



# AGENDA

**Meeting Location:**  
Virtual Meeting (Via Zoom)

Phone: 541-682-5481  
[www.eugene-or.gov/pc](http://www.eugene-or.gov/pc)

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The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available, or an interpreter can be provided with 48-hour notice prior to the meeting. Spanish-language interpretation will also be provided with 48-hour notice. To arrange for these services, contact the Planning Division at 541-682-5675.

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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, OCTOBER 20, 2020 – Public Hearing (5:30 p.m.)**

### **A. Public Hearing: Clear & Objective Housing: Approval Criteria Update**

Lead City Staff: Jenessa Dragovich, 541-682-8385, [JDragovich@eugene-or.gov](mailto:JDragovich@eugene-or.gov)

#### **Public Hearing Format:**

The Planning Commission will receive a brief City staff report followed by an opportunity for public comment. Time limits on testimony may be imposed. The Planning Commission may seek a response to testimony from City staff. At the end of the hearing, the Planning Commission Chair will announce whether the record is closed, the record will be held open, or the public hearing will be continued.

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

## **HOW TO ACCESS THE MEETING**

- **To watch a webcast of the meeting live:** Visit <https://www.eugene-or.gov/2109/Planning-Commission-Webcasts> to view the live webcast or tune in to Local Comcast Chanel 21
- **To join/watch the meeting from your computer, tablet or smartphone** (allows participation in Public Comment):  
<https://eugene-or-gov.zoom.us/j/96243908695>
- **To join by phone** (allows participation in Public Comment): Dial one of the below numbers and enter the **Webinar ID: 962 4390 8695**
  - +1 833-548-0276 (Toll Free); or
  - +1 833-548-0282 (Toll Free); or
  - +1 877-853-5257 (Toll Free); or
  - +1 888-475-4499 (Toll Free); orFor higher quality, dial a number based on your current location.  
International numbers available: <https://eugene-or-gov.zoom.us/j/96243908695>

### **To sign-up to speak for Public Comment:**

- For those viewing the meeting on a computer, laptop, or other device, click once on the blue “hand” icon
- For those listening to the meeting on a phone, press \*9 (Star-9)

**AGENDA ITEM SUMMARY**  
**October 20, 2020**

**To:** Eugene Planning Commission

**From:** Jenessa Dragovich, Senior Planner, City of Eugene Building and Permit Services Division

**Subject:** Public Hearing: Clear & Objective Housing: Approval Criteria Update (City file CA 20-4)

**ISSUE STATEMENT**

Hold a public hearing on proposed land use code amendments for Clear & Objective Housing: Approval Criteria Update. A summary of the proposed amendments is provided as Attachment A and the draft land use code language is provided as Attachment B.

**BACKGROUND**

As part of the Envision Eugene urban growth boundary (UGB) process, in 2015, City Council initiated several projects. These included establishing a baseline UGB, establishing urban reserves, growth monitoring and updating the City's needed housing (clear and objective) regulations. Related to the City's needed housing regulations, the Council specifically directed the following action:

- Update the City's procedures and approval criteria for needed housing applications (applications to develop housing in areas identified for housing in the City's Buildable Lands Inventory and Housing Needs Analysis).
- Target for City consideration of proposed updates: within 1 year of State acknowledgement of the baseline UGB.

Through this project, Eugene's existing clear and objective approval criteria were reevaluated for potential updates. Proposed updates were crafted based on the following goals:

- accommodate housing on lands available within our current UGB
- provide a clear and objective path to land use approval for all housing as required by State law
- guide future housing development in a way that reflects our community's values

The project identified land use approval criteria and procedures to be updated, added, or removed to improve efficiency in complying with State requirements for clear and objective regulations, while still effectively addressing development impacts.

As a reminder, state law (Oregon Revised Statute 197.307(4)) requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of all housing. The intent of this requirement is to ensure that communities provide a predictable path to approval for housing projects and that path does not rely on discretionary or subjective criteria. This may include development standards such as setbacks and building height that apply to housing at the

time of building permit, as well as land use application criteria that apply to land use applications, such as subdivisions, for the development of housing.

Cities that provide a clear and objective land use application approval path may also adopt alternative or “discretionary” approval criteria that developers may elect to follow, for example to allow greater flexibility in housing development proposals. Eugene has a two-track system currently, and this project is focused on the existing clear and objective approval criteria for our conditional use, partition, planned unit development (PUD), site review, and subdivision applications.

### **Project Phases**

The Clear & Objective project is being completed in four phases, each of which builds on the next. The project was designed to provide incremental review of proposed code changes, with public involvement and review by Planning Commission and City Council provided during each phase of the project.

**Phase 1** – 37 key issues were identified by stakeholders and provided in the [Summary of Key Issues Report](#). Key issues were categorized as either Maintenance or Significant. Maintenance issues represent procedural changes or amendments that would create consistency between the clear and objective and discretionary review tracks, consistency with other sections of the land use code, or otherwise improve efficiency or effectiveness. These require only maintenance-level code revisions that are relatively straightforward. Significant issues raised potential policy implications and were brought to working groups for discussion and to generate possible concepts.

**Phase 2** – recommendations for addressing each key issue were generated and provided in the [Draft Preferred Concepts Report](#). Recommendations were derived using input from working groups, research into the issues and possible concepts, consultation with internal staff who work with the land use application review process daily, and a concept evaluation rubric for the 19 significant key issues.

**Phase 3** – after check-ins with Planning Commission and City Council, code language to implement the Draft Preferred Concepts Report developed in Phase 2 was drafted and provided to the public for review and comment.

**Phase 4** – formal adoption process for land use code amendments. The project is currently in this phase.

Throughout the project there were multiple check-ins with Planning Commission and City Council. A list of these key project check-ins, with links to webcasts for each meeting, is provided as Attachment C.

### **PLANNING COMMISSION FOLLOW UP**

As part of the Phase 3 work, the Planning Commission reviewed and provided feedback on draft land use code language over four work sessions. Following Planning Commission review, City Council

reviewed the proposed code amendments in May 2019 and directed staff to begin the formal adoption process after first returning to Planning Commission to revisit a few items that did not receive unanimous support from the commission. Staff returned to the Planning Commission for two additional work sessions on [January 27, 2020](#) and [February 11, 2020](#) to revisit the items that had not originally received unanimous support. The following summarizes those items and the Commission's recommendation upon revisiting.

### ***Tree Preservation and Removal Standards***

When Planning Commission reviewed the proposed Clear & Objective land use code amendments, the language most grappled with were the proposed tree preservation and removal standards. Existing standards applied under the clear and objective track are minimal and arguably ineffective. The preferred concept was to add a criterion that would set a minimum preservation requirement, allow mitigation, and implement a tree rating scale. Commissioners were concerned with the overall complexity of the first draft and asked Council for more time to help refine the language. In response, Council passed a motion to allow the project to move forward with additional review from the commission before starting the public hearing process. The draft standards were substantially simplified and revised to address Planning Commission concerns. Planning Commission reviewed and refined the new draft language, which is incorporated in the draft amendment in Attachment B.

### ***300-foot Ridgeline Setback***

The second follow-up item was related to changes to an existing 300-foot ridgeline setback requirement for planned unit developments. There was some concern from commissioners around the origin and intent of the provision. Some commissioners suggested that the criterion be reevaluated and some supported removal rather than revision. Staff reported back that they looked further into the background on the provision in hopes of providing better context for considering removal or revision; however, the origin and intent are not well documented and the existing criterion appears to have been intended to ensure the City's ability to acquire the ridgeline trail system. No changes were made to the draft code language after revisiting the topic.

### ***20 Percent Slope Grading Prohibition and One Acre Accessible Open Space for PUDs***

The last two follow-up items received support from six out of seven commissioners. These were flagged by Council since they did not receive unanimous support by the Planning Commission.

Regarding the 20 percent slope grading prohibition, one commissioner was neutral given concerns around adopting a landslide hazard map in connection to proposed geotechnical requirement changes, specifically about whether it would render any areas as non-buildable.

Regarding the one acre open space for PUD requirement, one commissioner voted against the proposed amendments as they are not in favor of the previously approved concept from Phase 2.

Both issues originally received majority support for the proposed amendments and no changes were made after revisiting the topic.

**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](#). The legislative 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.

Following the Planning Commission’s public hearing and close of the record, the Planning Commission will deliberate and ultimately make a recommendation to the City Council to either approve, approve with modifications, or deny the request, based on the required approval criteria from [EC 9.8065](#). This may occur following the public hearing (time permitting), or at a later Planning Commission meeting.

**PUBLIC NOTICE**

Notice for this public hearing was conducted in accordance the notice requirements for Type V land use applications under [EC 9.7520](#). This includes notice sent to Eugene neighborhood organizations, the Oregon Department of Land Conservation and Development, Lane County, the City of Springfield, and other community groups and individuals who have requested notice. Notice was also published in the Register Guard. In addition to the required public notice, staff has maintained a webpage and interested parties list for the duration of the project and has provided regular updates of important dates and opportunities for public comment, including the public hearing.

<b>Required Notices</b>	<b>DLCD Notice</b>	September 15, 2020
	<b>Public Notice</b>	September 18, 2020
	<b>Legal Notice in Register Guard</b>	September 30, 2020

As of the date of this agenda, two people submitted written comments in response to the public notice. Their testimony is provided in Attachment D. Any written comments received after the preparation of this staff report will be provided to the Planning Commission for inclusion into the public record.

**STAFF RECOMMENDATION / NEXT STEPS**

Staff recommends that the Planning Commission hold a public hearing and review public testimony related to the proposed land use code amendments. Following the public hearing, the Planning Commission will deliberate on the proposed code amendments and provide a recommendation to the City Council. Deliberations are scheduled for November 23, 2020 and December 8, 2020. Following Planning Commission deliberations and recommendation, the City Council will hold a public hearing prior to taking action.

**ATTACHMENTS**

- A. Summary of Proposed Amendments
- B. Draft Land Use Code Amendments with Draft Eugene Landslide Hazard Map
- C. List of Planning Commission and City Council Meetings
- D. Testimony through October 13, 2020

More information regarding this proposal can be found on the [project website](#).

**FOR MORE INFORMATION**

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## SUMMARY OF PROPOSED AMENDMENTS

Proposed amendments are divided into two categories – Maintenance Issues and Significant Issues. This summary describes each issue type followed by short descriptions of how the proposed amendments address the key issues.

### MAINTENANCE ISSUES

Several key issues represent procedural changes or amendments that will create consistency between the clear and objective and discretionary review tracks, consistency with other sections of the land use code, or otherwise improve efficiency or effectiveness in the development review process. These require only maintenance-level code revisions that are relatively straightforward.

**Needed Housing Criterion** – For consistency with State law, remove criterion that requires applicant to demonstrate that the proposed housing is needed housing for conditional use, partition, planned unit development, site review, and subdivision applications.

**Review Track Renaming** – For clarity, rename the two existing review tracks to distinguish between the ‘General/Discretionary’ track and the ‘Clear and Objective’ track only available to applications involving housing and revise references to these review tracks throughout Chapter 9 as needed.

**Applicable Standards Reference for Conditional Uses** – For consistency with other clear and objective application types, revise the language for conditional use permits to require compliance with all applicable standards (instead of using “including but not limited to”) and add additional development standards to the list of applicable standards, including public improvement and street standards.

**Bonding Requirement** – To improve effectiveness, revise the timing specified to construct or bond for required public improvements to be prior to issuance of a development permit for conditional use permits and site reviews; and, add a criterion similar to that required for final subdivisions to require that public improvements be completed or bonded prior to approval of the final application for final planned unit developments not associated with land divisions.

**Overlay Zone Standards** – For consistency with the discretionary track, revise the clear and objective track approval criteria for the five application types to include compliance with the lot dimensions and density requirements in overlay zones. Use the same language provided for the discretionary track applications to require compliance with: “Lot standards of EC 9.2000 through 9.4170 regarding applicable lot dimensions and density requirements.”

**Planned Unit Development Adjustment/Modification** – To improve efficiency and effectiveness, replace criterion that requires compliance with “all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development” with a requirement for compliance with “all applicable development standards explicitly addressed in the application.”

**Access Management Requirement** – To improve the review process, remove unnecessary criterion for partitions that requires compliance with access management guidelines of the agency having jurisdiction over the street.

**Natural Resource Protection Requirement** – To improve the process, remove unnecessary criterion for protection of designated natural resource areas. Only two sites are formally designated, and they are already effectively protected by way of public ownership and long-term management for natural resource values, as well as through other land use regulations.

**Solar Lot Standards** – Remove criterion for planned unit developments requiring compliance with solar lot standards. Solar lot standards only apply to the creation of lots within subdivisions and the criterion will no longer be necessary given the related amendment to allow concurrent reviews for tentative planned unit developments and tentative subdivisions.

**Planned Unit Development/Subdivision Concurrent Review** – To improve process efficiency, revise code to allow concurrent review of tentative planned unit development and tentative subdivision or partition applications.

**Site Review Street Standards** – For consistency, add compliance with Standards for Streets, Alleys, and Other Public Ways (EC 9.6800 through EC 9.6875) as an approval criterion for site reviews.

**Duplicate Neighborhood/Applicant Meeting** – To improve process efficiency, provide an exception under the neighborhood/applicant meeting requirement at EC 9.7007 for subdivisions and partitions when processed in conjunction with a planned unit development.

**Off-Site Bike/Pedestrian Connections** – For consistency, add the requirement for off-site connections for bike and pedestrian ways that already applies to partitions, planned unit developments and subdivisions to site reviews and conditional uses.

**Does Not Hamper Provision of Public Open Space** – For consistency, add new criterion for subdivisions that requires connection to adjacent City owned park land, open space or ridgeline trail, unless the Public Works Director determines such a connection is not necessary.

**19 Lot Rule—Motor Vehicle Dispersal** – For consistency with past Land Use Board of Appeals decision, remove discretionary criterion from the clear and objective track.

## SIGNIFICANT ISSUES

The remaining issues addressed in the proposed amendments raised potential policy implications and were brought to stakeholder working groups for discussion and to generate possible concepts. Staff evaluated the possible concepts according to criteria outlined in the Preferred Concepts Report and presented staff recommendations to Planning Commission and City Council prior to drafting proposed code amendments in accordance with the approved concepts.

**Clear & Objective Compatibility** – To improve effectiveness, add new code section for transition standards that will apply to new higher-intensity development abutting lower-intensity development (e.g. multi-family development next to single-family development in the R-1 Low-Density Residential zone).

**30-Foot Buffer Requirement for Planned Unit Developments** – Remove existing criterion and replace with new criterion requiring compliance with transition standards (see Clear & Objective Compatibility above).

**Geotechnical Requirement** – To improve effectiveness, revise existing criteria to address additional landslide risk factors and adopt new Eugene Landslide Hazard Map to identify moderate to high landslide risk areas.

**20 Percent Slope Grading Prohibition** -- Remove existing criterion and rely on amended geotechnical requirements.

**One Acre Accessible Open Space for Planned Unit Developments** – To improve effectiveness and efficient use of land, revise to reduce required distance from open space (for exception) from ¼ mile to ½ mile and make onsite open space requirement scalable when applicable.

**Limitation Over 900 Feet for Planned Unit Developments** – To improve effectiveness and efficient use of land, revise to allow less intensive (2.5 dwelling units/gross acre) development above 900 feet elevation and include more stringent tree preservation requirements and limit allowable building area and driveway width.

**Ridgeline Setback for Planned Unit Developments** – To improve efficient use of land, revise to make setback applicable only to areas above 900 feet elevation.

**40 Percent Open Space Requirement for Planned Unit Developments** – To improve efficient use of land, remove existing criterion and rely on amended accessible open space criteria for planned unit developments and existing open space requirements for multi-family developments.

**Conditional Use Compatibility Requirement** – To improve effectiveness, add criterion requiring compliance with new transition standards.

**Partition Tree Preservation** – For consistency between the two review tracks, remove criterion from the clear and objective track. The partition is a tool for infill development that has a longstanding practice and intent of allowing minor land divisions to encourage infill development. The discretionary track does not require compliance with tree preservation standards at the time of partition and tree preservation and removal standards already apply to development of housing at the time of building permit.

**Tree Preservation Consideration** – To improve effectiveness, add new criteria that set required tree preservation requirements, allow some mitigation, and provide allowable tree species for replacement plantings.

**Site Review Compatibility Requirement** – To improve effectiveness, add criterion requiring compliance with new transition standards.

**Street Standards Modifications** – To improve process efficiency, add clear and objective exceptions and an adjustment review option.

