

Meeting Location:
Virtual Meeting (via Zoom)

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****Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation is available on the reserve side of this agenda.****

TUESDAY, AUGUST 11, 2020 - REGULAR MEETING (5:30 p.m. to 7:30 p.m.)

A. PUBLIC COMMENT

The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, except for items scheduled for public hearing or public hearing items for which the record has already closed. Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

B. WORK SESSION: Approve Public Involvement Plan for Middle Housing Code Amendments (HB 2001 Implementation)

Staff: Terri Harding, THarding@eugene-or.gov, 541-682-5635

C. DELIBERATIONS/POSSIBLE ACTION: Digital Signs Code Amendment

Staff: Jenessa Dragovich, JDragovich@eugene-or.gov, 541-682-8385

D. ITEMS FROM COMMISSION AND STAFF

- a. Other Items from Staff
- b. Other Items from Commission
- c. Learning: How are we doing?

Commissioners: John Barofsky; Ken Beeson; Tiffany Edwards (Chair); Lisa Fragala (Vice Chair); Dan Isaacson; Chris Ramey; Kristen Taylor

HOW TO ACCESS THE MEETING

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AGENDA ITEM SUMMARY
August 11, 2020

To: Eugene Planning Commission

From: Terri Harding, City of Eugene Planning Division

Subject: Middle Housing Code Amendments (HB 2001)

ACTION REQUESTED

Approve the Middle Housing Code Amendments Public Involvement Plan.

INTRODUCTION

In recognition of the statewide housing crisis, the Oregon legislature passed House Bill (HB) 2001 in 2019, with the goal of increasing housing supply and choice in residential neighborhoods across the state.

HB 2001 requires all cities with a population of more than 10,000 to allow duplexes on all residentially zoned lots or parcels where detached single-family dwellings are allowed. The bill further requires cities with populations over 25,000 (including Eugene) and cities located within the boundaries of Metro to allow triplexes, fourplexes, cottage clusters and townhouses in areas zoned for residential use where detached single-family dwellings are allowed. HB 2001 allows cities to regulate siting and design of the various middle housing types as long as the regulations related to siting and design for middle housing do not discourage the development of these housing types through unreasonable costs or delay.

To implement HB 2001, the City will need to amend Eugene’s land use code standards for residentially zoned areas as well as any adopted plans that conflict with the requirements of the House Bill. The City must adopt the required land use code and plan amendments by June 30, 2022 or the City will be required to implement the State’s model code for middle housing.

BACKGROUND

Envision Eugene developed a community vision and identified “provide housing affordable to all income levels” as one of its seven pillars. The Middle Housing Code Amendments project is one strategy to encourage greater housing supply, affordability, and diversity, in addition to implementing a state mandate.

The project approach and draft Public Involvement Plan were presented to the Planning Commission on [June 22](#) and the City Council on [July 22](#). This work session is an opportunity for the Planning Commission to discuss changes made to the Public Involvement Plan as a result of feedback received from both bodies, and to approve the plan, enabling staff to implement it.

PUBLIC OUTREACH

The revised Draft Public Involvement Plan (Attachment A) outlines the outreach process from concept development through adoption of code amendments and includes slight changes in response to both Planning Commission and City Council feedback. The plan includes opportunities for the community to engage in the planning process as well as information on how individuals and organizations can effectively participate.

Given the COVID-19 pandemic, an emphasis will be placed on online methods that comply with current health guidelines and engage a broad spectrum of the community to gather feedback on the design and code concepts, code framework, and draft land use code language.

New addition: staff will endeavor to bring outreach materials to community gathering places such as libraries and grocery stores to provide convenient opportunities for people across the city to learn about and submit feedback to the project. Other in-person and targeted outreach opportunities will be implemented by both staff and consultants working on the code amendments, to supplement the project's online engagement opportunities.

In support of inclusive public engagement, staff intends to collaborate with the Portland-based group Healthy Democracy. Healthy Democracy is a nonpartisan nonprofit that designs and coordinates innovative deliberative democracy programs. Their purpose is to involve community members that are representative of the community and compensate them for their time engaging in public policy issues. The project will also utilize an Equity RoundTable modeled after the Equity Panel for the Climate Action Plan, to specifically provide a racial and social equity lens on project deliverables and processes.

New addition: staff will include Spanish or other language translation services where needed and feasible, in line with the project's focus on equitable engagement.

NEXT STEPS

Staff will launch the technical work and begin the public involvement activities as outlined in the Public Involvement Plan, once approved by the Planning Commission.

ATTACHMENTS

A. Revised Public Involvement Plan

FOR MORE INFORMATION

Staff Contact: Terri Harding, Principal Planner
Telephone: (541) 682-5635
Staff E-Mail: THarding@eugene-or.gov

Middle Housing Code Amendments

Implementation of House Bill 2001

Attachment A

DRAFT Public Involvement Plan – Revised ~~July 8~~ August 4, 2020

I. Overview

We all need a place to live that we can afford, but in Eugene, almost half of us pay more than we can afford for housing. That makes it hard for many of our residents to pay for other needs like food, clothing, health care, transportation, and education. This is why we need to take steps so that more Eugeneans are living in housing we can afford. Encouraging more housing types within residentially zoned areas can improve housing affordability in Eugene, in addition to improving housing availability and diversity. *Provide Housing Affordable to All Income Levels* is one of the Envision Eugene pillars, and our local plans and codes implement the Statewide Planning Goal 10, Housing, aimed at providing for the housing needs of people across the state.

In 2019, the Oregon Legislature passed House Bill 2001, intended to help provide Oregonians with more housing choices, especially housing choices more people can afford. The Bill requires the City to amend our Land Use Code to allow duplexes to be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings” and triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use that allow for the development of single-family dwellings.”

The Eugene Land Use Code is our agreement about what, where, and how we build in Eugene. One thing we can do together as a community is set regulations that are fair and protect our quality of life, but are also not overly expensive, risky, or time consuming for people who build housing. Updating our regulations to reduce barriers can allow our community to build new housing more quickly, in more places, and with less cost.

The City of Eugene “may regulate siting and design of middle housing.” The Department of Land Conservation and Development will develop minimum standards for compliance with the bill as well as a model code by December 31, 2020. The City of Eugene is required to adopt the model code or our own alternative by June 30, 2022. If the City does not meet the project deadline, the model code will automatically apply.

