:

9.8405 **Applicability of Property Line Adjustment Applications.**

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

Section 27. 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 ~~the Metro Plan or~~ a refinement plan^[-] or the adoption of a new refinement plan^[-], in which case the zone change shall be processed as a Type IV or Type V application as provided in EC 9.7400 through EC 9.7455 Type IV Application Procedures and EC 9.7500 through 9.7560 Type V Application Procedures.
 - (4) ***The proposed zone change 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.***
 - (45) 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.
 - (56) The proposed zone change is to remove the *MWR* Water Resources Conservation Overlay Zone, in which case the zone change shall be processed as described in EC 9.4960.
 - (67) The proposed zone change is to remove the *MWQ* Water Quality Overlay Zone, in which case the zone change shall be processed as described in EC 9.4786.

Section 28. The findings set forth in Exhibit B attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 29. 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 30. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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Section 31. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

___ day of July, 2015

Approved by the Mayor this

___ day of July, 2015

City Recorder

Mayor

Map 9.6410(4)(a)

**Downtown and West University
Automobile Parking Exempt Areas**

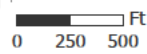
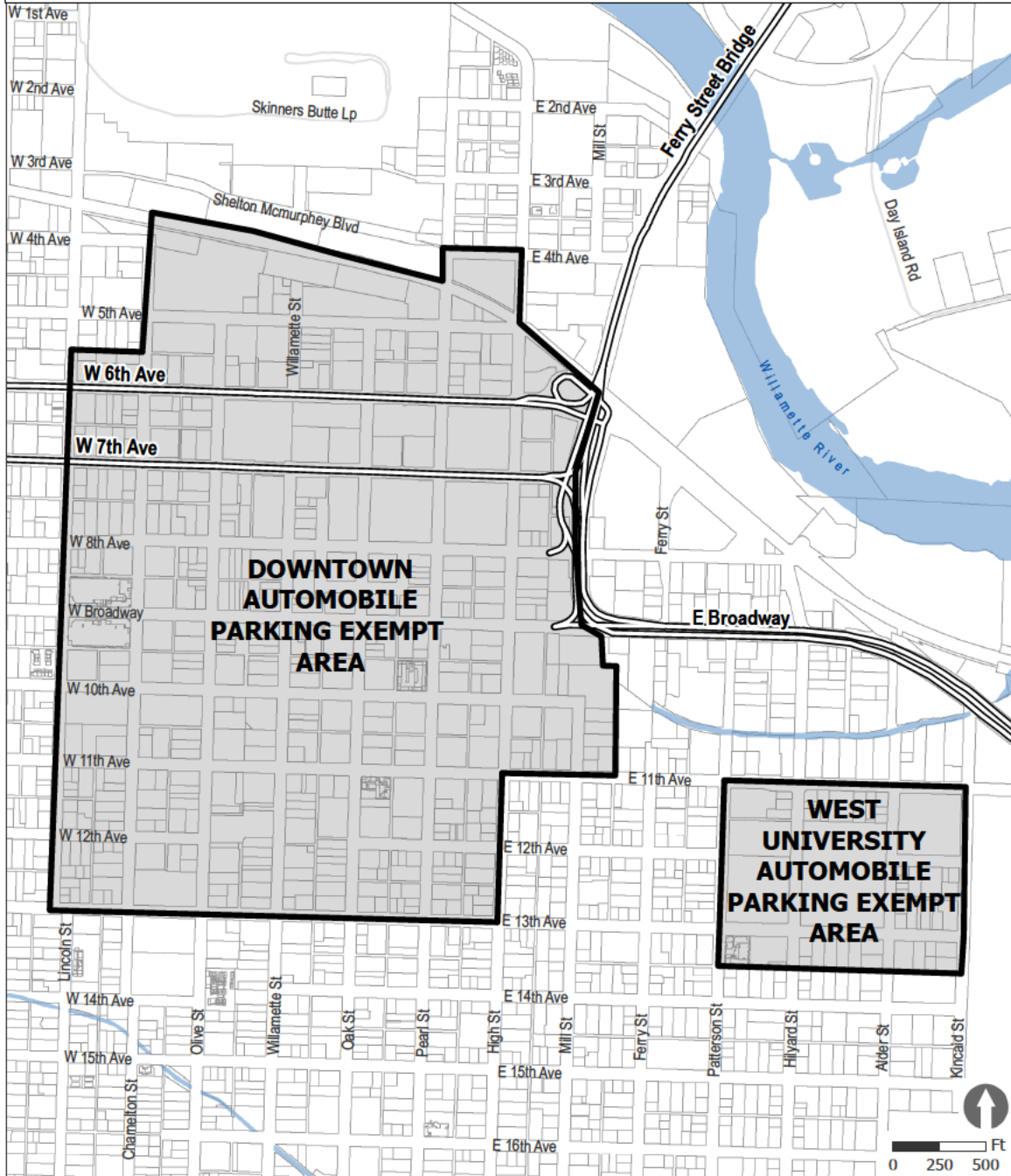


Exhibit B

Findings

Land Use Code Maintenance (City File CA 15-2)

Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

(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 amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on April 28, 2015. A public hearing was held before the Planning Commission on June 2, 2015. Consistent with code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard. A public hearing is scheduled before the City Council for July 13, 2015. Public notice of the City Council hearing was mailed and posted consistent with Eugene Code requirements. Information concerning the proposed amendments and the dates of the public hearings were posted on the City of Eugene websites.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is 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.

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Exhibit B

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

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

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

The amendments are for property located within the urban growth boundary and do not affect any land designated for 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.*

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

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

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 ability to provide 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 affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. 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.*

Exhibit B

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 affect the City's provisions for or access to 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.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

The amendments do not 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.*

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing*

Exhibit B

requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The amendments do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (a), (b) or (c). Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

The amendments do not impact energy conservation. 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 contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

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

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. 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*

Exhibit B

the case of establishment of a special area zone.

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