**Pedestrian Definition** – For clarity, define ‘Pedestrian’ similar to the Oregon Revised Statutes (ORS) definition.

## INDEX OF PROPOSED AMENDMENTS

Eugene Code Section	Description of Proposed Amendment
<a href="#">9.0500</a>	Define 'Pedestrian' similar to the Oregon Revised Statutes (ORS) definition
<a href="#">9.2181(1)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
<a href="#">9.5471(1)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
<a href="#">9.2520(2)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
<a href="#">9.2687(1)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track
<a href="#">9.2751(2)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track and add option to adjust lot standards when processed concurrently with a planned unit development
<a href="#">9.3216(1)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track
<a href="#">9.3221(1)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track
<a href="#">9.3626(9)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track
<a href="#">9.3725</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
<a href="#">9.4830(2)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
<a href="#">9.5750(2)(b)-(c)</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
9.5860 (New)	Add section for transition standards that will apply to new higher-intensity development abutting lower-intensity development (e.g. multi-family development next to single-family development in the R-1 Low-Density Residential zone)
<a href="#">9.6010(1)</a>	Revise and clarify references in the general standards contained in EC chapter 9.6000 that only apply to housing proposals reviewed under the clear and objective approval criteria
<a href="#">9.6010(1)(b)</a>	Revise reference from 'needed housing' to 'housing to be reviewed with clear and objective approval criteria'
<a href="#">9.6710</a>	Revise geotechnical criteria to address additional landslide risk factors and adopt new Eugene Landslide Hazard Map to identify moderate to high landslide risk areas
<a href="#">9.6810</a>	Add clear and objective exceptions and an adjustment review option for applications proposing housing to be reviewed with clear and objective approval criteria
<a href="#">9.6815</a>	Add clear and objective exceptions and an adjustment review option for applications proposing housing to be reviewed with clear and objective approval criteria
<a href="#">9.6820</a>	Add clear and objective exceptions and an adjustment review option for applications proposing housing to be reviewed with clear and objective approval criteria
<a href="#">9.6845</a>	Revise reference to reflect renaming of the needed housing track
<a href="#">9.6865</a>	Revise reference to reflect renaming of the needed housing track
<a href="#">9.6885</a>	Revise and add new criteria that set required tree preservation requirements, allow some mitigation, and provide allowable tree species for replacement plantings
<a href="#">9.7007</a>	Add an exception to requiring a neighborhood/applicant meeting for subdivisions and partitions when processed in conjunction with a planned unit development
<a href="#">9.8030(13)</a>	Update the criteria for adjustments to the Tree Preservation and Removal Standards
9.8030(37) (New)	Add approval criteria for new Street Standards adjustment option for applications proposing housing to be reviewed with clear and objective approval criteria

Eugene Code Section	Description of Proposed Amendment
<a href="#">9.8045</a>	Revise reference from ‘needed housing’ to ‘housing to be reviewed with clear and objective approval criteria’
<a href="#">9.8055</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track
<a href="#">9.8100</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track and the ‘Needed Housing’ track to ‘Housing/Clear and Objective’ track
<a href="#">9.8100(1)</a>	Add criterion requiring compliance with new transition standards at subsection (1)
<a href="#">9.8100(3)</a>	Remove unnecessary criterion for protection of designated natural resource areas under subsection
<a href="#">9.8100(4)</a>	Revise the language for conditional use permits to require compliance with all applicable standards (instead of using “including but not limited to”) and add additional development standards to the list of applicable standards
<a href="#">9.8100(5)</a>	Revise the timing specified to construct or bond for required public improvements to be prior to issuance of a development permit at subsection
<a href="#">9.8100(6)</a>	Add requirement for off-site connections for bike and pedestrian ways under subsection
<a href="#">9.8105</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track
<a href="#">9.8205</a>	Revise to allow concurrent review of tentative planned unit development and tentative partition applications.
<a href="#">9.8210</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track and the ‘Needed Housing’ track to ‘Housing/Clear and Objective’ track
<a href="#">9.8215</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track
<a href="#">9.8220</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track and the ‘Needed Housing’ track to ‘Housing/Clear and Objective’ track; and,
<a href="#">9.8220(1)</a>	Remove unnecessary criterion demonstrating that housing is needed housing
<a href="#">9.8220(2)</a>	Revise to include compliance with the lot dimensions and density requirements in overlay zones
<a href="#">9.8220(2)(k)</a>	Remove requirement for compliance with tree preservation and removal standards
<a href="#">9.8220(4)</a>	Remove unnecessary criterion that requires compliance with access management guidelines of the agency having jurisdiction over the street
<a href="#">9.8220(5)(c)</a>	Remove discretionary criterion from the clear and objective partition track
<a href="#">9.8310</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track and the ‘Needed Housing’ track to ‘Housing/Clear and Objective’ track
<a href="#">9.8320</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track
<a href="#">9.8325</a>	Revise reference to reflect renaming of the ‘General’ track to ‘General/Discretionary’ track and the ‘Needed Housing’ track to ‘Housing/Clear and Objective’ track
<a href="#">9.8325(1)</a>	Remove unnecessary criterion demonstrating that housing is needed housing and add criterion for compliance with new transition standards
<a href="#">9.8325(3)</a>	Remove 30-foot buffer requirement
<a href="#">9.8325(4)</a>	Revise/remove unnecessary criterion for protection of designated natural resource areas
<a href="#">9.8325(5)</a>	Remove prohibition on grading 20% slopes
<a href="#">9.8325(6)(c)</a>	Remove discretionary criterion from the clear and objective track
<a href="#">9.8325(7)</a>	Revise to include compliance with the lot dimensions and density requirements in overlay zones
<a href="#">9.8325(7)(k)</a> (New)	Add requirement similar to the discretionary track at subsection (7)(k)

CLEAR & OBJECTIVE HOUSING: APPROVAL CRITERIA UPDATE

Eugene Code Section	Description of Proposed Amendment
<a href="#">9.8325(9)</a>	Revise to reduce required distance from open space (for exception) from ¼ mile to ½ mile and make onsite open space requirement scalable when applicable
<a href="#">9.8325(10)</a>	Remove unnecessary criterion for planned unit developments for standards applicable to subdivisions given related amendment to allow concurrent reviews for tentative planned unit developments and tentative subdivisions
<a href="#">9.8325(11)</a>	Remove allowance for modifications without an approved adjustment review
<a href="#">9.8325(12)</a>	Revise criteria for developments within the boundaries of the South Hills Study to reflect preferred concept direction on multiple significant issues related to limitations over 900 feet, the ridgeline setback requirement, and the 40 percent open space requirement
<a href="#">9.8360</a>	Remove public improvement bonding requirement from application requirements
<a href="#">9.8365</a>	Add approval criteria with public improvement bonding requirement
<a href="#">9.8440</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
<a href="#">9.8445</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track
<a href="#">9.8445(1)</a>	Remove unnecessary criterion demonstrating that housing is needed housing under original subsection and add criterion for compliance with new transition standards
<a href="#">9.8445(3)</a>	Revise/remove unnecessary criterion for protection of designated natural resource areas
<a href="#">9.8445(4)</a>	Update code reference and add standards
<a href="#">9.8445(5)</a>	Revise the timing specified to construct or bond for required public improvements to be prior to issuance of a development permit
<a href="#">9.8445(6)</a>	Add requirement for off-site connections for bike and pedestrian ways
<a href="#">9.8505</a>	Revise to allow concurrent review of tentative planned unit development and tentative subdivision applications.
<a href="#">9.8510</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track
<a href="#">9.8515</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track
<a href="#">9.8520</a>	Revise reference to reflect renaming of the 'General' track to 'General/Discretionary' track and the 'Needed Housing' track to 'Housing/Clear and Objective' track;); and,
<a href="#">9.8520(1)</a>	Remove unnecessary criterion demonstrating that housing is needed housing
<a href="#">9.8520(3)</a>	Revise to include compliance with the lot dimensions and density requirements in overlay zones
<a href="#">9.8520(5)</a>	Remove prohibition on grading 20% slopes
<a href="#">9.8520(6)(b)</a>	Revise to remove discretionary criterion from the clear and objective subdivision track
<a href="#">9.8520(7)</a>	Revise/remove unnecessary criterion for protection of designated natural resource areas

## DRAFT LAND USE CODE LANGUAGE

Proposed text in ***bold italic***

Proposed deletions in [bracketed strike-out]

### Definitions

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

***Pedestrian. Any person afoot or using any type of wheelchair.***

### Commercial Zones

**9.2181** **Special Standards for Table 9.2180.**

(1) Lot area, frontage, and width minimums may be adjusted in accordance with the provisions of EC 9.8030(1). Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 ***Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.***)

### Employment and Industrial Zones

**9.2471** **Special Standards for Table 9.2470.**

(1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a site review or planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria – General/Discretionary.)

### Natural Resource Zone

**9.2520** **Natural Resource Zone Land Use and Permit Requirements.** The provisions of the NR zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas. In cases where the NR zone overlaps with the /WB wetland buffer overlay zone or the /WP waterside protection overlay zone, only the provisions of the NR zone are applied.

\* \* \*

- (2) **Uses Subject to a Conditional Use Permit.** The following uses are permitted conditionally in the NR zone:
- (a) Nature interpretive centers and wetland research facilities, when such centers or facilities are specified in or consistent with adopted plans or policies.
  - (b) Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resource areas.
- Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19), in addition to EC 9.8090 Conditional Use Permit Approval Criteria -General/Discretionary.

## Public Land Zone

### 9.2687 Special Standards for Table 9.2686.

- (1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 *Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.*)

## Residential Zones

### 9.2751 Special Development Standards for Table 9.2750.

\* \* \*

- (2) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 *Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.*)

### 9.2761 Special Standards for Table 9.2760.

#### (1) Lot Standards.

\* \* \*

- (c) Lot area, frontage, and width minimums may be modified with an approved cluster subdivision in R-1 or Planned Unit Development (PUD) in any zone, ***or adjustments may be made if consistent with the criteria in EC 9.8030(1) and reviewed and approved concurrently with a planned unit development in any zone, except that for applications proposing housing to be reviewed with clear and objective approval criteria these standards may not be adjusted within 50 feet of any property line that abuts property zoned R-1.***

## Downtown Westside Special Area Zone

### 9.3216 **Special Development Standards for Table 9.3215.**

- (1) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

### 9.3221 **Special Standards for Table 9.3220.**

- (1) Lot area, frontage, and width minimums may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Jefferson Westside Special Area Zone

### 9.3626 **Special Development Standards for Table 9.3625.**

\* \* \*

- (9) Maximum building height and minimum building setbacks may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Riverfront Park Special Area Zone

- 9.3725 **S-RP Riverfront Park Special Area Zone Review Procedures.** The master site plan for developments proposed within the S-RP zone shall be reviewed through the conditional use permit process provided in this land use code. For the purpose of this review, the following criteria shall be applied in lieu of the criteria provided in EC 9.8090 Conditional Use Permit Approval Criteria - General/Discretionary.

## Wetland Buffer Overlay Zone

- 9.4830 **WB Wetland Buffer Overlay Zone Land Use and Permit Requirements.** Within the WB overlay zone, there are 2 categories of uses: those allowed by the base zone or special area zone outside of the WB area, and a more restrictive list of uses allowed within the WB area.

\* \* \*

- (2) **Within WB Areas:**

\* \* \*

- (c) Uses Permitted Conditionally. The following uses are permitted conditionally in the /WB overlay zone:
1. Nature interpretive centers, when specified in or consistent with adopted plans or policies.
  2. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and natural areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19) in addition to the conditional use criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

## Telecommunication Facilities

### 9.5750 Telecommunication Devices-Siting Requirements and Procedures.

\* \* \*

- (2) **Siting Restricted.** No telecommunication facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility shall be either an outright permitted use, subject to site review procedures, or require a conditional use permit.

\* \* \*

- (b) Site Review. A telecommunication facility which, pursuant to subsections (3) through (5) of this section, is subject to site review shall be processed in accordance with the site review procedures of this land use code. The criteria contained in this section, as well as the criteria contained in EC 9.8440 Site Review Approval Criteria – General/Discretionary, shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.
- (c) Conditional Use Permit. A telecommunication facility which, pursuant to subsections (4) or (5) of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures of this land use code, except that the variance provisions shall not apply. The criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria –General/Discretionary and subsections (6) and (7) of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in subsections (6) and (7) of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

## Special Development Standards for Certain Uses

### 9.5860 Transition Standards for Housing/Clear and Objective Applications.

- (1) **Applicability of Transition Standards.** *The transition standards at EC 9.5860(2) shall apply to land use applications proposing housing to be reviewed with clear and*

**objective approval criteria under EC 9.8100 Conditional Use Permit Approval Criteria – Housing/Clear and Objective, EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective, or EC 9.8445 Site Review Approval Criteria – Housing/Clear and Objective. The transition standards at EC 9.5860(2) apply to all new buildings and any building additions that increase the square footage of livable floor area by 20 percent or more for any of the following:**

- (a) **Multiple-family development on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR except where the multiple-family development consists of:**
    - 1. **a single tri-plex on one lot.**
    - 2. **a single four-plex on one lot.**
    - 3. **structures that are less than 30 feet in height.**
  - (b) **Assisted care, boarding and rooming house, campus living organization, university or college dormitory, or single room occupancy (SRO), proposed on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.**  
**In cases where the standards in subsection (2) apply to building additions, they shall be applicable between the addition and any property line abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.**
- (2) **Standards. The following standards apply to new buildings and building additions identified in subsection (1) and must be applied along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:**
- (a) **Height and Setback Options. The proposed development must comply with one of the following four options:**
    - 1. **Option 1. The maximum building height of a new building or building addition shall be limited to 35 feet. In addition, at least one of the following must be provided along the entire portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:**
      - a. **A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.**
      - b. **Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).**  
**Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access.**
    - 2. **Option 2. The minimum interior yard setback shall be 10 feet from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition:**
      - a. **At a point that is 25 feet above grade, the interior yard setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from that property line until a point 50 feet away from the property line.**
      - b. **For new buildings or building additions within 30 feet of R-1, R-1.5, S-C/R-1, or S-RN/LDR zoned property, trees growing to a mature**

**height of at least 20 feet shall be planted at a minimum interval of 15 feet, parallel to the property line, between buildings and any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition, one of the following shall be provided along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:**

- (1) A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.**
- (2) Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).**

**Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access.**

- 3. Option 3. A minimum 30-foot setback shall be provided between a new building or building addition and the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 30-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping and must contain trees growing to a mature height of at least 20 feet, spaced at a minimum interval of 25 feet, parallel to and within five feet of the property line, in the setback area.**
  - 4. Option 4. A new building or building addition shall be set back at least 50 feet or a setback equal to the height of the tallest building on the development site, whichever is less, from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 50-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping.**
- (b) Allowed intrusions into setbacks. In lieu of the permitted setback intrusions provided at EC 9.6745(3) the following intrusions are allowed within the interior yard setback area described in EC 9.5860(2)(a)2 through 4:**
- 1. Eaves and chimneys may intrude a maximum of 2 feet into the vertical plane of the interior yard sloped setback area. No other intrusions are allowed into the vertical plane of the setback.**
  - 2. Dormers may intrude into the sloped portion of the interior yard sloped setback area provided each dormer is no more than 10 feet wide and the total width of all dormers on a given wall does not exceed 30 percent of the linear length of the building wall.**
  - 3. Architectural screens or arbors serving an upper floor balcony may protrude a maximum of 6 feet into the sloped portion of the interior yard sloped setback area.**
- (c) Balconies, decks and other outdoor spaces located above the ground floor shall be setback at least 20 feet from any property line that abuts land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.**
- (d) Tree Exception. An exception to the tree planting required by subsections (a)(2) and (3) is allowed if the applicant provides a signed and notarized letter**

**from the abutting property owner stating that the abutting property owner does not desire the trees required by this section. This exception does not apply to trees required by other applicable standards. Future development proposals subject to the standards in this section will need to obtain a separate exception from the tree planting requirements of this section.**

## General Standards for All Development

### 9.6010 Applications Proposing [Needed] Housing.

- (1) As used in EC chapter 9.6000, the term “applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**” includes:
- (a) Applications that are proceeding (or have proceeded) under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520; or
  - (b) Applications for **housing** developments [permits] for **residential** uses permitted outright in the subject zone that are **entitled to clear and objective standards pursuant to state statutes** [proposed housing is needed housing as defined by state statutes].