Traditional public outreach methods have excluded many community members and perspectives. Additionally, we are now living in a pandemic and moving to mostly virtual engagement – an opportunity for the City to expand who we can hear from. The project will use a broad array of equitable outreach and engagement strategies such as meetings with subject matter experts, a Healthy Democracy Community Jury, a roundtable of representatives from boards, commissions, neighborhood associations and local partners, as well as on-line and in person opportunities with the general public.

Revising our Land Use Code to comply with House Bill 2001 will shape how our community develops and expand opportunities for where people can choose to live and what type of home they can live in. We have the opportunity to use Land Use Code changes to make our neighborhoods more inclusive and more equitable for everyone to enjoy.

I. Goals of the Public Involvement Plan

This plan is meant to serve as a guide through the process of developing and adopting amendments to Eugene's Land Use Code to comply with House Bill (HB) 2001 to allow for middle housing types throughout Eugene residential neighborhoods. This plan outlines the approach to public involvement for the life of the project and contains goals and a plan for project communications, which addresses when and how city staff will communicate with key stakeholders and the general public. The Public Involvement Plan:

- Describes opportunities and different ways people can engage in the planning process;
- Details how individuals and organizations with a stake in the outcome of the Land Use Code can effectively participate; and
- Is consistent with the City's Public Participation Guidelines and Statewide Planning Goal 1.

The Project Team is committed to a public engagement process that is:

- **Meaningful:** We will use the input received to help draft amendments to Eugene's Land Use Code, within the requirements of HB 2001 and related state laws.
- **Accountable:** We will respond to ideas, critique, comments and praise.
- **Inclusive:** We will strive to communicate with all stakeholders, including under-represented groups, in ways that people understand and can relate to.
- **Transparent:** We will make decisions public and share information in a variety of ways.
- **Realistic:** We will inform people about the project's constraints, scope and timeline, including the requirements of HB 2001 and related state laws.
- **Outcome-oriented:** We will create a community-supported and City adopted land use code amendments.

The City of Eugene [Values and Principles for Public Participation](#) will guide the project from start to finish. The core values for public engagement include:

- Careful Planning and Preparation
- Inclusion and Demographic Diversity
- Collaboration and Shared Purpose
- Transparency and Trust
- Impact and Action
- Sustained Engagement and Participatory Culture

Specifically, the activities of the public involvement plan will include:

- Building on previous engagement and visioning from the Envision Eugene process, Housing Tools and Strategies, the Climate Action Plan Equity Panel, and ongoing housing work
- Early input and involvement from agency subject matter experts
- Engagement with representatives from boards, commissions and local partners, including neighborhood associations
- Input and guidance from the Eugene Planning Commission project resource group
- Outreach materials and online opportunities for the general public to provide input through a variety of events and formats
- Balancing differing community input with the seven pillars of Envision Eugene and the requirements of Oregon's Statewide Planning Goals and House Bill 2001 and related state requirements.
- A public hearing and adoption process with City of Eugene Planning Commission and City Council.

II. Public Involvement Process

Implementation of House Bill 2001 to allow for middle housing types will result in changes to Eugene’s Land Use Code (Chapter 9) and potentially to adopted land use plans. The land use code/plan amendment process will begin with the approval of a public involvement plan by the Planning Commission, who serves as the City’s Citizen Involvement Committee. From there, city staff will lead public engagement activities throughout summer and fall of 2020, as outlined below. In the fall of 2020, consultants and city staff will create land use code concepts that comply with HB 2001 minimum standards and will then be presented to the public and decision makers for feedback. Using this feedback, the concepts will be translated into draft land use code language, which will undergo review and revision to meet the community’s needs and state law. The adoption process will then consist of a public hearing before the Planning Commission, who will provide a recommendation to City Council, followed by a City Council public hearing and action.

The following is a summary of Project Phases, Deliverables, and Timeline:

Phase	Deliverables	Timeline
Phase 1 – Public Involvement Plan/Approach	<ul style="list-style-type: none"> • Consultant Scope and Schedule • Approved Public Involvement Plan 	<ul style="list-style-type: none"> • Summer 2020 • Summer 2020
Phase 2 – Design and Code Concepts	<ul style="list-style-type: none"> • Context study • Design Concepts & outreach materials • Code Concepts & outreach materials 	<ul style="list-style-type: none"> • Fall 2020 • Fall 2020 • Winter 2021
Phase 3 – Code Writing	<ul style="list-style-type: none"> • Code Framework & presentation materials • Draft code language 	<ul style="list-style-type: none"> • Spring 2021 • Summer –Fall 2021
Phase 4 – Adoption Process	<ul style="list-style-type: none"> • Adoption package and informational materials 	<ul style="list-style-type: none"> • Winter-Spring 2022

Decision-Making

After the project team assembles draft code from analysis and feedback as outlined above, the draft code language will go through an adoption process which will culminate with a decision from the Eugene City Council. The figure below is the International Association of Public Participation (IAP2)’s spectrum of public participation, which shows varying levels of engagement based on the level of public impact. The Project Participation Levels below show how this relates to the general public and key stakeholders for this process.

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

		INCREASING IMPACT ON THE DECISION				
		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL		To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
	PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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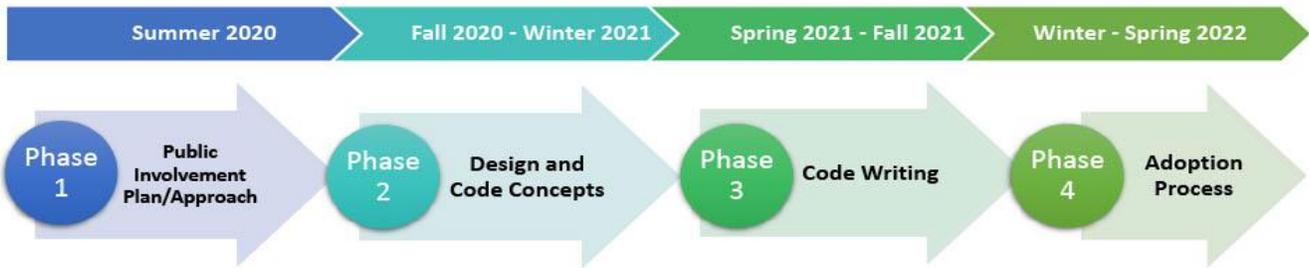
IAP2 Spectrum of Public Participation (source: www.iap2.org)