### 9.6710 Geological and Geotechnical Analysis.

\* \* \*

- (6) **[Needed] Clear and Objective Housing.** Unless exempt under 9.6710(3)[(a)-(f)], in lieu of compliance with subsections (2), (4), and (5) of this section, applications proposing [needed]housing **to be reviewed with clear and objective approval criteria** shall include a certification from an Oregon licensed Engineering Geologist, **an Oregon licensed Geotechnical Engineer**, or an Oregon licensed Civil Engineer with geological experience, **prepared within five years of the date of application, that includes the following information**[stating]:
- (a) **Identification of any portion of the proposed development site that is located in an area of moderate or high landslide susceptibility as shown on the city’s adopted Eugene Landslide Hazard Map.**
  - (ab) **A statement** [T]hat the proposed development [activity]will not be impacted by existing or potential stability problems or any of the following site conditions: **slopes 20 percent or greater**, springs or seeps, depth of soil bedrock, **soil types**, variations in soil types, **open drainage ways, fill**, or a combination of these conditions.
  - (bc) If proposed development [activity]**will be located in an area identified as moderately or highly susceptible to landslides pursuant to (a), or** will be impacted by **existing or potential stability problems or** any of the **site** conditions listed in (ab), the **certification must also include:**
    1. **A review of the suitability of the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings given the landslide hazards, stability problems, and/or site conditions identified in the certification;**
    2. **Any recommended modifications to the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings that in the engineer’s opinion, would mitigate the landslide hazards, stability problems, and/or site conditions identified in the certification;**

3. Methods for safely addressing the **landslide hazards and/or site conditions identified in (a) and (b)**; and,
4. **Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on the development site.**
5. **Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on proposed lots or parcels.**

If [a statement]**certification** is submitted under (6)(b)(c), the application shall include the applicant's statement that it will develop in accordance with the Engineer's [statement]**certification**.

**9.6810 Block Length.**

- (1) **Except as provided in subsections (2) and (3) of this section, block length for local streets shall not exceed 600 feet.**
- (12) **Applications not proposing housing to be reviewed with clear and objective approval criteria, [unless an exception is] may be exempt from the block length requirements in subsection (1)** based on one or more of the following:
  - (2a) Physical conditions preclude a block length 600 feet or less. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
  - (3b) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 600 feet or less, considering the potential for redevelopment.
  - (4c) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practicable.
  - (5d) As part of a Type II or Type III process, the developer demonstrates that a strict application of the 600-foot requirement would result in a street network that is no more beneficial to vehicular, pedestrian or bicycle traffic than the proposed street network and that the proposed street network will accommodate necessary emergency access.
- (23) **Applications proposing housing to be reviewed with clear and objective approval criteria, must comply with the block length requirements in subsection (1) unless existing slopes would result in a street grade that exceeds the grade allowed under current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership.**
- (4) **Block length may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.**

**9.6815 Connectivity for Streets.**

- \*\*\*
- (2) **Street Connectivity Standards.**
- \*\*\*

- (e) Except for applications proposing ~~[needed]~~ housing **to be reviewed with clear and objective approval criteria**, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.
- \* \* \*
- (g) ***Except for applications proposing housing to be reviewed with clear and objective approval criteria, [!]***in the context of a Type II or Type III land use decision, the city shall grant an exception to the standards in subsections (2)(b), (c) or (d) if the applicant demonstrates that any proposed exceptions are consistent with either subsection 1. or 2. below:
- \* \* \*
- (h) ***For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions to street connectivity standards may be granted if one of the following conditions exists:***
1. ***Existing buildings on land abutting the development site and under separate ownership obstruct the extension of the planned street;***
  2. ***Existing slopes would result in a street grade exceeding current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership;***
  3. ***Provision of an intersecting street would require dedication of 25 percent or more of the total development site area.***
  4. ***Abutting residential land cannot be further divided under current development standards.***
- (i) ***Street connectivity standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.***

**9.6820 Cul-de-Sacs or Emergency Vehicle Turnarounds.**

- \* \* \*
- (5) As part of a Type II or Type III process, an exception may be granted to the requirements of (1), (3) and (4) of this section. ***For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions may only be granted as provided in subparagraph (c). For all other applications, exceptions may be granted*** because of the existence of one or more of the following conditions:
- \* \* \*
- (c) ***For applications proposing housing to be reviewed with clear and objective approval criteria, an exception to the requirements of subsections (1) through (4) may be granted if the applicant provides certification from an Oregon licensed civil engineer stating that a cul-de-sac or emergency vehicle turnaround cannot be constructed to meet current standards according to the adopted Design Standards and Guidelines for Eugene Streets, Sidewalk, Bikeways and Accessways;***
- (6) ***Cul-de-sacs or emergency vehicle turnarounds standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.***

**9.6845**     **Special Safety Requirements.** Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public, pedestrians, bicyclists and residents of the subject area, the planning director or public works director may require that local streets and alleys be designed to discourage their use by non-local motor vehicle traffic and encourage their use by local motor vehicle traffic, pedestrians, bicyclists, and residents of the area.

**9.6865**     **Transit Facilities.**

- (1) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, the city manager may require provisions, including easements, for transit facilities where future transit routes are required on streets extending through or adjacent to the area of the development, and where a need for bus stops, bus pullouts or other transit facilities within the development has been identified, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, where the provision of transit stops, bus pullouts or other facilities along a public street requires a right-of-way or paving width greater than that listed in Table 9.6870 Right-of-Way and Paving Widths and where a need for transit service within the development has been identified, the planning director or public works director, depending upon the type of application being processed, may require that additional right-of-way or paving be provided.

**9.6885**     **Tree Preservation and Removal Standards.**

- \*\*\*
- (2) **Tree Preservation and Removal Standards.** *The standards in this subsection apply only to land use applications processed under EC 9.8100, EC 9.8325, EC 9.8445, and EC 9.8520. Unless exempt under subparagraph (b) below, [N]no permit for a development activity subject to this section shall be approved until the applicant [submits plans or information, including a written report by a certified arborist or licensed landscape architect, that] demonstrates compliance with the [following] standards **in this subsection.**[:]*
    - ~~(a) The materials submitted shall reflect that consideration has been given to preservation in accordance with the following priority:]~~
      - ~~1. Significant trees located adjacent to or within waterways or wetlands designated by the city for protection, and areas having slopes greater than 25%;~~
      - ~~2. Significant trees within a stand of trees; and~~
      - ~~3. Individual significant trees.]~~
    - (a) Definitions. For the purposes of this subsection (2), the following definitions apply:**
      - 1. Critical Root Zone (CRZ).** *That area surrounding a tree that has a radius of 12 inches multiplied by the diameter breast height expressed in inches of the tree trunk or trunks.*
      - 2. Tree Removal.** *To fell or sever a tree or to use any procedure the natural result of which is to cause the death or substantial destruction of the*

**tree. Substantial destruction includes actions that destroy more than 15% of the critical root zone of a tree, or topping, or severing the cambial material on 50% or more of the circumference of the tree trunk. Remove does not in any context include those pruning standards as defined in the edition of American National Standards Institute (ANSI) Section A300, Tree, Shrub and Other Woody Plant Maintenance Standard Practices in effect at the time the pruning occurs.**

- (b) **For the purposes of this subsection (2), the South Hills Area is defined as all property located within the City’s adopted Urban Growth Boundary, above an elevation of 500 feet, and:**
  - 1. **South of 18th Avenue,**
  - 2. **South of Franklin Boulevard and East of the intersection of 18th Avenue and Agate Street, or**
  - 3. **If 18th Avenue were extended from the intersection of 18th Avenue and Willow Creek Road directly west to the Urban Growth Boundary, the area south of that extension of 18th Avenue.**
- (c) **Exemptions. A proposed development shall be exempt from the requirements of EC 9.6885(2) if any of the following apply:**
  - 1. **Except as provided in subparagraph 4., the area of the development site is less than 20,000 square feet.**
  - 2. **Five or fewer significant trees exist on the development site prior to development.**
  - 3. **The development site is zoned R-1.5 Rowhouse zone, R-3 Medium Density Residential, R-4 High Density Residential, GO General Office, C-2 Community Commercial, or C-3 Major Commercial zones.**
  - 4. **Notwithstanding subparagraph 1., development sites that include property at or above 900 feet elevation are subject to the requirements of EC 9.6885(2), regardless of the area of the development site.**
- (d) **Tree Preservation Requirements. Unless adjusted per EC 9.8030(13), significant trees must be preserved in accordance with the requirements of Table 9.6855(2)(c). Minimum preservation is based on the total existing Diameter Breast Height (d.b.h.) of significant trees within each specific location category prior to development. Maximum mitigation is the percentage of the minimum preservation that may be mitigated according to subsection 2. below.**

**Table 9.6885(2)(c) Tree Preservation and Mitigation**

<b>Location Category</b>	<b>Minimum Preservation</b>	<b>Maximum Mitigation</b>
<b>Outside the South Hills Area</b>	<b>40%</b>	<b>50%</b>
<b>Within the South Hills Area, between 500 feet and 900 feet elevation</b>	<b>50%</b>	<b>50%</b>
<b>Within the South Hills Area, at or above 900 feet elevation</b>	<b>50%</b>	<b>0%</b>

1. **A Tree Preservation and Removal Plan is required except as provided in EC 9.6885(2)(b) or EC 9.6885(2)(c)3. The plan must be prepared by a certified arborist or licensed landscape architect and shall provide the following:**
  - a. **A table, organized by the location categories listed in Table 9.6885(2)(c), listing all significant trees on the development site and including the following information for each listed tree:**
    - (1) **Diameter Breast Height (d.b.h.)**
    - (2) **Preservation, removal, or mitigation status**
    - (3) **Common name, genus and species**
  - b. **A site plan that includes the following information:**
    - (1) **The locations of all significant trees on the development site, the Diameter Breast Height (d.b.h.) for each significant tree, whether each significant tree is to be preserved, removed, or mitigated according to EC 9.6885(2)(c)2, and the location of the critical root zone (CRZ) for each significant tree to be preserved.**
    - (2) **The location of all existing and/or proposed public and private utility easements, driveways, and areas of grading or excavation on the development site.**
    - (3) **The location of all existing development on the site as well as the location of development proposed in the land use application that triggers the requirement for a Tree Preservation and Removal Plan .**
    - (4) **Proposed lot or parcel boundaries.**
    - (5) **For development sites with any portion located within the South Hills Area, identification of areas at or above 500 feet elevation and areas at or above 900 feet elevation.**
  - c. **A statement by the preparer that the Tree Preservation and Removal Plan meets EC 9.6885(2)(c) Tree Preservation Requirements.**
2. **Mitigation. An applicant may elect to mitigate a portion of the minimum preservation of significant trees on the development site as provided below:**
  - a. **The maximum d.b.h. that can be mitigated shall be based on location category as provided in Table EC 9.6885(2)(c) Tree Preservation and Mitigation.**
  - b. **Installation and Maintenance. Each significant tree designated for mitigation must be replaced with one tree selected from the approved species listed in Table 9.6885(2)(c)2 within one year from the date of removal or prior to final occupancy, whichever is later. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association.**
  - c. **The maximum mitigation allowance may be adjusted in accordance with EC 9.8030(13).**

<b>Table 9.6885(2)(c)2. Approved Species List</b>	
<b>Genus and Species</b>	<b>Common Name</b>
<i>Abies koreana</i>	<i>Silver Korean fir</i>
<i>Abies pinsapo</i>	<i>Spanish fir</i>
<i>Acer circinatum</i>	<i>Vine Maple</i>
<i>Acer ginnala</i>	<i>Amur Maple</i>
<i>Acer glabrum var. douglasii</i>	<i>Rocky Mountain Maple</i>
<i>Acer griseum</i>	<i>Paperbark Maple</i>
<i>Acer macrophyllum</i>	<i>Big Leaf Maple</i>
<i>Alnus rhombifolia</i>	<i>White Alder</i>
<i>Alnus rubra</i>	<i>Red Alder</i>
<i>Amelanchier alnifolia</i>	<i>Pacific Serviceberry</i>
<i>Arbutus menziesii</i>	<i>Pacific Madrone</i>
<i>Arbutus unedo</i>	<i>Strawberry Madrone</i>
<i>Arbutus 'Marina'</i>	<i>Marina Strawberry Tree</i>
<i>Betula nigra</i>	<i>River Birch</i>
<i>Calocedrus decurrens</i>	<i>Incense Cedar</i>
<i>Carpinus betulus</i>	<i>European Hornbeam</i>
<i>Carpinus caroliniana</i>	<i>American Hornbeam</i>
<i>Castanopsis cuspidata</i>	<i>Japanese Chinquapin</i>
<i>Catalpa speciosa</i>	<i>Northern Catalpa</i>
<i>Cedrus atlantica</i>	<i>Atlas Cedar</i>
<i>Cedrus deodara</i>	<i>Deodar Cedar</i>
<i>Cedrus libani</i>	<i>Cedar of Lebanon</i>
<i>Celtis occidentalis</i>	<i>Common Hackberry</i>
<i>Chrysolepis chrysophylla</i>	<i>Golden Chinquapin</i>
<i>Cinnamomum chekiangense</i>	<i>Camphor Tree</i>
<i>Cornus nuttallii</i>	<i>Pacific Dogwood</i>
<i>Corylus colurna</i>	<i>Turkish Filbert</i>
<i>Cupressus arizonica</i>	<i>Arizona cypress</i>
<i>Cupressus bakeri</i>	<i>Modoc cypress</i>
<i>Fraxinus latifolia</i>	<i>Oregon Ash</i>
<i>Fraxinus ornus</i>	<i>Flowering Ash</i>
<i>Ginkgo biloba (fruitless cultivars only)</i>	<i>Ginkgo</i>
<i>Koelreuteria paniculata</i>	<i>Goldenrain Tree</i>
<i>Maackia amurensis</i>	<i>Maackia</i>
<i>Nyssa sylvatica</i>	<i>Tupelo, Black Gum</i>
<i>Ostrya virginiana</i>	<i>American Hophornbeam</i>
<i>Oxydendrum aroboreum</i>	<i>Sourwood</i>
<i>Parrotia persica</i>	<i>Persian Ironwood</i>

<b>Table 9.6885(2)(c)2. Approved Species List</b>	
<b>Genus and Species</b>	<b>Common Name</b>
<i>Picea smithiana</i>	<i>Morinda spruce</i>
<i>Pinus ponderosa</i>	<i>Ponderosa Pine</i>
<i>Pinus ponderosa var. benthamania</i>	<i>Willamette Valley Ponderosa Pine</i>
<i>Pinus wallichiana</i>	<i>Himalayan pine</i>
<i>Pistacia chinensis</i>	<i>Chinese Pistachio</i>
<i>Platanus acerifolia</i>	<i>London Plane</i>
<i>Prunus virginiana</i>	<i>Chokecherry</i>
<i>Pseudotsuga menziesii</i>	<i>Douglas Fir</i>
<i>Quercus acutissima</i>	<i>Sawtooth Oak</i>
<i>Quercus agrifolia</i>	<i>Coast Live Oak</i>
<i>Quercus bicolor</i>	<i>Swamp White Oak</i>
<i>Quercus chrysolepis</i>	<i>Canyon Live Oak</i>
<i>Quercus douglasii</i>	<i>Blue Oak</i>
<i>Quercus frainetto</i>	<i>Hungarian Oak</i>
<i>Quercus gambelii</i>	<i>Gambel Oak</i>
<i>Quercus garryana</i>	<i>Oregon White Oak</i>
<i>Quercus hypoleucoides</i>	<i>Silver Oak</i>
<i>Quercus ilex</i>	<i>Holly Oak</i>
<i>Quercus kelloggii</i>	<i>California Black Oak</i>
<i>Quercus lobata</i>	<i>Valley Oak</i>
<i>Quercus macrocarpa</i>	<i>Bur Oak</i>
<i>Quercus myrsinifolia</i>	<i>Chinese Evergreen Oak</i>
<i>Quercus phellos</i>	<i>Willow Oak</i>
<i>Quercus shumardii</i>	<i>Shumardii Oak</i>
<i>Quercus suber</i>	<i>Cork Oak</i>
<i>Quercus wislizeni</i>	<i>Interior Live Oak</i>
<i>Rhamnus purshiana</i>	<i>Cascara Buckthorn</i>
<i>Salix lucida ssp. Lasiandra</i>	<i>Pacific Willow</i>
<i>Salix scouleriana</i>	<i>Scouler's Willow</i>
<i>Sciadopitys verticillata</i>	<i>Japanese Umbrella Pine</i>
<i>Sequoia sempervirens</i>	<i>Coast Redwood</i>
<i>Sequoiadendron giganteum</i>	<i>Giant Sequoia</i>
<i>Styrax japonicus (japonica)</i>	<i>Japanese Snowbell</i>
<i>Taxodium distichum</i>	<i>Bald Cypress</i>
<i>Taxus brevifolia</i>	<i>Pacific Yew</i>
<i>Thuja plicata</i>	<i>Western Red Cedar</i>
<i>Tilia americana</i>	<i>American Linden</i>
<i>Tilia tomentosa</i>	<i>Silver Linden</i>

<b>Table 9.6885(2)(c)2. Approved Species List</b>	
<b>Genus and Species</b>	<b>Common Name</b>
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Tsuga heterophylla</i>	Western Hemlock
<i>Tsuga mertensiana</i>	Mountain hemlock
<i>Tsuga sieboldii</i>	Southern Japanese hemlock
<i>Ulmus americana</i>	American Elm
<i>Ulmus carpinifolia</i>	Smoothleaf Elm
<i>Ulmus parvifolia</i>	Chinese Elm
<i>Ulmus propinqua</i>	Japanese Elm
<i>Umbellularia californica</i>	California Bay Laurel

3. **Tree Preservation Area Alternative.**
  - a. **A Tree Preservation and Removal Plan is not required if the applicant chooses to preserve at least 50 percent of the total existing d.b.h. of significant trees on the development site within one or more tree preservation area(s) and the following requirements are met:**
    - (1) **Tree preservation area(s) must be delineated and shown on a site plan submitted for approval by the City.**
    - (2) **Applicant must provide written certification from a certified arborist or licensed landscape architect stating that the area(s) designated for tree preservation include(s) at least 50 percent of the total existing d.b.h. of significant trees on the development site.**
  - b. **Mitigation is not allowed when the Tree Preservation Area Alternative is used to meet tree preservation requirements, except as approved through an adjustment review according to EC 9.8030(13).**
4. **Protection Standards. The following notes must be included on the final plan set submitted for approval by the City and shall apply at the time of development:**
  - a. **“Protective fencing for trees identified to be preserved shall be installed by the applicant and inspected by the City prior to beginning any development activities. All protective tree fencing must remain in place until completion of all construction activities; any relocation, removal, or modification of the protective fencing shall only occur under the direction of a certified arborist and a written explanation of the reason for the relocation, removal, or modification of the protective fencing from the certified arborist must be provided to the City.”**
  - b. **“At the time of building permit, a site plan in compliance with the approved tree preservation and removal plan is required.”**
  - c. **“No excavation, grading, material storage, staging, vehicle parking or other construction activity shall take place within protective tree fencing areas.”**

- d. ***“The removal of trees not designated to be preserved is optional; removal may occur at the owner’s discretion.”***
- e. ***“Any tree designated for mitigation must be replaced with one tree selected from the approved species listed in Table 9.6885(2)(c)2 within one year from the date of removal or prior to final occupancy. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. Maintenance of replacement trees is the ongoing responsibility of the property owner.”***
- f. ***“In the event a tree designated to be preserved must be removed because it is dead, diseased, dying, or hazardous, documentation of the tree’s dead, diseased, dying, or hazardous condition by a certified arborist must be provided to the City prior to tree removal. The tree must be replaced with one replacement tree selected from the approved species list in Table 9.6885(2)(c)2. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. Maintenance of replacement trees is the ongoing responsibility of the property owner.”***

(be) Street Tree Removal. If the proposal includes removal of any street tree(s), removal of those street trees has been approved, or approved with conditions according to the process at EC 6.305 Tree Felling Prohibition.

~~[(3) **Adjustment to Standards.** Except for applications being processed under EC 9.8100 Conditional Use Permit Approval Criteria – [Needed] Housing/**Clear and Objective**, EC 9.8325 Tentative Planned Unit Development Approval Criteria – [Needed] Housing/**Clear and Objective**, EC 9.8445 Site Review Approval Criteria – [Needed] Housing/**Clear and Objective**, or EC 9.8520 Subdivision, Tentative Plan Approval Criteria – [Needed] Housing, **Clear and Objective**,] [a] Adjustments to these standards may be made, subject to compliance with the criteria for adjustment in EC 9.8030(13) Tree Preservation and Removal Standards Adjustment.]~~

## Application Procedures

### 9.7007 **Neighborhood/Applicant Meetings.**

- (1) This section applies to the following types of applications:
  - (a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews, **except for 3-lot partitions and tentative subdivisions that implement an approved tentative planned unit development;**

## Application Requirements and Criteria

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

\* \* \*

~~[(13) **Tree Preservation and Removal Standards Adjustment.** [Except as otherwise provided in EC 9.6885(3) Adjustments to Standards, the tree preservation and removal standards of EC 9.6885(2) may be adjusted[, and the number of trees amount of existing d.b.h. required to be preserved may be reduced] based on compliance with all of the following criteria [of (a), (b), (c), and (d), and one of the conditions of (e) exists:~~

- ~~(a) The proposed adjustment to the tree preservation and removal standards is the minimum necessary to implement the development proposal.~~
- ~~(b) The proposal includes an approved replanting or restoration program or plan that mitigates the loss of trees or impacts to other natural features.~~
- ~~(c) The proposal is otherwise in compliance with all applicable standards.~~
- ~~(d) Alternative proposals have been evaluated, and there is no feasible alternative.~~
- ~~(e) One of the following conditions exists:
 
  - ~~1. Compliance with tree preservation and removal standards is not feasible, or would result in degradation of steep slopes, significant wildlife habitat, or water bodies due to the topography or other natural features of the development site; or~~
  - ~~2. An adjustment to the tree preservation and removal standards is necessary in order to achieve the minimum residential density under this land use code; or~~
  - ~~3. The existing trees required to meet the minimum preservation standard are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.]~~~~

**(13) *Tree Preservation and Removal Standards Adjustment. The minimum tree preservation requirement and maximum mitigation allowance of EC 9.6885(2) may be adjusted if one of the conditions listed in subparagraph (a) below applies and the proposed design complies with the criteria in subparagraphs (b) through (e):***

- (a) *Conditions. To qualify for an adjustment, one of the following conditions must apply:***
  - 1. *Strict compliance with tree preservation and removal standards is not feasible due to other requirements of this code or existing site constraints such as topography or other natural features; or,***
  - 2. *An adjustment to the minimum tree preservation and/or mitigation requirement is necessary in order to achieve a net density greater than 75 percent of the maximum allowed under this land use code; or,***
  - 3. *The existing trees required to meet the minimum preservation requirement are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.***
- (b) *The proposed reduction to the minimum tree preservation requirement or increase in mitigation allowance is necessary to accommodate a***

**reasonable level of development. In no case shall minimum tree preservation for areas at or above 900 feet elevation be reduced below 30%.**

- (c) The proposed project shall be designed and sited to preserve significant trees to the greatest degree practicable, with trees having the following characteristics given the highest priority for preservation:**
  - 1. Healthy trees that have a reasonable chance of survival;**
  - 2. Trees located within vegetated corridors and stands;**
  - 3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;**
  - 4. Trees that provide a buffer between potentially incompatible land uses;**
  - 5. Trees located along the perimeter of the lot(s) and within building setback areas;**
  - 6. Trees and stands of trees located along ridgelines and within view corridors;**
  - 7. Trees with significant habitat value;**
  - 8. Trees adjacent to public parks, open space and streets;**
  - 9. Trees along water features;**
  - 10. Heritage trees.**

- (d) Except for areas at or above 900 feet elevation, proposals that include a Tree Preservation and Removal Plan per EC 9.6885(2)(c)1. may mitigate up to 100% of the minimum tree preservation requirement if the following requirements are met:**
  - 1. For proposed subdivisions, new trees must be planted so that lots up to 7,000 square feet in area will contain a minimum of two trees and lots 7,000 square feet or more will contain a minimum of three trees.**
  - 2. For all other developments, the proposed design must either:**
    - a. Provide one tree per dwelling unit; or,**
    - b. Provide one replacement tree per 8 inches of d.b.h. reduced below the minimum preservation requirement. For example, if the minimum preservation is 80 inches d.b.h., then 10 replacement trees are required.**

**New trees planted to meet subsection 1. or 2. above are subject to the requirements at EC 9.6885(2)(c)2.b. Installation and Maintenance. Trees planted to meet applicable landscape standards may count toward these requirements. Existing trees on the development site that are under 8-inches Diameter Breast Height (d.b.h.) and listed in Table 9.6885(2)(c)2. Approved Species List may be designated for preservation and counted toward these requirements (in lieu of planting new trees).**

- (e) For areas at or above 900 feet elevation or applications using the Tree Preservation Area Alternative at EC 9.6885(2)(c)3., mitigation is limited to 10% of the minimum preservation requirement.**

**\* \* \***

- (37) Street Standards Adjustment. Where this land use code provides that street standards may be adjusted, the standards may be adjusted upon a demonstration by the applicant that the requested adjustment is consistent with the following:**

- (a) **The applicant has submitted a report prepared by an Oregon licensed civil engineer that demonstrates it is not technically or financially feasible to construct the street in accordance with adopted plans and policies, and adopted “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways.”**
- (b) **The adjustment is necessary due to at least one of the following conditions:**
  - 1. **Existing on-site or off-site geologic or topographic conditions, or existing wetlands designated for protection by the City of Eugene; or**
  - 2. **Existing development on lands abutting the development site.**

**9.8045 Applicability of Cluster Subdivisions.** Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing ~~[needed housing, as defined in state statutes,]~~ **housing to be reviewed with clear and objective approval criteria** shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria – [Needed] Housing/Clear and Objective. No development permit shall be issued by the city prior to approval of the cluster subdivision.

**9.8055 Cluster Subdivision- Approval Criteria – General/Discretionary.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

- (1) The proposed subdivision complies with:
  - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary except for the standards related to EC 9.2760 Residential Zone Lot Standards; and

**9.8085 Conditional Use Permit Application Requirements.**  
\* \* \*

- (3) If the proposal includes ~~[needed housing, as defined by state law]~~ **housing**, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria – [Needed] Housing/Clear and Objective.

**9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:

**9.8100 Conditional Use Permit Approval Criteria- [Needed] Housing/Clear and Objective.** The hearings official shall approve, conditionally approve, or deny the conditional use permit application. Unless the applicant elects to use the ~~[general]~~ **discretionary** criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary, where the applicant proposes ~~[needed housing, as defined by the State statutes]~~ **housing**,

the hearings official shall approve or approve with conditions a conditional use based on compliance with the following criteria:

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~ ***The proposal complies with EC 9.5860 Transition Standards.***  
\* \* \*
- (3) For areas not included on the city’s acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~
  - ~~(a) The proposal complies with]~~ ***the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.***
  - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource” are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.]~~
- (4) The proposal complies with ~~[all applicable standards, including, but not limited to:~~
  - (a) ***EC 9.2000 through EC 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone.***
  - (b) ***EC 9.6500 through EC 9.6505 Public Improvement Standards.***  
*\*Renumber remaining subsections\**  
\* \* \*
  - (i) ***EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.***
  - (j) ***All other applicable development standards for features explicitly included in the application.***
  - (ik) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
- (5) Public improvements as required by this land use code or as a condition of ~~[tentative plan]~~ approval ***will be [have been] completed prior to issuance of a development permit,*** or:
  - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
  - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the conditional use permit, and the petition has been accepted by the city engineer.
- (6) ***If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.***

**9.8105 Conditional Use Permits within the NR Natural Resource Zone or /WB Wetland Buffer Overlay Zone.**

\* \* \*

- (2) **Criteria for Hearings Official Approval.** Applications for conditional use permits within the NR natural resource zone or /WB wetland buffer overlay zone shall be processed and scheduled for public hearings in the same manner as other conditional

use permit applications, except that NR standards (2) through (19) listed in EC 9.2530 Natural Resource Zone Development Standards shall be considered as additional criteria along with the criteria listed in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

**9.8205 Applicability of Partition, Tentative Plan Applications.**

\* \* \*

- (2) A **tentative plan application to partition land** [application that also involves a PUD request] may **be submitted and reviewed concurrently with the** [not be submitted until a decision on the] tentative PUD **application following a Type III application procedure** [approval is final]. **If a partition application that also involves a PUD request is not submitted concurrently with the tentative PUD, the partition application may not be submitted until a tentative PUD is approved.** (Refer to EC 9.8305 Applicability.)
- (3) **If the partition tentative plan application is not reviewed concurrently with the tentative PUD, no development permit shall be issued by the city prior to approval of the tentative partition application.** **If the tentative partition is reviewed concurrently with the tentative PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.**

**9.8210 Partition, Tentative Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

\* \* \*

- (4) If the proposal includes [needed housing, as defined by State statutes] **housing**, the written statement submitted with the partition application shall clearly state whether the applicant is electing to use the [general] **discretionary** approval criteria in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

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

**9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,**

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

- [(1) The applicant has demonstrated that the proposed housing is needed housing as**

- defined by State statutes.] *\*Renumber remaining subsections.\**
- (21) The proposed partition complies with all of the following:
- (a) ~~[Lot standards of] EC 9.2000 through [9.3980]~~ **9.4170** regarding applicable parcel dimensions and density requirements **for the subject zone and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
- \* \* \*
- (k) ~~[EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.]~~  
*\*Renumber remaining subsection\**  
*\*Renumber remaining subsections\**
- ~~[(4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.]~~ *\*Renumber remaining subsections\**
- (53) If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:
- \* \* \*
- ~~[(c) The street layout of the proposed partition shall disperse motor vehicle traffic onto more than one public local street when the sum of proposed partition parcels and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

**9.8310 Tentative Planned Unit Development General Application Requirements.**

- (5) **[Needed] Housing.** If the proposal includes ~~[needed housing, as defined by State statutes]~~ **housing**, the written statement submitted with the PUD application shall clearly state whether the applicant is **proceeding under: (a)**~~[electing to use] the [general] approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria-~~ **General/Discretionary; or (b)** ~~[instead of] the approval criteria [found] in EC 9.8325 Tentative Planned Unit Development Approval Criteria-~~**[Needed] Housing/Clear and Objective.**

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

**9.8325 Tentative Planned Unit Development Approval Criteria – [Needed] Housing/Clear and Objective.** **Unless the applicant elects to use the discretionary criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** ~~The hearings official shall approve, conditionally approve, or deny the PUD application [with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions, a PUD]~~ based on compliance with the following criteria:

- (1) ~~The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.]~~ **The proposal complies with EC 9.5860 Transition Standards.**

\* \* \*

- (3) ~~[The PUD provides a buffer area between the proposed development and surrounding properties by providing at least a 30 foot wide landscape area along the perimeter of the PUD according to EC 9.6210(7).]~~
- (43) For areas not included on the city's acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with ~~[all of the following:~~
- ~~(a) ¶] the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards, [(not subject to modifications set forth in subsection (11) below)].~~
  - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.]~~
- (5) ~~[There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]~~
- (64) The PUD provides safe and adequate transportation systems through compliance with all of the following:

\* \* \*

~~[(c) The street layout of the proposed PUD shall disperse motor vehicle traffic onto more than one public local street when the PUD exceeds 19 lots or when the sum of proposed PUD lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

- (75) The PUD complies with all of the following:
- (a) EC 9.2000 through ~~[9.3989]~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

\* \* \*

- (k) **All applicable development standards explicitly addressed in the application.**

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

\*Renummer next section\*

\* \* \*

- (97) ~~[All proposed dwellings within the PUD are within 1/4 mile radius (measured from any point along the perimeter of the development site) of an accessible recreation area or open space that is at least 1 acre in size and will be available to residents.]~~ **PUDs proposed on development sites that are two acres or larger must comply with either subsection (a) or subsection (b) below:**
- (a) **The PUD is located within 1/2-mile of a public park, public recreation facility, or public school (determined using the shortest distance as measured along a straight line between a point along the perimeter of the development site and a point along a property line of a public park, public recreation facility, or public school); or**
  - (b) **Except as provided in EC 9.8325(8)(b)1, the PUD shall provide common open space within the development site equal to a minimum of 10 percent of the development site or 14,500 square feet, whichever is greater.**
    - 1. **If the PUD includes lot areas smaller than the minimum lot area allowed in the base zone, then common open space must be**