Project Participation Levels

Empower	Eugene City Council (elected to decide)
Collaborate	Eugene Planning Commission (appointed by elected officials to review and recommend)
Involve	Other Boards and Commissions and Local Partners; Eugene Planning Commission project resource group, Agency Subject Matter Experts, Healthy Democracy Community Jury (selected to advise)
Consult and Inform	Stakeholders and General Public (welcomed and encourage to give opinion)



Middle Housing Implementation Project Timeline



Public Engagement Strategies

Phase 1	Phase 2	Phase 3	Phase 4
<ul style="list-style-type: none"> •Envision Eugene Newsletter Kick-off •Develop public outreach materials in various formats •Educational Public Outreach •Update Project Webpage •Launch the project Engage Eugene Page •Finalize the Public Involvement Plan/PC & Council Check ins 	<ul style="list-style-type: none"> •Workshop(s) with Boards, Commissions, and local partners •Public Open House(s) and online engagement opportunities •Healthy Democracy Panel •Updates to general public and key stakeholders •Develop and distribute additional public outreach materials in various formats 	<ul style="list-style-type: none"> •Update Planning Commission and City Council on status of public engagement, draft policies and code amendments •Notify public of upcoming adoption process •Update project webpage and Engage Eugene page •Healthy Democracy Panel 	<ul style="list-style-type: none"> •Formal adoption/public hearing process begins •Online engagement opportunities continue •In person engagement as appropriate per public health guidelines



End of Phase Products



Coordination with Other Projects

The project team will coordinate with other local and regional projects and initiatives to increase efficiencies and collaboration.

- Envision Eugene Comprehensive Plan Housing Chapter
- Envision Eugene Comprehensive Plan Parcel-Specific Plan Diagram
- Growth Monitoring Program
- Urban Reserves Planning
- Clear and Objective Housing Approval Criteria Update
- Climate Action Plan 2.0
- River Road-Santa Clara Neighborhood Plan and River Road Corridor Study
- Housing Tools and Strategies process
- Eugene-Springfield 2020 Consolidated Plan
- Eugene-Springfield Fair Housing Plan (Assessment of the Impediments to Fair Housing and Fair Housing Plan Strategies)

Communications and Public Engagement Activities

This section outlines various communication methods along with an estimated timeline of when certain project milestones will occur. Given the COVID-19 pandemic, an emphasis will be placed on online methods that comply with current health guidelines and engage a broad spectrum of the community to gather feedback on the design and code concepts, code framework, and draft land use code language. As guidelines change, the methods will be reevaluated for safety, inclusivity and effectiveness. [Translation services will be provided where feasible.](#)

The majority of these engagement activities focus on developing and receiving input on the draft land use code language to be developed. Staff will evaluate the effectiveness of different methods and adapt as we proceed. Planned communications and public engagement activities include:

- **Website** – provide project information and documents (fact sheets, general process timeline, videos, summaries of outreach efforts, etc.)
 - Including posting information about the context and exclusionary history of residential zoning.
- **Engage Eugene** – house public engagement elements of the process (surveys, Q&A, videos, open forum, etc.)
- **City Newsletters** – use existing City E-Newsletters to provide regular project updates including: Envision Eugene, City Council Newsletter, Neighborly News and others.
- **Social Media** – use existing City accounts on Instagram, Facebook, and Twitter to get messages out, post videos, and advertise engagement opportunities.
 - Pilot “online office hours” on Twitter and/or Facebook.
 - Engage with community members on NextDoor and Reddit
 - Host Facebook Live community conversations about the relationship between zoning and race, sustainability, transit, and more.
- **Healthy Democracy** – pilot a curated group of Eugene community members who are representative of the general population and will be compensated for their time at two points in the process. This component is intended to produce a more equitable decision-making process for the Middle Housing Implementation project.
- **Meeting in a Box** – create printable/digital meeting materials for local organizations, neighborhood associations, and other interested parties to provide feedback on the project without having staff present or having to attend a public meeting.
- **Local Media** – Marketing for the project in The Register Guard, Eugene Weekly, local news affiliates
- **Roundtable Workshops** –
 - Equity RoundTable: The equity roundtable will build on work from the Equity Panel used for the Climate Action Plan 2.0 and foster future partnerships pertinent to housing with the City and among panel members. This roundtable will be facilitated and representatives will be compensated for their participation.
 - Boards and Commissions RoundTable: Representatives from Boards such as the Housing Policy Board, Commissions such as Planning Commission and Sustainability Commission and local partners will provide input on the draft code language before final concepts go to Council for decision making.
- **Public Open House(s)** –The community will have opportunities to review and give input on all new modified Land Use Code sections from the roundtable workshop(s). Staff will consider meeting times and locations, including online opportunities, to provide equitable access to all community members, and to comply with current health guidelines.

- **Community and Stakeholder Presentations** – Open invitation for informational presentations at existing community and neighborhood meetings or events.

Other possible activities, depending on staff capacity, include:

- **Student Outreach** – Virtual staff visits to relevant classes at Lane Community College, and the University of Oregon to conduct outreach.
- **Middle Housing Art Show** – Display materials made by community members that depict their visions of middle housing types.

Equity and Inclusivity

Residential Zoning has a complex history that resulted in exclusion of low-income, black, indigenous, and people of color from certain neighborhoods. In Oregon this history was especially harmful with direct exclusion of non-white people from the state from 1844 until 1926. Although those exclusions are illegal today, their negative impacts are still affecting our community through the legacy of exclusionary zoning. Housing policy and code changes are an opportunity to mitigate those. A component of the Public Involvement Plan will be to educate the public about this history and the connection between housing policy, zoning, and equity.

Additionally, the ongoing COVID-19 pandemic presents challenges and opportunities to conducting an equitable and inclusive public engagement process. Current health recommendations prohibit large, in-person gatherings. This means that our engagement will shift to include mostly virtual opportunities to engage. Efforts such as the Healthy Democracy panel, online forums, use of social media, mobile-friendly webpage design, and new creative tactics will be used. The project team is committed to an inclusive approach that removes barriers and results in community-wide participation.

Public Engagement Activities

Timeline Estimate	Activity
Summer 2020	Envision Eugene newsletter for project kick-off.
	Develop public outreach materials (fact sheets, summaries, etc.)
	Educational Public Outreach
	Updated Project Webpage
	Launch the project Engage Eugene page
	Present Public Involvement Plan to Planning Commission and City Council
Fall 2020	Extend request for 2-3 representatives from boards, commissions, and local partners to participate in roundtable workshop(s)
	Equity Roundtable workshop(s)
	Public Open House(s) and online public comment opportunity

	Healthy Democracy Panel #1
Winter 2021	Workshop(s) with Boards, Commissions and local partners Roundtable
	Updates to general public and key stakeholders (representatives from boards, commissions and local partners, and agency subject matters) on project status and next steps, and notices about upcoming Public Open House(s) & online public comment opportunity (website, E-newsletters, social media, etc.)
Winter 2021	Develop additional public outreach materials (fact sheets, summaries, etc.)
	Distribute outreach materials
	Public Open House(s) and online public comment opportunity
	Create an outreach summary from Public Open House(s) and online public comment results and notification of next steps (website, E-newsletters, social media, etc.)
	Review outreach summary and proposed code amendments with Planning Commission project resource group
Spring 2021	Update on status of draft code amendments and notification of upcoming adoption process to general public and key stakeholders
	Healthy Democracy Panel #2
Summer – Fall 2021	Continue public information opportunities around the code amendments and overall adoption package
Winter 2022	Formal adoption/public hearing process begins with legal notices for Planning Commission public hearing
Spring 2022	Adoption deadline is June 30, 2022

*Meetings or other outreach and engagement activities will be added to the above list as needed.

Project Stakeholders

Agency Subject Matter Experts

The project will involve agency subject matter experts to provide technical input on draft code language, in addition to coordination with other plans, partners, and projects. Agency experts will include staff from the following:

- City of Eugene Urban Design
- City of Eugene Community Development (Housing)
- City of Eugene Public Works (Transportation and Engineering)
- City of Eugene Human Rights and Neighborhood Involvement
- City of Eugene Emergency Management staff
- City of Eugene Sustainability
- City of Eugene Police
- Eugene/Springfield Fire
- Eugene Water and Electric Board

- School Districts (4J and Bethel)
- Lane County Public Health
- Homes for Good (Lane County)
- Oregon Department of Land Conservation and Development

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Equity RoundTable

The Equity RoundTable will be formed from key stakeholders and will provide an equity lens to help staff to develop and refine policy and code language. Staff will invite representatives from:

- Leaders in the community from Black, Indigenous, and People of Color identified groups
- LatinX Alliance
- NAACP (National Association for the Advancement of Colored People)
- Eugene Springfield Renters Alliance
- GLAAD (formerly the Gay and Lesbian Alliance Against Defamation)
- Lane Independent Living Alliance
- LILA (Lane Independent Living Alliance)
- Lane Transit District Accessibility Committee

Boards, Commissions and Local Partners RoundTable

The Boards, Commissions, and local partners roundtable will serve as stakeholders and will help staff to develop and refine policy and code language. Staff will invite representatives from:

Boards and Commissions:

- City of Eugene Planning Commission
- City of Eugene Sustainability Commission
- City of Eugene Human Rights Commission
- City of Eugene Budget Committee
- City of Eugene Historic Review Board
- City of Eugene Active Transportation Committee
- Housing Policy Board

Local partners:

- Better Housing Together
- Eugene Chamber of Commerce
- Eugene Association of Realtors
- Human Services Network
- Equity and Community Consortium
- 350 Eugene
- Better Eugene-Springfield Transportation
- 1000 Friends of Oregon
- League of Women Voters of Lane County
- Walkable Eugene Citizens Advisory Network (WE CAN)
- Homebuilders Association of Lane County
- Neighborhood Leaders Council/ Neighborhood Representatives
- University of Oregon Staff
- Lane Community College Staff
- General Public

Members of the general public will have multiple opportunities to provide input and stay informed through the website, Engage Eugene, newsletters, an open house, [and community outreach events that follow public health guidelines](#) in addition to participating in the formal adoption process. In addition, community members have provided input through the extensive visioning process of Envision Eugene, ongoing housing planning and housing related land use code projects, which has shaped Eugene’s vision to promote more housing affordability, availability and diversity.

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AGENDA ITEM SUMMARY
August 11, 2020

To: Planning Commission

From: Mike McKerrow, Associate Planner and Jenessa Dragovich, Senior Planner,
Building and Permit Services Division

Subject: Deliberations on Digital Signs Code Amendment (City File # CA 20-2)

ACTION REQUESTED:

Hold deliberations on a proposed land use code amendment to modify existing sign standards to allow various digital signs.

BRIEFING STATEMENT:

On July 28, 2020, the Planning Commission held a public hearing on a land use code amendment initiated by City Council. The Eugene sign code applies City-wide to all properties based on zoning and location, which determines which sign district and associated standards apply. The goal of the proposed land use code amendments is to modify existing sign code standards to allow and regulate digital billboards and digital reader boards.

The proposed amendments to the existing sign code are primarily focused on allowing digital billboards as well as limited digital signage for drive-through signs, service stations and institutional uses. The other proposed changes in the draft code are clarifications recommended by staff. The draft land use code language is provided as Attachment A. The following is a summary of the proposed changes:

- Provides new definitions for digital billboards, cutouts and digital signs and modifies existing definitions for electronic message centers and flashing signs.
- Provides ability to convert existing billboards into digital billboards when proposed standards are met:
 - Minimum spacing of 1,200 feet (4 blocks) between digital billboards
 - Minimum 10 seconds between messages
 - No video, animations, scrolling, or other similar effects.
 - Auto-dimming to prevent glare, especially at night
- Allows one digital sign (maximum 20 square feet) for each institutional use such as schools, religious institutions and community centers.
- Allows up to six small digital sign components (totaling not more than 20 square feet) for service stations.

- Allows up to two digital signs (maximum 7-foot high and not more than 40 square feet) for each drive-through use.