*provided as follows:*

- a. *If the average lot area is within 10 percent of the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 15 percent of the development site or 14,500 square feet, whichever is greater.*
  - b. *If the average lot area is more than 10 percent below the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 20 percent of the development site or 14,500 square feet, whichever is greater.*
2. *Common open space shall be provided in one separate tract of land, except that developments providing more than 29,000 square feet of common open space may include up to three common open space tracts provided no tract is less than 14,500 square feet..*
  3. *Ownership of the common open space tract(s) must be dedicated to all lot or parcel owners within the development site.*
  4. *Each common open space tract must include a portion with minimum dimensions of 70 feet by 70 feet.*
  5. *Common open space tracts must have a minimum of 20 feet of lot frontage along an existing or proposed public way or private street.*
  6. *Common open space tracts do not have to meet lot standards.*
- (10) [~~Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards (these standards may be modified as set forth in subsection (11) below).~~]
- (118) [~~The PUD complies with all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development.~~]
- (129) For any PUD located within or partially within the boundaries of the South Hills Study, the following additional approval criteria apply:
- (a) [~~No development shall occur on land above an elevation of 900 feet except that one dwelling may be built on any lot in existence as of August 1, 2001.~~]  
*Development on any portion of the development site located above 900 feet elevation is limited by the following:*
    1. *The sum of all building area, measured using building footprints, shall not exceed 5,000 square feet on proposed new lots or parcels.*
    2. *Driveways shall not exceed 20 feet in width on proposed new lots or parcels.*
  - (b) Development *on any portion of the development site located above 900 feet elevation* shall be setback at least 300 feet from the ridgeline unless there is a determination by the city manager that the area is not needed as a connection to the city's ridgeline trail system. For purposes of this section, the ridgeline [~~trail~~] shall be considered as the line indicated as being the urban growth boundary [~~within the South Hills Study plan area~~].
  - (c) [~~Development shall cluster buildings in an arrangement that results in at least 40% of the development site being retained in 3 or fewer contiguous common open space areas. For purposes of this section, the term contiguous open space means open space that is uninterrupted by buildings, structures, streets, or other improvements.~~]  
*\*Renumber remaining subsections.\**

- (dc) Residential density is limited as follows:
1. In the area west of Friendly Street, the maximum level of new development per gross acre shall be 8 units per acre.
  2. In the area east of Friendly Street, the maximum level of new development per gross acre shall be limited to 5 units per acre.
  3. Housing developed as Controlled Income and Rent Housing shall be exempt from the density limitations in subsections 1 and 2 above, but are subject to the other applicable development standards and review procedures.
  4. ***For any portion of the development site located above 900 feet elevation, the maximum density shall be 2.5 units per gross acre, or one dwelling per legal lot in existence as of August 1, 2001, whichever is greater.***

**9.8360 Planned Unit Development, Final Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to PUD final plan applications:

\* \* \*

- ~~(4) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:~~
- ~~(a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or~~
  - ~~(b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.]~~

**9.8365 Final Planned Unit Development Approval Criteria.** The planning director shall approve, approve with conditions, or deny a final PUD application, ***based on compliance with the following criteria:*** ~~Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.]~~

- (1) The final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.***
- (2) For final PUDs not associated with a land division, public improvements as required by this land use code or as a condition of tentative plan approval will be completed prior to issuance of a development permit, or:***
  - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or***
  - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.***

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

**9.8445** **Site Review Approval Criteria- [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8440 Site Review Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** ~~[T]he planning director shall approve, conditionally approve, or deny the site review application. [Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve, or approve with conditions, a site review]~~ based on compliance with the following criteria:

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.]~~ **The proposal complies with EC 9.5860 Transition Standards.**
- (3) For areas not included on the city’s acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~
  - (a) ~~The proposal complies with~~ **the provisions of** EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
  - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource” are protected.]~~
- (4) The proposal complies with all of the following ~~[standards]:~~
  - (a) EC 9.2000 through ~~[9.3980]~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone.**
  - (b) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.**

*\*Renumber remaining subsections\**
- (5) Public improvements as required by this land use code or as a condition of ~~[tentative plan]~~ approval **will be** ~~[have been]~~ completed **prior to issuance of a development permit**, or:
  - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
  - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.
- (6) **If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.**

**9.8505** **Applicability of Subdivision, Tentative Plan Applications.**

Requests to create 4 or more lots shall be subject to the subdivision provisions of this land use code under a Type II application process.

- (1) **A tentative plan application to subdivision design land may be submitted and reviewed concurrently with the** ~~[application that also involves a PUD request may~~

not be submitted until a decision on the] tentative PUD **application following a Type III application procedure** [approval is final]. **If a subdivision application that also involves a PUD request is not submitted concurrently with the tentative PUD, the subdivision application may not be submitted until a tentative PUD is approved.** (Refer to EC 9.8305 Applicability.)

- (2) **If the subdivision tentative plan application is not reviewed concurrently with the tentative PUD, No** development permit shall be issued by the city prior to approval of the **tentative** subdivision tentative plan application. **If the tentative subdivision is reviewed concurrently with a PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.**

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

\* \* \*

- (5) If the proposal includes [needed housing, as defined by State statutes] **housing**, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the [general] **discretionary** approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

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

\* \* \*

- (2) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto, based on the provisions of this land use code. For subdivisions involving phasing, it shall be demonstrated that each sequential phase will maintain consistency with the provisions of EC 9.8515 Tentative Subdivision Approval Criteria – General/Discretionary.

**9.8520 Subdivision, Tentative Plan Approval Criteria – [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,**

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

- ~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~

\*Renumber remaining subsections.\*

- (32)** The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone

or overlay zone:

- (a) EC 9.2000 through ~~[9.3980]~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

*\*Renumber remaining subsections\**

- ~~(5) [There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]~~

*\*Renumber remaining subsections.\**

- ~~(64) The proposed subdivision provides [safe and adequate transportation systems through compliance with the following:]~~ **for the**

- ~~[(a) P]~~ **provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.**

- ~~[(b) The street layout of the proposed subdivision shall disperse motor vehicle traffic onto more than one public local street when the subdivision exceeds 19 lots or when the sum of proposed subdivision lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

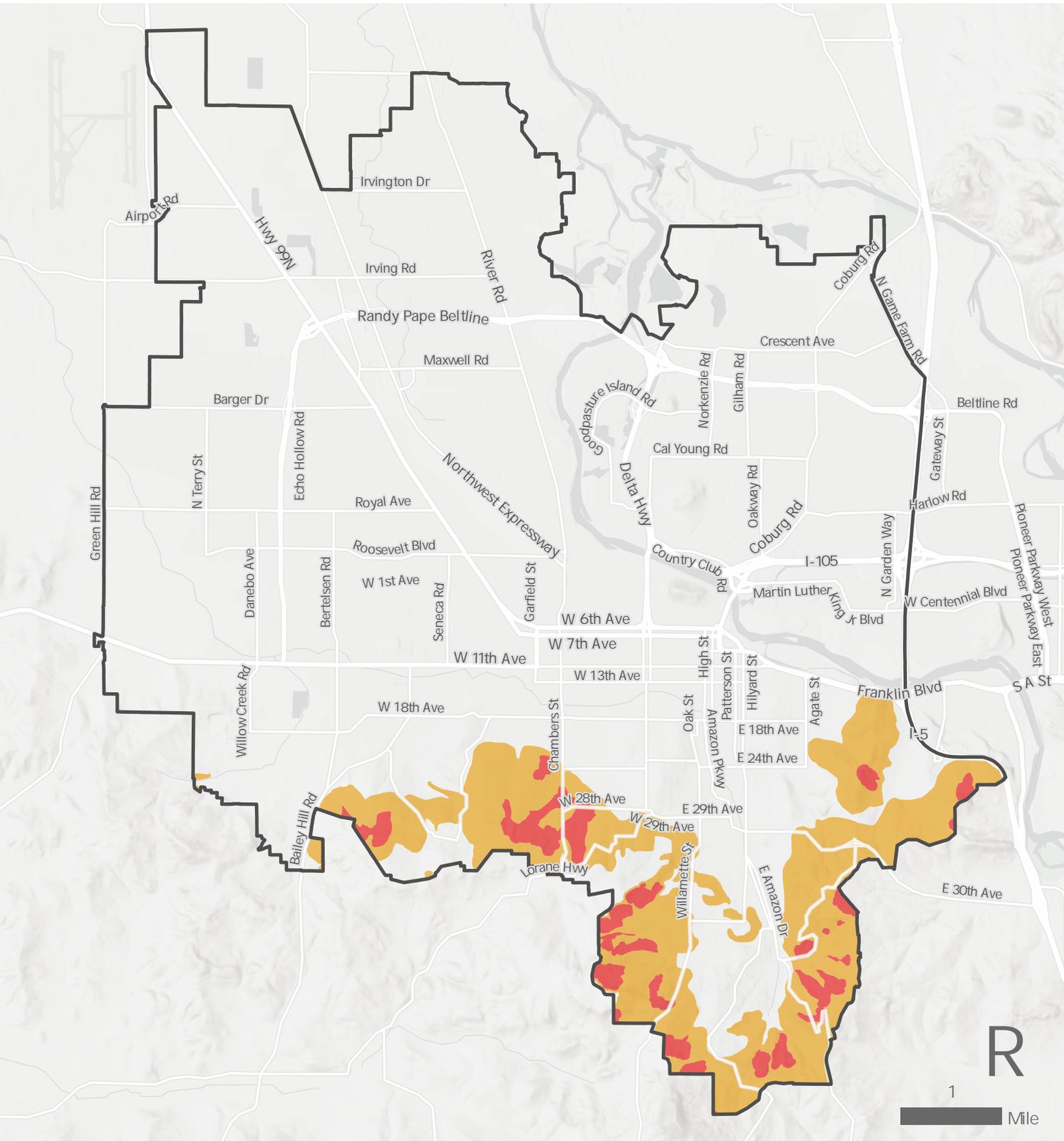
- ~~(75) For areas not included on the city's acknowledged Goal 5 inventory, the subdivision will preserve existing natural resources by compliance with [all of the following:~~

- ~~(a) The proposal complies with] **the provisions of** EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.~~

- ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource."]~~

*\*Renumber remaining subsections.\**

# Eugene Landslide Hazard Map



-  Eugene UGB
- Deep Landslide Susceptibility - Relative Risk
-  Moderate
-  High

This map is intended for illustrative purposes, and is not suitable for legal, surveying, or engineering purposes.

Map created October 2020 by City of Eugene Planning Division.

Page 40 of 103  
 Source: IMS-00, Landslide hazard and risk study of Eugene-Springfield and Lane County, Oregon, DOGAMI



## Key Project Check-Ins with Planning Commission and City Council

Date (Webcast Link)	Description
<a href="#">May 8, 2018</a>	Project overview and introduction with Planning Commission
<a href="#">May 30, 2018</a>	Project overview and introduction with City Council
<a href="#">June 25, 2018</a>	Planning Commission approval of the Public Involvement Plan
September 11, 2018	Summary of Key Issues Report (provided via email)
<a href="#">November 19, 2018</a>	Planning Commission review of Batch 1 recommendations (maintenance/less complex issues)
<a href="#">November 26, 2018</a>	Planning Commission summary of feedback on Batch 1 items
<a href="#">November 26, 2018</a>	City Council advanced Batch 1 recommendations to draft code writing
<a href="#">December 10, 2018</a>	Planning Commission review of Batch 2 recommendations (more complex issues)
<a href="#">December 11, 2018</a>	Planning Commission review of Batch 2 recommendations
<a href="#">January 23, 2019</a>	City Council advanced Batch 2 recommendations to draft code writing
<a href="#">February 4, 2019</a>	Planning Commission review of Batch 1 draft code amendments
<a href="#">April 16, 2019</a>	Planning Commission review of Batch 2 draft code amendments (1 of 3)
<a href="#">April 23, 2019</a>	Planning Commission review of Batch 2 draft code amendments (2 of 3)
<a href="#">April 30, 2019</a>	Planning Commission review of Batch 2 draft code amendments (3 of 3)
<a href="#">May 20, 2019</a>	City Council advanced draft code amendments to formal adoption
<a href="#">January 27, 2020</a>	Planning Commission follow up items based on Council motion (1 of 2)
<a href="#">February 11, 2020</a>	Planning Commission follow up items based on Council motion (2 of 2)

**From:** [Renee C](#)  
**To:** [DRAGOVICH Jenessa L](#)  
**Subject:** C&O input  
**Date:** Tuesday, October 13, 2020 8:12:28 AM  
**Attachments:** [Scan2020-10-12\\_125306.pdf](#)

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[EXTERNAL ]

Janessa,

My input is attached for the latest C&O draft. Please let me know if my writing isn't clear or if the scanner chopped off an important word. I wasn't sure if I should look at it all or just the part that council sent back for more work so, to be thorough, I looked at it all.

Renee

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**Renee Clough, PLS, PE, AICP**  
Project Manager

**BRANCH ENGINEERING, INC.**  
[310 5th Street, Springfield, OR 97477](#)  
**p:** 541.746.0637x104 **c:** 541.510.9069  
[www.branchengineering.com](http://www.branchengineering.com)

Eugene–Springfield OR | Albany OR

# Clear & Objective Update

## Draft Land Use Code Language

Proposed text in ***bold italic***

Proposed deletions in [~~bracketed strike-out~~]

### Definitions

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

***Pedestrian. Any person afoot or using any type of wheelchair.***

### Commercial Zones

**9.2181** **Special Standards for Table 9.2180.**

(1) Lot area, frontage, and width minimums may be adjusted in accordance with the provisions of EC 9.8030(1). Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria -General/~~Discretionary~~ or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

### Employment and Industrial Zones

**9.2471** **Special Standards for Table 9.2470.**

(1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a site review or planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria – General/~~Discretionary~~.)

### Natural Resource Zone

**9.2520** **Natural Resource Zone Land Use and Permit Requirements.** The provisions of the NR zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas. In cases where the NR zone overlaps with the /WB wetland buffer overlay zone or the /WP waterside protection overlay zone, only the provisions of the NR zone are applied.

\* \* \*

(2) **Uses Subject to a Conditional Use Permit.** The following uses are

permitted conditionally in the NR zone:

- (a) Nature interpretive centers and wetland research facilities, when such centers or facilities are specified in or consistent with adopted plans or policies.
- (b) Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resource areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19), in addition to EC 9.8090 Conditional Use Permit Approval Criteria - General/Discretionary.

## Public Land Zone

### 9.2687 Special Standards for Table 9.2686.

- (1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria -General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Residential Zones

### 9.2751 Special Development Standards for Table 9.2750.

\*\*\*

- (2) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

### 9.2761 Special Standards for Table 9.2760.

- (1) Lot Standards.

\*\*\*

- (c) Lot area, frontage, and width minimums may be modified with an approved cluster subdivision in R-1 or Planned Unit Development (PUD) in any zone, **or adjustments may be made if consistent with the criteria in EC 9.8030(1) and reviewed and approved concurrently with a planned unit development in any zone, except that for applications proposing housing to be reviewed with clear and objective approval criteria these standards may not be adjusted within 50 feet of any property line that abuts property zoned R-1.**

Don't interpret  
as if it's  
not applicable  
to R-1  
for a  
cluster  
subdivision

## Downtown Westside Special Area Zone

### 9.3216 Special Development Standards for Table 9.3215.

- (1) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

### 9.3221 Special Standards for Table 9.3220.

- (1) Lot area, frontage, and width minimums may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Jefferson Westside Special Area Zone

### 9.3626 Special Development Standards for Table 9.3625.

\*\*\*

- (9) Maximum building height and minimum building setbacks may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Riverfront Park Special Area Zone

- 9.3725 S-RP Riverfront Park Special Area Zone Review Procedures. The master site plan for developments proposed within the S-RP zone shall be reviewed through the conditional use permit process provided in this land use code. For the purpose of this review, the following criteria shall be applied in lieu of the criteria provided in EC 9.8090 Conditional Use Permit Approval Criteria - General/Discretionary.

## Wetland Buffer Overlay Zone

- 9.4830 WB Wetland Buffer Overlay Zone Land Use and Permit Requirements. Within the /WB overlay zone, there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WB area, and a more restrictive list of uses allowed within the /WB area.