PUBLIC COMMENT

The Planning Commission should consider all public testimony received before making a recommendation on the proposed amendments. This proposed code amendment is a legislative land use process, which means the record will stay open until City Council action. To provide time for the Planning Commission to review and consider testimony prior to making a recommendation, staff will not forward testimony received after August 4, 2020 to the Planning Commission. Any testimony after August 4, 2020 will be collected and forwarded to City Council for their consideration.

To date, staff have received six pieces of written testimony summarized as follows:

- An attorney representing a billboard company provided suggested changes to the draft language (Reeder, 7/9/20)
- A local sign contractor expressed concern that the amendments could make the sign code more restrictive (Rudnick, 7/14/20)
- An advertising company submitted slides for a short presentation (given as testimony at the public hearing) with support and suggested changes (Casady, 7/20/20)
- Comments and recommendations from a representative of the Northwest Sign Council and the International Sign Association (Carpentier, 7/21/20)
- An email from a citizen expressing opposition to allowing digital signs based on social, aesthetic, environmental, and safety concerns (Logan, 7/26/20)
- An attorney representing a billboard company provided suggested changes to the draft code (Noteboom, 7/28/20)

In addition, two industry representatives who submitted written testimony also spoke at the July 28, 2020 public hearing to state support and explain their requested changes. Copies of testimony received were provided to the Planning Commission in the agenda packet for the July 28, 2020 public hearing or directly by email.

In response to testimony, staff have suggested a few changes to the original draft code, which are provided in Attachment A. At the public hearing, several commissioners asked for additional follow-up information that staff is working on and will be prepared to address at deliberations.

PROCEDURAL SUMMARY

This proposed code amendment is subject to Type V application procedures (EC 9.7500 through EC 9.7560) for the upcoming public hearing, as well as the applicable approval criteria from EC 9.8065. Type V applications provide for a legislative review of changes to the land use code. The Type V process includes public notice and hearing before the Planning Commission, which forwards a recommendation to the City Council for a final public hearing and action. Attachment B provides preliminary findings addressing compliance with the applicable approval criteria for the proposed changes.

The Planning Commission must address the relevant approval criteria from EC 9.8065 in making a recommendation to the City Council on the request. Staff's preliminary findings addressing these approval criteria are attached for the Planning Commission's consideration (see Attachment B).

STAFF RECOMMENDATION / NEXT STEPS

Staff recommends that the Planning Commission consider all testimony submitted to date, deliberate and provide a recommendation to City Council related to the proposed land use code amendment.

Following Planning Commission deliberations and recommendation, the City Council will hold a public hearing on September 21, 2020, with City Council action tentatively scheduled on October 12, 2020.

ATTACHMENTS:

- A. Draft Land Use Code Language with recommended changes
- B. Preliminary Findings

FOR MORE INFORMATION

Please contact Mike McKerrow, Associate Planner, at 541-682-5288 or MMckerrow@eugene-or.gov or Jenessa Dragovich, Senior Planner, at 541-682-8385 or JDragovich@eugene-or.gov

As a courtesy, relevant application materials may also be viewed on the City's land use application website: <https://www.eugene-or.gov/764/Land-Use-Code-Amendments>

Digital Sign Amendments Ordinance
Staff Recommended Land Use Code Changes
DRAFT – August 4, 2020

Language to be added is shown in ***bold italics***

Language to be removed is shown in ~~strikeout~~

Staff Recommend changes to the June 9, 2020 draft language shown in **green highlight**

Explanatory text in *alternate font*

Definitions:

Cutout. *A supplemental design element attached to or superimposed upon a billboard.*

Digital Billboard. *Any billboard that changes messages by any electronic process.*

Digital Sign. *Any sign with a sign face of 20 or fewer square feet in surface area that changes messages by any electronic process.*

Electronic Message Center. *A sign, or portion of a sign, that conveys information through a periodic automatic change of message on a lampbank, through the use of fiber optics, or through mechanical means. A sign on which any portion less than an entire sign rotates shall be considered an electronic message center. A sign component that utilizes a computer or other electronic means to change the digital message displayed.*

Flashing Sign. *A sign or sign structure that is not a digital billboard, digital sign, or electronic message center, where some part of the display is provided by light-emitting elements which abruptly change color or intensity of illumination, including intermittent periods of illumination and non-illumination, or where the effect of flashing is achieved through mechanical means, including rotation.*

Sign Standards:

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:

* * *

Building Directories. *For buildings with multiple tenants, one wall-mounted sign up to 12 square feet in area for the purpose of communicating to persons already on the development site.*

* * *

~~Message Boards~~ **Drive-through Signs.** One sign per business for the purpose of communicating to persons on the development site, such as a drive through menu sign or building directory. Such a sign may be up to 6 feet in height and up to 40 square feet in area.

Two drive-through signs for each drive-through lane. Each drive-through sign may be up to 7 feet in height and up to 40 square feet in area. Drive-through signs may be digital signs if the sign display is static and the display copy is not changed more than once per hour, except for a portion of the digital display not to exceed 2 square feet may change the display copy more frequently.

* Staff Explanation: The term 'copy' was pointed out as confusing at the July work session. The term 'display copy' is used in the existing sign code at EC 9.6620(3) (see below). Staff suggest changing 'copy' to 'display copy' for clarity and consistency.

* * *

Residential Property Signs. Two signs for each development site used primarily for a single family dwelling or duplex. The signs are limited to the following types: freestanding sign or banner. A freestanding sign may not exceed 12 square feet in size per face, with a maximum of two faces; a banner may not exceed 15 square feet in size. The maximum height of a freestanding sign under this exemption is 6 5 feet (from grade), and it must be separated by at least 8 feet from any other freestanding sign on the same development site.

* * *

9.6615 Prohibited Signs. Except where qualified as a nonconforming sign, the following signs are unlawful and are declared to be nuisances:

* * *

- (5) Decorative laser signs, search lights, and flashing signs, ~~except electronic message centers;~~

9.6620 Nonconforming Signs.

* * *

- (3) **Except as provided in EC 9.6675(7) and EC 9.6680(7) or** Except where only a change in display copy is made, any nonconforming sign which is structurally altered or has illumination installed shall be brought into compliance with all applicable provisions of the sign standards within 90 days and shall thereafter be kept in compliance with the sign standards.

* Staff intended to include EC 9.6680(7) and appreciate that the inadvertent omission was brought to our attention.