\*\*\*

(2) **Within /WB Areas:**

\* \* \*

- (c) Uses Permitted Conditionally. The following uses are permitted conditionally in the /WB overlay zone:
1. Nature interpretive centers, when specified in or consistent with adopted plans or policies.
  2. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and natural areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19) in addition to the conditional use criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

## Telecommunication Facilities

9.5750 Telecommunication Devices-Siting Requirements and Procedures.

\* \* \*

- (2) **Siting Restricted.** No telecommunication facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility shall be either an outright permitted use, subject to site review procedures, or require a conditional use permit.
- \* \* \*
- (b) Site Review. A telecommunication facility which, pursuant to subsections (3) through (5) of this section, is subject to site review shall be processed in accordance with the site review procedures of this land use code. The criteria contained in this section, as well as the criteria contained in EC 9.8440 Site Review Approval Criteria – General/Discretionary, shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.
- (c) Conditional Use Permit. A telecommunication facility which, pursuant to subsections (4) or (5) of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures of this land use code, except that the variance provisions shall not apply. The criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria –General /Discretionary and subsections (6) and (7) of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in subsections (6) and (7) of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

Special Development Standards for Certain Uses

9.5860 Transition Standards for Housing/Clear and Objective Applications.

(1) **Applicability of Transition Standards.** The transition standards at EC 9.5860(2) shall apply to land use applications proposing housing to be reviewed with clear and objective approval criteria under EC 9.8100 Conditional Use Permit Approval Criteria – Housing/Clear and Objective, EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective, or EC 9.8445 Site Review Approval Criteria – Housing/Clear and Objective. The transition standards at EC 9.5860(2) apply to all new buildings and any building additions that increase the square footage of livable floor area by 20 percent or more for any of the following:

*I've heard the city has interpreted lots separated by a street to be abutting*

- (a) Multiple-family development on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR except where the multiple-family development consists of:
  - 1. a single tri-plex on one lot.
  - 2. a single four-plex on one lot.
  - 3. structures that are less than 30 feet in height.
- (b) Assisted care, boarding and rooming house, campus living organization, university or college dormitory, or single room occupancy (SRO), proposed on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In cases where the standards in subsection (2) apply to building additions, they shall be applicable between the addition and any property line abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.

(2) **Standards.** The following standards apply to new buildings and building additions identified in subsection (1) and must be applied along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:

(a) **Height and Setback Options.** The proposed development must comply with one of the following four options:

- 1. Option 1. The maximum building height of a new building or building addition shall be limited to 35 feet. In addition, at least one of the following must be provided along the entire portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:
  - a. A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.
  - b. Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).

*a little tight but can usually get 3 stories*

*is there a maximum distance from the P L*

Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access.

*if needed for firecode min. is 20 ft*

- 2. Option 2. The minimum interior yard setback shall be 10 feet from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition:

- a. At a point that is 25 feet above grade, the interior yard setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from that property line until a point 50 feet away from the property line.
- b. For new buildings or building additions within 30 feet of R-1, R-1.5, S-C/R-1, or S-RN/LDR zoned property, trees growing to a mature height of at least 20 feet shall be planted at a minimum interval of 15 feet parallel to the property line, between buildings and any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition, one of the following shall be provided along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:

Seems awful dense

how is anything going to grow with that kind of tree coverage?

- (1) A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.
- (2) Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).

Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access. same

- 3. Option 3. A minimum 30-foot setback shall be provided between a new building or building addition and the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 30-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping and must contain trees growing to a mature height of at least 20 feet, spaced at a minimum interval of 25 feet, parallel to and within five feet of the property line, in the setback area.
- 4. Option 4. A new building or building addition shall be set back at least 50 feet or a setback equal to the height of the tallest building on the development site, whichever is less, from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 50-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping.

(b) Allowed intrusions into setbacks. In lieu of the permitted setback intrusions provided at EC 9.6745(3) the following intrusions are allowed within the interior yard setback area described in EC 9.5860(2)(a)2 through 4:

- 1. Eaves and chimneys may intrude a maximum of 2 feet into the vertical plane of the interior yard sloped setback area. No other intrusions are allowed into the vertical plane of the setback.
- 2. Dormers may intrude into the sloped portion of the interior yard sloped setback area provided each dormer is no more than 10

seems to conflict w/ 2 immediately following #3

- feet wide and the total width of all dormers on a given wall does not exceed 30 percent of the linear length of the building wall.
3. Architectural screens or arbors serving an upper floor balcony may protrude a maximum of 6 feet into the sloped portion of the interior yard sloped setback area.
- (c) Balconies, decks and other outdoor spaces located above the ground floor shall be setback at least 20 feet from any property line that abuts land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.
  - (d) Tree Exception. An exception to the tree planting required by subsections (a)(2) and (3) is allowed if the applicant provides a signed and notarized letter from the abutting property owner stating that the abutting property owner does not desire the trees required by this section. This exception does not apply to trees required by other applicable standards. Future development proposals subject to the standards in this section will need to obtain a separate exception from the tree planting requirements of this section.

## General Standards for All Development

### 9.6010 Applications Proposing [Needed] Housing.

- (1) As used in EC chapter 9.6000, the term "applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**" includes:
  - (a) Applications that are proceeding (or have proceeded) under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520; or
  - (b) Applications for **housing** developments [permits] for **residential** uses permitted outright in the subject zone that are **entitled to clear and objective standards pursuant to state statutes** [proposed housing is needed housing as defined by state statutes].

### 9.6710 Geological and Geotechnical Analysis.

\*\*\*

- (6) **[Needed] Clear and Objective Housing.** Unless exempt under 9.6710(3)(a)-(f), in lieu of compliance with subsections (2), (4), and (5) of this section, applications proposing [needed] housing **to be reviewed with clear and objective approval criteria** shall include a certification from an Oregon licensed Engineering Geologist, **an Oregon licensed Geotechnical Engineer**, or an Oregon licensed Civil Engineer with geological experience, **prepared within five years of the date of application, that includes the following information**[stating]:
  - (a) **Identification of any portion of the proposed development site that is located in an area of moderate or high landslide susceptibility as shown on the city's adopted Eugene Landslide Hazard Map.**
  - (ab) **A statement** [that] the proposed development [activity] will not be impacted by existing or potential stability problems or any of the following site conditions: **slopes 20 percent or greater**, springs or seeps, depth of soil bedrock, **soil types**, variations in soil types, **open drainage ways, fill**, or a combination of these conditions.

Why a timeframe?  
It's not like soil changes.

What constitutes impacted? Feels vague like the old 19 Lot Rule turned out to be. It can be argued that if these exist on the site and you design around them the development is impacted. Or it can be argued that it is only impacted if these things can't or aren't properly accounted for so cause harm to the development. I don't feel like I know what this word wants.

how is this decided? Will it be at the discretion of the report writer like with stormwater?

See Comments in (b)

(bc) If proposed development [activity] will be located in an area identified as moderately or highly susceptible to landslides pursuant to (a), or will be impacted by existing or potential stability problems or any of the site conditions listed in (ab), the certification must also include:

1. A review of the suitability of the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings given the landslide hazards, stability problems, and/or site conditions identified in the certification;
2. Any recommended modifications to the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings that in the engineer's opinion, would mitigate the landslide hazards, stability problems, and/or site conditions identified in the certification;
3. Methods for safely addressing the landslide hazards and/or site conditions identified in (a) and (b)[-]; and,
4. Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on the development site.
5. Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on proposed lots or parcels.

these seem like they could be combined into one

If [a statement] certification is submitted under (6)(bc), the application shall include the applicant's statement that it will develop in accordance with the Engineer's [statement] certification.

9.6810 **Block Length.**

(1) Except as provided in subsections (2) and (3) of this section, block length for local streets shall not exceed 600 feet.[-]

(42) Applications not proposing housing to be reviewed with clear and objective approval criteria, [unless an exception is] may be exempt from the block length requirements in subsection (1)[granted] based on one or more of the following:

May or may not be appropriate in this conversation but I'd love to see this word changed

- (2a) Physical conditions preclude a block length 600 feet or less. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
- (3b) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 600 feet or less, considering the potential for redevelopment.
- (4c) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practicable.
- (5d) As part of a Type II or Type III process, the developer demonstrates that a strict application of the 600-foot requirement would result in a street network that is no more beneficial to vehicular, pedestrian or bicycle traffic than the proposed street network and that the proposed street network will

Suggest also allowing for the alignment of existing streets here

accommodate necessary emergency access.

- (23) **Applications proposing housing to be reviewed with clear and objective approval criteria, must comply with the block length requirements in subsection (1) unless existing slopes would result in a street grade that exceeds the grade allowed under current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership.**
- (4) **Block length may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.**

9.6815

**Connectivity for Streets.**

\*\*\*

**(2) Street Connectivity Standards.**

\*\*\*

(e) Except for applications proposing [needed] housing to be reviewed with clear and objective approval criteria, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.

\*\*\*

(g) **Except for applications proposing housing to be reviewed with clear and objective approval criteria, [i]n the context of a Type II or Type III land use decision, the city shall grant an exception to the standards in subsections (2)(b), (c) or (d) if the applicant demonstrates that any proposed exceptions are consistent with either subsection 1. or 2. below:**

\*\*\*

(h) **For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions to street connectivity standards may be granted if one of the following conditions exists:**

Why not any existing building? Why is onsite less value than off

How many alignments have to be considered?

I like this one

- 1. Existing buildings on land abutting the development site and under separate ownership obstruct the extension of the planned street;
- 2. Existing slopes would result in a street grade exceeding current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership;
- 3. Provision of an intersecting street would require dedication of 25 percent or more of the total development site area.
- 4. Abutting residential land cannot be further divided under current development standards.

(i) **Street connectivity standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.**

9.6820 Cul-de-Sacs or Emergency Vehicle Turnarounds.

\*\*\*

- (5) As part of a Type II or Type III process, an exception may be granted to the requirements of (1), (3) and (4) of this section. **For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions may only be granted as provided in subparagraph (c). For all other applications, exceptions may be granted** because of the existence of one or more of the following conditions:

\*\*\*

- (c) **For applications proposing housing to be reviewed with clear and objective approval criteria, an exception to the requirements of subsections (1) through (4) may be granted if the applicant provides certification from an Oregon licensed civil engineer stating that a cul-de-sac or emergency vehicle turnaround cannot be constructed to meet current standards according to the adopted Design Standards and Guidelines for Eugene Streets, Sidewalk, Bikeways and Accessways;**
- (6) **Cul-de-sacs or emergency vehicle turnarounds standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.**

Should (2) be included here if it's not here

9.6845 Special Safety Requirements. Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public, pedestrians, bicyclists and residents of the subject area, the planning director or public works director may require that local streets and alleys be designed to discourage their use by non-local motor vehicle traffic and encourage their use by local motor vehicle traffic, pedestrians, bicyclists, and residents of the area.

9.6865 Transit Facilities.

- (1) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, the city manager may require provisions, including easements, for transit facilities where future transit routes are required on streets extending through or adjacent to the area of the development, and where a need for bus stops, bus pullouts or other transit facilities within the development has been identified, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, where the provision of transit stops, bus pullouts or other facilities along a public street requires a right-of-way or paving width greater than that listed in Table 9.6870 Right-of-Way and Paving Widths and where a need for transit service within the development has been identified, the planning director or public works director, depending upon the type of application being processed, may require that additional right-of-way or paving be provided.

Tree Preservation and Removal Standards.

\*\*\*

(2) **Tree Preservation and Removal Standards.** *The standards in this subsection apply only to land use applications processed under EC 9.8100, EC 9.8325, EC 9.8445, and EC 9.8520. Unless exempt under subparagraph (b) below, [N]no permit for a development activity subject to this section shall be approved until the applicant [submits plans or information, including a written report by a certified arborist or licensed landscape architect, that] demonstrates compliance with the [following] standards in this subsection.[:]*

- (a) ~~The materials submitted shall reflect that consideration has been given to preservation in accordance with the following priority:
 
  - [1. Significant trees located adjacent to or within waterways or wetlands designated by the city for protection, and areas having slopes greater than 25%;
  - 2. Significant trees within a stand of trees; and
  - 3. Individual significant trees.]~~

(a) **Definitions.** *For the purposes of this subsection (2), the following definitions apply:*

- 1. **Critical Root Zone (CRZ).** *That area surrounding a tree that has a radius of 12 inches multiplied by the diameter breast height expressed in inches of the tree trunk or trunks.*
- 2. **Tree Removal.** *To fell or sever a tree or to use any procedure the natural result of which is to cause the death or substantial destruction of the tree. Substantial destruction includes actions that destroy more than 15% of the critical root zone of a tree, or topping, or severing the cambial material on 50% or more of the circumference of the tree trunk. Remove does not in any context include those pruning standards as defined in the edition of American National Standards Institute (ANSI) Section A300, Tree, Shrub and Other Woody Plant Maintenance Standard Practices in effect at the time the pruning occurs.*

(b) **For the purposes of this subsection (2), the South Hills Area is defined as all property located within the City's adopted Urban Growth Boundary, above an elevation of 500 feet, and:**

- 1. South of 18th Avenue,
- 2. South of Franklin Boulevard and East of the intersection of 18th Avenue and Agate Street, or
- 3. If 18th Avenue were extended from the intersection of 18th Avenue and Willow Creek Road directly west to the Urban Growth Boundary, the area south of that extension of 18th Avenue.

(c) **Exemptions.** *A proposed development shall be exempt from the requirements of EC 9.6885(2) if any of the following apply:*

- 1. *Except as provided in subparagraph 4., the area of the development site is less than 20,000 square feet.*
- 2. *Five or fewer significant trees exist on the development site prior to development.*
- 3. *The development site is zoned R-1.5 Rowhouse zone, R-3 Medium Density Residential, R-4 High Density Residential, GO*

*I'm confused. 9.6882 says tree standards apply to more than just these applic. types so what are the standards for those other types?*

*WHAT?!?*

*CU? PUD SR Subdiv*

General Office, C-2 Community Commercial, or C-3 Major Commercial zones.

4. Notwithstanding subparagraph 1., development sites that include property at or above 900 feet elevation are subject to the requirements of EC 9.6885(2), regardless of the area of the development site.

limited to two trunks like sig. tree def. or is it all of them here?

- (d) Tree Preservation Requirements. Unless adjusted per EC 9.8030(13), significant trees must be preserved in accordance with the requirements of Table 9.6855(2)(c). Minimum preservation is based on the total existing Diameter Breast Height (d.b.h.) of significant trees within each specific location category prior to development. Maximum mitigation is the percentage of the minimum preservation that may be mitigated according to subsection 2. below.

means max total of 80% removal? Please confirm? 40% Pres = 60% Rem. 20% of 40% = 8%

Table 9.6885(2)(c) Tree Preservation and Mitigation

Location Category	Minimum Preservation	Maximum Mitigation
Outside the South Hills Area	40%	50%
Within the South Hills Area, between 500 feet and 900 feet elevation	50%	50%
Within the South Hills Area, at or above 900 feet elevation	50%	0%

Not seeing how these sections relate here

1. A Tree Preservation and Removal Plan is required except as provided in EC 9.6885(2)(b) or EC 9.6885(2)(c)3. The plan must be prepared by a certified arborist or licensed landscape architect and shall provide the following:

- a. A table, organized by the location categories listed in Table 9.6885(2)(c), listing all significant trees on the development site and including the following information for each listed tree:

- (1) Diameter Breast Height (d.b.h.)
- (2) Preservation, removal, or mitigation status
- (3) Common name, genus and species

- b. A site plan that includes the following information:

- (1) The locations of all significant trees on the development site, the Diameter Breast Height (d.b.h.) for each significant tree, whether each significant tree is to be preserved, removed, or mitigated according to EC 9.6885(2)(c)2, and the location of the critical root zone (CRZ) for each significant tree to be preserved.
- (2) The location of all existing and/or proposed public and private utility easements, driveways, and areas of grading or excavation on the development site.
- (3) The location of all existing development on the site as well as the location of development proposed in

Most arborists don't make site plans. Will the city be OK w/ the eng. or sur. making it w/ the arborist's data

Can the table be on the plan or separate & cross ref. w/ numbers?

the land use application that triggers the requirement for a Tree Preservation and Removal Plan. *extra space*

- (4) Proposed lot or parcel boundaries.
- (5) For development sites with any portion located within the South Hills Area, identification of areas at or above 500 feet elevation and areas at or above 900 feet elevation.

c. A statement by the preparer that the Tree Preservation and Removal Plan meets EC 9.6885(2)(c) Tree Preservation Requirements. *d?*

2. Mitigation. An applicant may elect to mitigate a portion of the minimum preservation of significant trees on the development site as provided below:

a. The maximum d.b.h. that can be mitigated shall be based on location category as provided in Table EC 9.6885(2)(c) Tree Preservation and Mitigation.

b. Installation and Maintenance. Each significant tree designated for mitigation must be replaced with one tree selected from the approved species listed in Table 9.6885(2)(c)2 within one year from the date of removal or prior to final occupancy, whichever is later. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. *good*

c. The maximum mitigation allowance may be adjusted in accordance with EC 9.8030(13).

Table 9.6885(2)(c)2. Approved Species List

Genus and Species	Common Name
<i>Abies koreana</i>	Silver Korean fir
<i>Abies pinsapo</i>	Spanish fir
<i>Acer circinatum</i>	Vine Maple
<i>Acer ginnala</i>	Amur Maple
<i>Acer glabrum var. douglasii</i>	Rocky Mountain Maple
<i>Acer griseum</i>	Paperbark Maple
<i>Acer macrophyllum</i>	Big Leaf Maple
<i>Alnus rhombifolia</i>	White Alder
<i>Alnus rubra</i>	Red Alder
<i>Amelanchier alnifolia</i>	Pacific Serviceberry
<i>Arbutus menziesii</i>	Pacific Madrone
<i>Arbutus unedo</i>	Strawberry Madrone

**Table 9.6885(2)(c)2. Approved Species List**

<b>Genus and Species</b>	<b>Common Name</b>
<i>Arbutus 'Marina'</i>	<i>Marina Strawberry Tree</i>
<i>Betula nigra</i>	<i>River Birch</i>
<i>Calocedrus decurrens</i>	<i>Incense Cedar</i>
<i>Carpinus betulus</i>	<i>European Hornbeam</i>
<i>Carpinus caroliniana</i>	<i>American Hornbeam</i>
<i>Castanopsis cuspidata</i>	<i>Japanese Chinquapin</i>
<i>Catalpa speciosa</i>	<i>Northern Catalpa</i>
<i>Cedrus atlantica</i>	<i>Atlas Cedar</i>
<i>Cedrus deodara</i>	<i>Deodar Cedar</i>
<i>Cedrus libani</i>	<i>Cedar of Lebanon</i>
<i>Celtis occidentalis</i>	<i>Common Hackberry</i>
<i>Chrysolepis chrysophylla</i>	<i>Golden Chinquapin</i>
<i>Cinnamomum chekiangense</i>	<i>Camphor Tree</i>
<i>Cornus nuttallii</i>	<i>Pacific Dogwood</i>
<i>Corylus colurna</i>	<i>Turkish Filbert</i>
<i>Cupressus arizonica</i>	<i>Arizona cypress</i>
<i>Cupressus bakeri</i>	<i>Modoc cypress</i>
<i>Fraxinus latifolia</i>	<i>Oregon Ash</i>
<i>Fraxinus ornus</i>	<i>Flowering Ash</i>
<i>Ginkgo biloba (fruitless cultivars only)</i>	<i>Ginkgo</i>
<i>Koelreuteria paniculata</i>	<i>Goldenrain Tree</i>
<i>Maackia amurensis</i>	<i>Maackia</i>
<i>Nyssa sylvatica</i>	<i>Tupelo, Black Gum</i>
<i>Ostrya virginiana</i>	<i>American Hophornbeam</i>
<i>Oxydendrum aroboreum</i>	<i>Sourwood</i>
<i>Parrotia persica</i>	<i>Persian Ironwood</i>
<i>Picea smithiana</i>	<i>Morinda spruce</i>
<i>Pinus ponderosa</i>	<i>Ponderosa Pine</i>
<i>Pinus ponderosa var. benthamania</i>	<i>Willamette Valley Ponderosa Pine</i>
<i>Pinus wallichiana</i>	<i>Himalayan pine</i>
<i>Pistacia chinensis</i>	<i>Chinese Pistachio</i>
<i>Platanus acerifolia</i>	<i>London Plane</i>
<i>Prunus virginiana</i>	<i>Chokecherry</i>
<i>Pseudotsuga menziesii</i>	<i>Douglas Fir</i>
<i>Quercus acutissima</i>	<i>Sawtooth Oak</i>
<i>Quercus agrifolia</i>	<i>Coast Live Oak</i>
<i>Quercus bicolor</i>	<i>Swamp White Oak</i>
<i>Quercus chrysolepis</i>	<i>Canyon Live Oak</i>

Table 9.6885(2)(c)2. Approved Species List

Genus and Species	Common Name
<i>Quercus douglasii</i>	Blue Oak
<i>Quercus frainetto</i>	Hungarian Oak
<i>Quercus gambelii</i>	Gambel Oak
<i>Quercus garryana</i>	Oregon White Oak
<i>Quercus hypoleucoides</i>	Silver Oak
<i>Quercus ilex</i>	Holly Oak
<i>Quercus kelloggii</i>	California Black Oak
<i>Quercus lobata</i>	Valley Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus myrsinifolia</i>	Chinese Evergreen Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus shumardii</i>	Shumardii Oak
<i>Quercus suber</i>	Cork Oak
<i>Quercus wislizeni</i>	Interior Live Oak
<i>Rhamnus purshiana</i>	Cascara Buckthorn
<i>Salix lucida ssp. Lasianhra</i>	Pacific Willow
<i>Salix scouleriana</i>	Scouler's Willow
<i>Sciadopitys verticillata</i>	Japanese Umbrella Pine
<i>Sequoia sempervirens</i>	Coast Redwood
<i>Sequoiadendron giganteum</i>	Giant Sequoia
<i>Styrax japonicus (japonica)</i>	Japanese Snowbell
<i>Taxodium distichum</i>	Bald Cypress
<i>Taxus brevifolia</i>	Pacific Yew
<i>Thuja plicata</i>	Western Red Cedar
<i>Tilia americana</i>	American Linden
<i>Tilia tomentosa</i>	Silver Linden
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Tsuga heterophylla</i>	Western Hemlock
<i>Tsuga mertensiana</i>	Mountain hemlock
<i>Tsuga sieboldii</i>	Southern Japanese hemlock
<i>Ulmus americana</i>	American Elm
<i>Ulmus carpinifolia</i>	Smoothleaf Elm
<i>Ulmus parvifolia</i>	Chinese Elm
<i>Ulmus propinqua</i>	Japanese Elm
<i>Umbellularia californica</i>	California Bay Laurel

*It's the Pres. itself that's cumbersome*

3. Tree Preservation Area Alternative.

- a. A Tree Preservation and Removal Plan is not required if the applicant chooses to preserve at least 50 percent of

*the alternative seems silly making the plan isn't cumbersome enough to need an alternative. Is there something I'm not thinking of?*

**the total existing d.b.h. of significant trees on the development site within one or more tree preservation area(s) and the following requirements are met:**

- (1) Tree preservation area(s) must be delineated and shown on a site plan submitted for approval by the City.**
  - (2) Applicant must provide written certification from a certified arborist or licensed landscape architect stating that the area(s) designated for tree preservation include(s) at least 50 percent of the total existing d.b.h. of significant trees on the development site.**
- b. Mitigation is not allowed when the Tree Preservation Area Alternative is used to meet tree preservation requirements, except as approved through an adjustment review according to EC 9.8030(13).**
- 4. Protection Standards. The following notes must be included on the final plan set submitted for approval by the City and shall apply at the time of development:**
- a. "Protective fencing for trees identified to be preserved shall be installed by the applicant and inspected by the City prior to beginning any development activities. All protective tree fencing must remain in place until completion of all construction activities; any relocation, removal, or modification of the protective fencing shall only occur under the direction of a certified arborist and a written explanation of the reason for the relocation, removal, or modification of the protective fencing from the certified arborist must be provided to the City."**
  - b. "At the time of building permit, a site plan in compliance with the approved tree preservation and removal plan is required."**
  - c. "No excavation, grading, material storage, staging, vehicle parking or other construction activity shall take place within protective tree fencing areas."**
  - d. "The removal of trees not designated to be preserved is optional; removal may occur at the owner's discretion."**
  - e. "Any tree designated for mitigation must be replaced with one tree selected from the approved species listed in Table 9.6885(2)(c) 2 within one year from the date of removal or prior to final occupancy. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. Maintenance of replacement trees is the ongoing responsibility of the property owner."**
  - f. "In the event a tree designated to be preserved must be removed because it is dead, diseased, dying, or**

*duplicate "whichever is later"*

*hazardous, documentation of the tree's dead, diseased, dying, or hazardous condition by a certified arborist must be provided to the City prior to tree removal. The tree must be replaced with one replacement tree selected from the approved species list in Table 9.6885(2)(c)2. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. Maintenance of replacement trees is the ongoing responsibility of the property owner."*

(æ) Street Tree Removal. If the proposal includes removal of any street tree(s), removal of those street trees has been approved, or approved with conditions according to the process at EC 6.305 Tree Felling Prohibition.

~~[(3) Adjustment to Standards. [ Except for applications being processed under EC 9.8100 Conditional Use Permit Approval Criteria [Needed] Housing/Clear and Objective, EC 9.8325 Tentative Planned Unit Development Approval Criteria [Needed] Housing /Clear and Objective, EC 9.8445 Site Review Approval Criteria [Needed] Housing /Clear and Objective, or EC 9.8520 Subdivision, Tentative Plan Approval Criteria [Needed] Housing, /Clear and Objective,] [a] Adjustments to these standards may be made, subject to compliance with the criteria for adjustment in EC 9.8030(13) Tree Preservation and Removal Standards Adjustment.]~~

## Application Procedures

### 9.7007 Neighborhood/Applicant Meetings.

- (1) This section applies to the following types of applications:
- (a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews, **except for 3-lot partitions and tentative subdivisions that implement an approved tentative planned unit development**; *- thank goodness!*

## Application Requirements and Criteria

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

\*\*\*

~~[(13) Tree Preservation and Removal Standards Adjustment. [Except as otherwise provided in EC 9.6885(3) Adjustments to Standards, the tree preservation and removal standards of EC 9.6885(2) may be adjusted[, and~~

the number of trees amount of existing d.b.h. required to be preserved may be reduced] based on compliance with all of the following criteria [of (a), (b), (c), and (d), and one of the conditions of (e) exists:

- ~~(a) The proposed adjustment to the tree preservation and removal standards is the minimum necessary to implement the development proposal.~~
- ~~(b) The proposal includes an approved replanting or restoration program or plan that mitigates the loss of trees or impacts to other natural features.~~
- ~~(c) The proposal is otherwise in compliance with all applicable standards.~~
- ~~(d) Alternative proposals have been evaluated, and there is no feasible alternative.~~
- ~~(e) One of the following conditions exists:
 
  - ~~1. Compliance with tree preservation and removal standards is not feasible, or would result in degradation of steep slopes, significant wildlife habitat, or water bodies due to the topography or other natural features of the development site; or~~
  - ~~2. An adjustment to the tree preservation and removal standards is necessary in order to achieve the minimum residential density under this land use code; or~~
  - ~~3. The existing trees required to meet the minimum preservation standard are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.]~~~~

**(13) Tree Preservation and Removal Standards Adjustment. The minimum tree preservation requirement and maximum mitigation allowance of EC 9.6885(2) may be adjusted if one of the conditions listed in subparagraph (a) below applies and the proposed design complies with the criteria in subparagraphs (b) through (e):**

No one is going to do this. Not arguing w/ neighbors for years about the trees is a prime reason for going w/ c to

- (a) Conditions. To qualify for an adjustment, one of the following conditions must apply:**
  - 1. Strict compliance with tree preservation and removal standards is not feasible due to other requirements of this code or existing site constraints such as topography or other natural features; or,**
  - 2. An adjustment to the minimum tree preservation and/or mitigation requirement is necessary in order to achieve a net density greater than 75 percent of the maximum allowed under this land use code; or,**
  - 3. The existing trees required to meet the minimum preservation requirement are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.**
- (b) The proposed reduction to the minimum tree preservation requirement or increase in mitigation allowance is necessary to accommodate a reasonable level of development. In no case shall minimum tree preservation for areas at or above 900 feet elevation be reduced below 30%.**
- (c) The proposed project shall be designed and sited to preserve significant trees to the greatest degree practicable, with trees having the following characteristics given the highest priority for preservation:**

bleh - the rest isn't too bad I guess

1. Healthy trees that have a reasonable chance of survival;
2. Trees located within vegetated corridors and stands;
3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
4. Trees that provide a buffer between potentially incompatible land uses;
5. Trees located along the perimeter of the lot(s) and within building setback areas;
6. Trees and stands of trees located along ridgelines and within view corridors;
7. Trees with significant habitat value;
8. Trees adjacent to public parks, open space and streets;
9. Trees along water features;
10. Heritage trees.

(d) Except for areas at or above 900 feet elevation, proposals that include a Tree Preservation and Removal Plan per EC 9.6885(2)(c)1. may mitigate up to 100% of the minimum tree preservation requirement if the following requirements are met:

d ?

1. For proposed subdivisions, new trees must be planted so that lots up to 7,000 square feet in area will contain a minimum of two trees and lots 7,000 square feet or more will contain a minimum of three trees.
2. For all other developments, the proposed design must either:
  - a. Provide one tree per dwelling unit; or,
  - b. Provide one replacement tree per 8 inches of d.b.h. reduced below the minimum preservation requirement. For example, if the minimum preservation is 80 inches d.b.h., then 10 replacement trees are required.

Why would they be since they're not significant trees

New trees planted to meet subsection 1. or 2. above are subject to the requirements at EC 9.6885(2)(c)2.b. Installation and Maintenance. Trees planted to meet applicable landscape standards may count toward these requirements. Existing trees on the development site that are under 8-inches Diameter Breast Height (d.b.h.) and listed in Table 9.6885(2)(c)2. Approved Species List may be designated for preservation and counted toward these requirements (in lieu of planting new trees).

(e) For areas at or above 900 feet elevation or applications using the Tree Preservation Area Alternative at EC 9.6885(2)(c)3., mitigation is limited to 10% of the minimum preservation requirement.

\*\*\*

(37) Street Standards Adjustment. Where this land use code provides that street standards may be adjusted, the standards may be adjusted upon a demonstration by the applicant that the requested adjustment is consistent with the following:

- (a) The applicant has submitted a report prepared by an Oregon licensed civil engineer that demonstrates it is not technically or financially feasible to construct the street in accordance with adopted plans and policies, and adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways."

Spelling

if alignment of existing streets not added to 9.6810(3) it should be explicitly stated here. (an on site bldg started at least be mentioned here (9.6815(h)))

(b) **The adjustment is necessary due to at least one of the following conditions:**

1. **Existing on-site or off-site geologic or topographic conditions, or existing wetlands designated for protection by the City of Eugene; or**
2. **Existing development on lands abutting the development site.**

**9.8045 Applicability of Cluster Subdivisions.** Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing ~~[needed housing, as defined in state statutes,]~~ **housing to be reviewed with clear and objective approval criteria** shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria – [Needed] Housing/Clear and Objective. No development permit shall be issued by the city prior to approval of the cluster subdivision.

**9.8055 Cluster Subdivision- Approval Criteria – General/Discretionary.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

- (1) The proposed subdivision complies with:
  - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary except for the standards related to EC 9.2760 Residential Zone Lot Standards; and

**9.8085 Conditional Use Permit Application Requirements.**  
\* \* \*

- (3) If the proposal includes ~~[needed housing, as defined by state law]~~ **housing**, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria – [Needed] Housing/Clear and Objective.

**9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:

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

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~ **The proposal complies with EC 9.5860 Transition Standards.**

\*\*\*

- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with [all of the following]:

- (a) ~~The proposal complies with]~~ **the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.**
- ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.]~~

- (4) The proposal complies with [all applicable standards, including, but not limited to:

(a) **EC 9.2000 through EC 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone.**

(b) **EC 9.6500 through EC 9.6505 Public Improvement Standards.**

\*Renumber remaining subsections\*

\*\*\*

(i) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.**

(j) **All other applicable development standards for features explicitly included in the application.**

(ik) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (5) Public improvements as required by this land use code or as a condition of [tentative plan] approval **will be** [have been] completed **prior to issuance of a development permit**, or:

(a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or

(b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the conditional use permit, and the petition has been accepted by the city engineer.

- (6) **If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within 1/4 mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.**

I didn't look but it seems likely there are discretionary standards in some of these. How would that work?