* * *

- (5) The provisions of ~~subsection (6) of this section~~ and subsection (2) of EC 9.6635 Approval of Permit Application do not apply to signs in existence pursuant to a validly issued sign permit as of July 1, 1990, along Goodpasture Island Road from a point 300 feet north of the intersection with Valley River Way to a point 1400 feet north of the intersection. The provisions of subsection (2) of this section shall apply except that restoration of a damaged sign shall be allowed where a sign is damaged to the extent of 100 percent of its value. All other provisions of this section shall apply.
- (6) All signs with a surface area of 200 square feet or greater shall be removed or brought into compliance with this land use code by April 1, 2003.

9.6630 Permit Application.

- (1) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager - Authority to Set Fees and Charges. ~~When a person begins construction of a sign requiring a sign permit before the permit is issued, the permit fee shall be doubled. Payment of a double permit fee shall not otherwise exempt the person from liability for other penalties prescribed for a violation of the sign standards.~~

* * *

9.6635 Approval of Permit Application.

* * *

- (8) A decision granting or denying a sign permit may be appealed to a hearings official. Appeals are processed according to ~~other~~ Type II applications beginning at EC 9.7200 General Overview of Type II Application Procedures. The decision of the hearings official is final.

9.6640 General Provisions.

* * *

(4) Location Standards.

- (a) Setbacks. All signs shall comply with the setback requirements beginning at EC 9.2000 through EC 9.3980 and EC 9.6745 Setbacks - Intrusions Permitted. ~~Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the E-1 zone may be installed at least 5 feet from the front property line.~~

* * *

Projecting Over the Public **Right-of-Way**. Except as specified in EC 9.6670 Central Commercial Sign Standards, no privately owned sign may project over any public right-of-way.

* * *

(5) Construction Standards.

* * *

- (f) Wall Signs. Wall signs shall ~~may~~ project **up to a maximum of 12 inches from the wall, except that wall signs shall project no more than 4 inches from the wall when the sign is less than 8 feet above a sidewalk or public way.** ~~when the wall sign is more than 8 feet above grade and a maximum of 4 inches when the wall sign is less than 8 feet above grade.~~

(6) **Illumination Standards.**

* * *

- (d) Illumination From Signs on Residentially Zoned Property. ~~No internally illuminated sign shall be allowed on property in a residential zone. Lighting from all light sources operated for the purposes of sign illumination on property in a residential zone shall be shielded from other property in the residential zone and shall not be more than 2 foot candles at any point along the boundary of the development site closest street or property line. Externally illuminated signs shall be shielded.~~

* * *

(9) **Electronic Message Centers**. Except electronic message centers operated as public signs by governmental agencies, ~~no~~ electronic message centers **are subject to the following limitations:** ~~of~~

- (a) **Except as provided in subsection (b) of this section, that** portion of any sign used as an electronic message center shall be ~~larger than~~ **limited to 3 square feet in area, may display a message containing no more than 5 characters, and must not** change the displayed message at intervals of less than once every 3 seconds. No electronic message center, except for temporary construction use, shall exceed a maximum one-hour equivalent A-weighted sound pressure level of 50 dBa at the receiving property line when the receiving property is occupied by a dwelling, hospital, school, library or assisted care center.
- (b) **Each service station may include up to 6 rectangular digital signs, constructed a minimum of 3 inches from each other, limited to 20 square feet in area cumulatively, and must not change the displayed message at intervals of less than once every 24 hours.**

(10) **Digital Signs**. **One digital sign up to 20 square feet in area is permitted per institutional use on a development site. Digital signs must be located a minimum of 50 feet from the property line of any residentially zoned property.**

All digital signs shall be subject to the following standards:

- (a) **The change from one message to another message shall be no more frequent than once every 10 seconds.**
- (b) **The change from one message to another message shall be instantaneous.**
- (c) **Animation, scrolling or other perceived movement is not allowed.**
- (d) **The digital sign shall operate at an internal illumination intensity level of not more than 0.3 foot-candles over ambient light levels as measured from a distance of 45 feet perpendicular to the sign face**
- (e) **The digital sign shall be equipped with a light sensor that automatically adjusts the intensity of the digital display according to the amount of ambient light.**

9.6645 Applicability of Sign Standards.

- (1) No sign permit shall be issued for any sign unless specifically identified as an allowed sign use under the terms of the applicable sign standards or otherwise allowed a permit under EC 9.6620 Nonconforming Signs or ***exempted from the requirement for a permit under EC 9.6610 Exemptions to Sign Standards.***
- (2) Except as otherwise specified, signs located on property zoned S Special Zone shall be subject to the provisions of:

* * *

- (b) EC 9.6680 Employment and Industrial Sign Standards, if employment or industrial, or
- (c) EC 9.6660 General Commercial Sign Standards, or
- (d) ***EC 9.3970(11) if the property is zoned S-WS Walnut Station Special Area Zone.***

* * *

9.6650 Residential Sign Standards. The residential sign standards are hereby created and applied to all land zoned as set forth below. Signage is limited to preserve the character of the area by allowing signs only for residential purposes and for non-residential uses allowed in the applicable zone.

* * *

- (2) **Permitted Sign Types.** Signs allowed under residential sign standards are limited to the following types:
 - (a) Awning signs;
 - (b) ***Digital signs;***
 - (c) Freestanding signs;
 - (d) Readerboards; and
 - (e) Wall signs.

* * *

9.6655 General Office Sign Standards. The general office sign standards are hereby created and applied to all land as set forth below. Signs are regulated to accommodate the office buildings and other public uses that are commonly located within these zones and because of the proximity of residential areas.

* * *

- (2) **Permitted Sign Types.** Signs allowed under general office sign standards shall be limited to the following types:
 - (a) Awning signs;
 - (b) ***Digital signs;***
 - (c) Electronic message centers;
 - (d) Freestanding signs;
 - (e) Marquee signs;
 - (f) Readerboards;
 - (g) Under-marquee signs; and
 - (h) Wall signs.

* * *

9.6660 **General Commercial Sign Standards.** The general commercial sign standards are hereby created and applied to all land as set forth below. Sign limitations reflect the commercial nature of the area and the amount of vehicular traffic.

* * *

- (2) **Permitted Sign Types.** Signs allowed under these standards shall be limited to the following types:
- (a) Awning signs;
 - (b) **Digital signs;**
 - (bc) Electronic message centers;
 - (ed) Freestanding signs;
 - (de) Marquee signs;
 - (ef) Readerboards;
 - (fg) Roof signs;
 - (gh) Under-marquee signs; and
 - (hi) Wall signs.

* * *

9.6665 **Shopping Center Sign Standards.** The shopping center sign standards are hereby created and applied to all land as set forth below. Sign limitations in these standards accommodate the special commercial character of these areas and the residential areas which are close to most shopping centers.

* * *

- (2) **Permitted Sign Types.** Signs allowed under the shopping center sign standards shall be limited to the following types:
- (a) Awning signs;
 - (b) **Digital signs;**
 - (bc) Electronic message centers;
 - (ed) Freestanding signs;
 - (de) Marquee signs;
 - (ef) Readerboards;
 - (fg) Roof signs;
 - (gh) Under-marquee signs; and
 - (hi) Wall signs.

* * *

9.6670 **Central Commercial Sign Standards.** The central commercial sign standards are hereby created and applied to all property within the central commercial zones as set forth below. Signs are restricted in recognition of the high density usage of these areas, where pedestrian traffic is heavy and vehicular traffic is commonly limited.

* * *

- (2) **Permitted Sign Types.** Signs allowed under the central commercial sign standards shall be limited to the following types:

- (a) Awning signs;
 - (b) Digital signs;**
 - (bc) Electronic message centers;
 - (ed) Freestanding signs;
 - (de) Marquee signs;
 - (ef) Projecting signs;
 - (fg) Readerboards;
 - (gh) Roof signs;
 - (hi) Under-marquee signs; and
 - (ij) Wall signs.
- (3) Maximum Number of Signs.** The number of signs central commercial sign standards allow shall be limited to no more than 1 electronic message center, freestanding, ~~projecting sign~~, readerboard, or roof sign per development site street frontage **and 1 projecting sign per business occupant**. The number of allowed awning, marquee, under-marquee and wall signs is not limited.

* * *

9.6675 Highway Commercial Sign Standards. The highway commercial sign standards are hereby created and applied to all land as set forth below. Signs in this area are regulated to accommodate the mixed uses of the areas and the presence of major streets with high traffic volumes.

- (1) Corresponding Zones.** The provisions of this section apply to that property within the S-RP Riverfront Park Special Zone located within 200 feet of the Franklin Boulevard center line and to property within the C-1, C-2, C-3, or any employment and industrial zone with frontage along the following named streets:
- (a) Beltline Road from 11th Avenue to Roosevelt Boulevard;
 - (b) Broadway from Mill Street to Franklin Boulevard;
 - (c) Coburg Road from 6th Avenue to 200 feet north of Frontier Drive;
 - (d) Franklin Boulevard east from Broadway, including the north-south segment;
 - (e) Garfield Street from 11th Avenue to 5th Avenue;
 - (f) Goodpasture Island Road from Valley River Drive to 1,700 feet north;
 - (g) Highway 99 North;
 - (h) I-5 **on the south side only** from Henderson Avenue to 300 feet north of Laurel Hill Drive;
 - ~~(i) I-5 on the north side only, from 720 feet east of Henderson Avenue to 1,330 feet east of Henderson Avenue;~~
 - (ji) I-105 from the Coburg interchange to Scout Access Road;
 - (kj) Mill Street from Broadway to Coburg Road;
 - (lk) Railroad Boulevard;
 - (ml) 6th Avenue east of conjunction with Highway 99 North;
 - (nm) 7th Avenue east of conjunction with Highway 99 North; and
 - (en) 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.
- (2) Permitted Sign Types.** Signs allowed under the highway commercial sign standards shall be limited to the following types:
- (a) Awning signs;
 - (b) Billboards;
 - (c) Digital Billboards;**
 - (d) Digital Signs;**
 - (ee) Electronic message centers;

- (df) Freestanding signs;
- (eg) Marquee signs;
- (fh) Projecting signs;
- (gi) Readerboards;
- (hj) Roof signs;
- (ik) Under-marquee signs; and
- (jl) Wall signs.

* * *

- (6) Billboards.** Billboards shall be subject to the following standards:
- (a) Billboards located along the streets named in subsection (1)(b) through (1)(g) and (1)(~~jk~~) through 1(~~ne~~) of this section shall not exceed 250 square feet in surface area.
 - (b) Billboards located on developed property along streets named in subsection 1(a), and (1)(h) **and** through (1)(~~f~~) of this section shall not exceed 300 square feet in surface area.

* * *

- (7) Digital Billboards.** *In addition to the standards in EC 9.6675(6), Digital Billboards shall be subject to the following standards. Where standards conflict, the standards for Digital Billboards in this subsection (7) shall control:*

- (a) **Minimum spacing between digital billboards facing the same direction shall be 1200 feet. The distance between digital billboards shall be measured along the centerline of the street designated to be a location for digital billboards.**

* *The 1200-foot spacing requirement was intended to apply to digital billboards facing the same direction - this language clarifies the intent.*

- (b) **The change from one message to another message shall be no more frequent than once every 10 seconds.**

* *Policy Choice: Stakeholders have asked that this limit be revised from 10 seconds to 8 seconds, consistent with industry standards and State of Oregon requirements. According to ORS 377.710, "Digital billboard" means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less. Note that it is ok for Eugene's standards to be more restrictive than the ORS requirement. Staff have also asked for input from the transportation planning team (Vision Zero) and will share their feedback if they have concerns or a preference regarding frequency of message changes.*

- (c) **The change from one message to another message shall be instantaneous.**

- (d) **Animation is not allowed.**
- (e) **The digital billboard shall operate at an internal illumination intensity level of not more than 0.3 foot-candles over ambient light levels as measured from a distance of 150 feet perpendicular to the sign face.**
- (f) **The digital billboard shall be equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light.**
- (g) **The digital billboard shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.**
- (h) **Cutouts are not allowed.**
- (i) **Notwithstanding EC 9.1230, legal nonconforming billboards may be removed and replaced by digital billboards if the location, area and height of the sign do not change and if the building permit is issued within 365 days of the 1st day of demolition. However, no digital billboard shall be larger than 300 square feet and all other standards in this section must be met.**
- (j) **Digital billboards are allowed at the locations identified at EC 9.6675(1) except for (b), (e), (f), (j) and (k).**

* *Policy Choice: Stakeholders have asked that (b), (e), and (j) be included as allowable locations for digital billboards. These street segments include Garfield Street between 7th and 11th Avenues, Mill Street from Broadway to Coburg Road, and Broadway from Mill Street to Franklin Boulevard. Staff have asked for input from the transportation planning team (Vision Zero) and will share their feedback if they have concerns or a preference regarding the locations along major arterials where digital billboards are allowed.*

9.6680 Employment and Industrial Sign Standards. The employment and industrial sign standards are hereby created and applied to all property zoned for employment and industrial use as set forth below. Signs are regulated to accommodate the minimal street frontage of most parcels and the general proximity to highways and arterial streets.

* * *

- (2) Permitted Sign Types.** Signs allowed under the industrial sign standards shall be limited to the following types:
- (a) Awning signs;
 - (b) Billboards;
 - (c) Digital Billboards;**
 - (d) Digital signs;**
 - (ee) Electronic message centers;
 - (ef) Freestanding signs;
 - (eg) Marquee signs;
 - (fh) Projecting signs;
 - (gi) Readerboards;
 - (hj) Roof signs;
 - (ik) Under-marquee signs; and
 - (jl) Wall signs.

* * *

(5) **Maximum Height.** All billboards, freestanding signs and roof signs shall be no more than 30 feet in height except freestanding signs ~~up to 5 feet in height are allowed in the E-1 zone at a minimum of 5 feet from the front property line.~~

(6) **Billboards.** Billboards regulated by the employment and industrial sign standards shall be subject to the following:

(a) Billboards shall be permitted only along property which abuts the following named streets:

1. Garfield Street north of 5th Avenue to the intersection of Roosevelt Boulevard.
2. Seneca Street north of 11th Avenue to the intersection of Roosevelt Boulevard.
3. Bertelsen Road north of 11th Avenue to the intersection of Roosevelt Boulevard.
4. Obie Street north of 11th Avenue to the end of the street, but no further north than the intersection of Stewart Road.
5. West 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.

(b) No billboard shall exceed 250 square feet in area.

(c) Notwithstanding the required connection between perimeter wall size and billboard size established in (4)(b) of this section, a billboard not to exceed 200 square feet may be located on an otherwise vacant lot abutting any street designated in this section.

(d) The provisions of EC 9.6675(6)(d) to (i) shall apply to all billboards in areas regulated by the employment and industrial sign standards.

(7) **Digital Billboards.** *In addition to the standards in EC 9.6680(6), Digital Billboards shall be subject to the following standards. Where standards conflict, the standards for Digital Billboards in this subsection (7) shall control:*

(a) **Minimum spacing between digital billboards facing the same direction shall be 1200 feet. The distance between digital billboards shall be measured along the centerline of the street designated to be a location for digital billboards.**

* *The 1200-foot spacing requirement was intended to apply to digital billboards facing the same direction - this language clarifies the intent.*

(b) **The change from one message to another message shall be no more frequent than once every 10 seconds.**

* *Policy Choice: Stakeholders have asked that this limit be revised from 10 seconds to 8 seconds, consistent with industry standards and State of Oregon requirements. According to ORS 377.710, "Digital billboard" means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less. Note that it is ok for Eugene's standards to be more restrictive than the ORS requirement. Staff have also asked for input from the transportation*

planning team (Vision Zero) and will share their feedback if they have concerns or a preference regarding the frequency of message changes.

- (c) The change from one message to another message shall be instantaneous.**
- (d) Animation is not allowed.**
- (e) The digital billboard shall operate at an internal illumination intensity level of not more than 0.3 foot-candles over ambient light levels as measured from a distance of 150 feet perpendicular to the sign face.**
- (f) The digital billboard shall be equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light.**
- (g) The digital billboard shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.**
- (h) Cutouts are not allowed.**
- (i) Notwithstanding EC 9.1230, legal nonconforming billboards may be removed and replaced by digital billboards if the location, area and height of the sign do not change and if the building permit is issued within 365 days of the 1st day of demolition. However, no digital billboard shall be larger than 300 square feet and all other standards in this section must be met.**
- (j) Digital billboards are only allowed at the location described in EC 9.6680(6)(a)5.**

Preliminary Findings: Digital Sign Code Amendments (City File # CA 20-2)

Overview

The goal of the proposed land use code amendments is to modify existing sign code standards to allow and regulate digital billboards and digital reader boards. The proposed amendments focus on how best to allow conversion of existing billboards to new digital technology with specific standards for maximum size, message change intervals, brightness, location and separation. The proposed amendments also include digital allowances for institutional uses and gas stations and minor changes to the existing sign code suggested by staff to add clarity.

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 community 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 code amendment does not amend the citizen involvement program. The process for adopting this amendment complied with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on June 15, 2020. A public hearing was scheduled before the Planning Commission on July 28, 2020. A public hearing is scheduled before the City Council for September 21, 2020. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, as well as community groups and individuals who requested notice. In addition, notice of the public hearing was also published in the Register Guard on July 6, 2020. Information concerning the amendment, including the dates of the public hearings was posted on the City of Eugene website.

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 this amendment. The record shows that there is an adequate factual basis for the amendment. 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 this amendment 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, as well as to Lane County and the City of Springfield. There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 2.

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

The amendment is for property located within the urban growth boundary and does 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 amendment is for property located within the urban growth boundary and does 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.*

This amendment does 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, does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does 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 amendment does 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 amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendment does 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.*

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 amendment does 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 amendment does not impact the supply of industrial or commercial lands. Therefore, the amendment is 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 amendment does not impact the supply of residential lands. Therefore, the amendment is 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 amendment does 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 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 amendment does 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 amendment does not have a significant effect under (a), (b) or (c). Therefore, the amendment does 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 amendment does 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 amendment does 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 amendment does 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 this amendment. Therefore, these goals are not relevant and the amendment will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.*

Metro Plan

The Metro Plan does not contain any policies directly relevant to this amendment.

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any policies relevant to this amendment.

Applicable Refinement Plans

No relevant policies were found in the City's adopted refinement plans.

(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.