Partitions aren't listed in the applicability part of this section

two measures for the same thing

**9.8105 Conditional Use Permits within the NR Natural Resource Zone or /WB Wetland Buffer Overlay Zone.**

\*\*\*

- (2) **Criteria for Hearings Official Approval.** Applications for conditional use permits within the NR natural resource zone or /WB wetland buffer overlay

zone shall be processed and scheduled for public hearings in the same manner as other conditional use permit applications, except that NR standards (2) through (19) listed in EC 9.2530 Natural Resource Zone Development Standards shall be considered as additional criteria along with the criteria listed in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

I think it's silly to need both but at least concurrent is an improv over the current process

9.8205 Applicability of Partition, Tentative Plan Applications.

\*\*\*

- (2) A **tentative plan application** to partition **land** [application that also involves a PUD request] may **be submitted and reviewed concurrently with the** [not be submitted until a decision on the] tentative PUD **application following a Type III application procedure** [approval is final]. **If a partition application that also involves a PUD request is not submitted concurrently with the tentative PUD, the partition application may not be submitted until a tentative PUD is approved.** (Refer to EC 9.8305 Applicability.)
- (3) **If the partition tentative plan application is not reviewed concurrently with the tentative PUD, no development permit shall be issued by the city prior to approval of the tentative partition application.** **If the tentative partition is reviewed concurrently with the tentative PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.**

So if they go this route could they get a dev. permit before a final PUD? It reads like they could

9.8210 Partition, Tentative Plan Application Requirements. In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

\*\*\*

- (4) If the proposal includes [needed housing, as defined by State statutes] **housing**, the written statement submitted with the partition application shall clearly state whether the applicant is electing to use the [general] **discretionary** approval criteria in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

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

9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective. **Unless the applicant elects to use the discretionary criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** the planning director shall approve, conditionally approve, or deny the partition application. **Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval**

no period

~~Criteria General, where the applicant proposes needed housing, as defined by State statutes, the planning director shall approve or approve with conditions a partition] based on compliance with the following criteria:~~

~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.] \*Renumber remaining subsections.\*~~

(21) The proposed partition complies with all of the following:

(a) ~~[Lot standards of] EC 9.2000 through [9.3980]~~ **9.4170** regarding applicable parcel dimensions and density requirements **for the subject zone and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than **33%** of the lot, as created, would be occupied by either:

I suggest allowing more if more than 3x the minimum lot size is unencumbered

why is this only some of the overlay zones?

\* \* \*

(k) ~~[EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.]~~

*\*Renumber remaining subsection\**

*\*Renumber remaining subsections\**

~~[(4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.] \*Renumber remaining subsections\*~~

(53) If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:

\* \* \*

~~[(c) The street layout of the proposed partition shall disperse motor vehicle traffic onto more than one public local street when the sum of proposed partition parcels and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

## 9.8310 Tentative Planned Unit Development General Application Requirements.

(5) **[Needed] Housing.** If the proposal includes [needed housing, as defined by State statutes] **housing**, the written statement submitted with the PUD application shall clearly state whether the applicant is **proceeding under:** **(a)** [electing to use] the [general] approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary; **or (b)** [instead of] the approval criteria [found] in EC 9.8325 Tentative Planned Unit Development Approval Criteria-[Needed] Housing/Clear and Objective.

## 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary.

The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions, shall be based on compliance with the following criteria:

## 9.8325 Tentative Planned Unit Development Approval Criteria – [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary, for housing

applications entitled to clear and objective review pursuant to state statute,  
The hearings official shall approve, conditionally approve, or deny the PUD application [with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria—General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions, a PUD] based on compliance with the following criteria:

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.] **The proposal complies with EC 9.5860 Transition Standards.**

\*\*\*

- (3) [The PUD provides a buffer area between the proposed development and surrounding properties by providing at least a 30 foot wide landscape area along the perimeter of the PUD according to EC 9.6210(7).]
- (43) For areas not included on the city's acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with [all of the following:
  - (a) ~~the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards, [(not subject to modifications set forth in subsection (11) below)].~~
  - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.]~~
- (5) [There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]
- (64) The PUD provides safe and adequate transportation systems through compliance with all of the following:

\*\*\*

~~[(c) The street layout of the proposed PUD shall disperse motor vehicle traffic onto more than one public local street when the PUD exceeds 19 lots or when the sum of proposed PUD lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

- (75) The PUD complies with all of the following:
  - (a) EC 9.2000 through [9.3980] **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than **33%** of the lot, as created, would be occupied by either:

I suggest a higher percentage if more than 3x min. lot size unencumbered.\*\*\*

Why not all overlay zones?

- (k) **All applicable development standards explicitly addressed in the application.**

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

\*Renumber next section\*

\*\*\*

- (97) [All proposed dwellings within the PUD are within 1/4 mile radius (measured from any point along the perimeter of the development site) of an accessible recreation area or open space that is at least 1 acre in size and will be available to residents.] **PUDs proposed on development sites that are two acres or larger must comply with either subsection (a) or subsection (b) below:**

- (a) **The PUD is located within 1/2-mile of a public park, public recreation facility, or public school (determined using the shortest**

Seem like it's needed for a def. of a public park or recreation facility. I think it's needed for a def. of a public school. I think it's needed for a def. of a public park or recreation facility. I think it's needed for a def. of a public school.

- assure the completion of all required public improvements; or
- (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.

- (6) ***If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.***

*why are CUP standards ref. here?*

**9.8505 Applicability of Subdivision, Tentative Plan Applications.**

Requests to create 4 or more lots shall be subject to the subdivision provisions of this land use code under a Type II application process.

- (1) ***A tentative plan application to subdivision land may be submitted and reviewed concurrently with the [application that also involves a PUD request may not be submitted until a decision on the] tentative PUD application following a Type III application procedure [approval is final]. If a subdivision application that also involves a PUD request is not submitted concurrently with the tentative PUD, the subdivision application may not be submitted until a tentative PUD is approved.***  
(Refer to EC 9.8305 Applicability.)

- (2) ***If the subdivision tentative plan application is not reviewed concurrently with the tentative PUD, A no development permit shall be issued by the city prior to approval of the tentative subdivision tentative plan application. If the tentative subdivision is reviewed concurrently with a PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.***

*I think it's silly to need both but concurrent is better than consecutive*

*Reads like you can get a dev. permit w/o final PUD is submit tentatives consecutively*

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

- (5) If the proposal includes [~~needed housing, as defined by State statutes~~] ***housing***, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the [~~general~~] ***discretionary*** approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

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

- all conditions attached thereto.*
- (2) *For final PUDs not associated with a land division, public improvements as required by this land use code or as a condition of tentative plan approval will be completed prior to issuance of a development permit, or:*
- (a) *A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or*
- (b) *A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.*

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

9.8445 Site Review Approval Criteria- ~~[Needed]~~ Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8440 Site Review Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute, [T]he planning director shall approve, conditionally approve, or deny the site review application. [Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria—General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve, or approve with conditions, a site review] based on compliance with the following criteria:

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.]~~ **The proposal complies with EC 9.5860 Transition Standards.**
- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~
- (a) ~~The proposal complies with]~~ **the provisions of EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.**
- ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.]~~
- (4) The proposal complies with all of the following ~~[standards]:~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone.**
- (a) EC 9.2000 through ~~[9.3980]~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone.**
- (b) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.**
- \*Renumber remaining subsections\**
- (5) Public improvements as required by this land use code or as a condition of ~~[tentative plan]~~ approval **will be** ~~[have been]~~ completed **prior to issuance of a development permit**, or:
- (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to

isn't this discretionary?  
or is it OK because it  
gives the applic.  
something?

2. **Driveways shall not exceed 20 feet in width on proposed new lots or parcels.**

- (b) Development **on any portion of the development site located above 900 feet elevation** shall be setback at least 300 feet from the ridgeline unless there is a determination by the city manager that the area is not needed as a connection to the city's ridgeline trail system. For purposes of this section, the ridgeline [trail] shall be considered as the line indicated as being the urban growth boundary [within the South Hills Study plan area].
- (e) [Development shall cluster buildings in an arrangement that results in at least 40% of the development site being retained in 3 or fewer contiguous common open space areas. For purposes of this section, the term contiguous open space means open space that is uninterrupted by buildings, structures, streets, or other improvements.]

\*Renumber remaining subsections.\*

- (dc) Residential density is limited as follows:
1. In the area west of Friendly Street, the maximum level of new development per gross acre shall be 8 units per acre.
  2. In the area east of Friendly Street, the maximum level of new development per gross acre shall be limited to 5 units per acre.
  3. Housing developed as Controlled Income and Rent Housing shall be exempt from the density limitations in subsections 1 and 2 above, but are subject to the other applicable development standards and review procedures.
  4. **For any portion of the development site located above 900 feet elevation, the maximum density shall be 2.5 units per gross acre or one dwelling per legal lot in existence as of August 1, 2001, whichever is greater.** ] how does this relate to PUDs

9.8360

**Planned Unit Development, Final Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to PUD final plan applications:

\* \* \*

- ~~[(4) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:~~
- ~~(a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or~~
- ~~(b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.]~~

9.8365

**Final Planned Unit Development Approval Criteria.** The planning director shall approve, approve with conditions, or deny a final PUD application, **based on compliance with the following criteria:**[- Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.]

- (1) **The final PUD plan conforms with the approved tentative PUD plan and**

distance as measured along a straight line between a point along the perimeter of the development site and a point along a property line of a public park, public recreation facility, or public school); or  
(b) Except as provided in EC 9.8325(8)(b)1, the PUD shall provide common open space within the development site equal to a minimum of 10 percent of the development site or 14,500 square feet, whichever is greater.

7?

10% of 3.33 ac equiv. to 3.2 min. size lots or 2 av. size lots

Since this is in a section with a 2ac trigger only PUD's more than 2ac can adjust lot size. Can this be moved to its own section so any PUD can adjust lot size?

1. If the PUD includes lot areas smaller than the minimum lot area allowed in the base zone, then common open space must be provided as follows:

a. If the average lot area is within 10 percent of the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 15 percent of the development site or 14,500 square feet, whichever is greater.

b. If the average lot area is more than 10 percent below the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 20 percent of the development site or 14,500 square feet, whichever is greater.

Not necessary since w/ the 2ac or more trigger 20% will always be greater

2. Common open space shall be provided in one separate tract of land, except that developments providing more than 29,000 square feet of common open space may include up to three common open space tracts provided no tract is less than 14,500 square feet.

2/3 ac, 6.4 min size lots or almost 4 av. size lots

I've always been told dedications can only be made to public entities

3. Ownership of the common open space tract(s) must be dedicated to all lot or parcel owners within the development site.

Suggest one tract up to 21,750 sf. 2 up to 29,000 and 3 over

Why can't it be fully surrounded by lots w/ a ped access if not all lots front on it? That would make it more private w/ less trespass issues

4. Each common open space tract must include a portion with minimum dimensions of 70 feet by 70 feet.

5. Common open space tracts must have a minimum of 20 feet of lot frontage along an existing or proposed public way or private street.

6. Common open space tracts do not have to meet lot standards.

(408) Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards [(these standards may be modified as set forth in subsection (11) below)].

(119) [The PUD complies with all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development.]

What is the # needed for? It seems to be all crossed out

(1210) For any PUD located within or partially within the boundaries of the South Hills Study, the following additional approval criteria apply:

(a) [No development shall occur on land above an elevation of 900 feet except that one dwelling may be built on any lot in existence as of August 1, 2004.]

Development on any portion of the development site located above 900 feet elevation is limited by the following:

1. The sum of all building area, measured using building footprints, shall not exceed 5,000 square feet on proposed new lots or parcels. → per lot/parcel? or total for the whole PUD?

\* \* \*

- (2) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto, based on the provisions of this land use code. For subdivisions involving phasing, it shall be demonstrated that each sequential phase will maintain consistency with the provisions of EC 9.8515 Tentative Subdivision Approval Criteria – General/Discretionary.

9.8520

Subdivision, Tentative Plan Approval Criteria – [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute, ~~The planning director shall approve, conditionally approve, or deny the subdivision application. [Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision]~~ based on compliance with the following criteria:

~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~

*\*Renumber remaining subsections.\**

- (32) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

*Seems like it could be increased if more than 3x min. lot size is unencumbered*

- (a) EC 9.2000 through ~~[9.3980]~~ EC 9.4170 regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

*why not all overlay zones?*

*\*Renumber remaining subsections\**

- (5) ~~[There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]~~

*\*Renumber remaining subsections.\**

- (64) The proposed subdivision provides ~~[safe and adequate transportation systems through compliance with the following:]~~ **for the**

~~[(a) P]~~ provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

~~[(b) The street layout of the proposed subdivision shall disperse motor vehicle traffic onto more than one public local street when the subdivision exceeds 19 lots or when the sum of proposed subdivision lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

- (75) For areas not included on the city's acknowledged Goal 5 inventory, the

subdivision will preserve existing natural resources by compliance with [all of the following:

(a) ~~The proposal complies with~~ **the provisions of** EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.

[(b) ~~Natural resource areas designated on the comprehensive plan diagram as "Natural Resource."~~]

*\*Renumber remaining subsections.\**

**From:** [Carol Schirmer](#)  
**To:** [DRAGOVICH Jenessa L](#)  
**Subject:** C&O Comments  
**Date:** Tuesday, October 13, 2020 3:41:52 PM  
**Attachments:** [CO Draft Amendments DLCDNotice September2020 ces edits.pdf](#)

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[EXTERNAL ]

Jenessa:

Please let me know if any of this is illegible or missing text or if text gets cut off.

Sincerely,

*carol*

Carol Schirmer  
[Schirmer Consulting, LLC](#)  
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## Clear & Objective Update Draft Land Use Code Language

Proposed text in ***bold italic***  
Proposed deletions in [~~bracketed strike-out~~]

### Definitions

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

***Pedestrian. Any person afoot or using any type of wheelchair.***

### Commercial Zones

**9.2181** **Special Standards for Table 9.2180.**

(1) Lot area, frontage, and width minimums may be adjusted in accordance with the provisions of EC 9.8030(1). Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria -General/***Discretionary*** or EC 9.8325 ***Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.***)

### Employment and Industrial Zones

**9.2471** **Special Standards for Table 9.2470.**

(1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a site review or planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria – General/***Discretionary***.)

### Natural Resource Zone

**9.2520** **Natural Resource Zone Land Use and Permit Requirements.** The provisions of the NR zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas. In cases where the NR zone overlaps with the /WB wetland buffer overlay zone or the /WP waterside protection overlay zone, only the provisions of the NR zone are applied.

\* \* \*

(2) **Uses Subject to a Conditional Use Permit.** The following uses are

permitted conditionally in the NR zone:

- (a) Nature interpretive centers and wetland research facilities, when such centers or facilities are specified in or consistent with adopted plans or policies.
- (b) Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resource areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19), in addition to EC 9.8090 Conditional Use Permit Approval Criteria - General/Discretionary.

## Public Land Zone

### 9.2687 Special Standards for Table 9.2686.

- (1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria -General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Residential Zones

### 9.2751 Special Development Standards for Table 9.2750.

- (2) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

### 9.2761 Special Standards for Table 9.2760.

- (1) **Lot Standards.**

\* \* \*

- (c) Lot area, frontage, and width minimums may be modified with an approved cluster subdivision in R-1 or Planned Unit Development (PUD) in any zone, ***or adjustments may be made if consistent with the criteria in EC 9.8030(1) and reviewed and approved concurrently with a planned unit development in any zone, except that for applications proposing housing to be reviewed with clear and objective approval criteria these standards may not be adjusted within 50 feet of any property line that abuts property zoned R-1.***

I am not clear how this simplifies process (i.e. assists with adding housing). Currently modifications are allowed with a cluster subd or PUD. Now the PUD requires an Adjustment Review as well?

## Downtown Westside Special Area Zone

### 9.3216 **Special Development Standards for Table 9.3215.**

- (1) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

### 9.3221 **Special Standards for Table 9.3220.**

- (1) Lot area, frontage, and width minimums may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Jefferson Westside Special Area Zone

### 9.3626 **Special Development Standards for Table 9.3625.**

\* \* \*

- (9) Maximum building height and minimum building setbacks may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

## Riverfront Park Special Area Zone

- 9.3725 **S-RP Riverfront Park Special Area Zone Review Procedures.** The master site plan for developments proposed within the S-RP zone shall be reviewed through the conditional use permit process provided in this land use code. For the purpose of this review, the following criteria shall be applied in lieu of the criteria provided in EC 9.8090 Conditional Use Permit Approval Criteria - General/Discretionary.

## Wetland Buffer Overlay Zone

- 9.4830 **WB Wetland Buffer Overlay Zone Land Use and Permit Requirements.** Within the /WB overlay zone, there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WB area, and a more restrictive list of uses allowed within the /WB area.

\* \* \*

**(2) Within /WB Areas:**

\* \* \*

- (c) Uses Permitted Conditionally. The following uses are permitted conditionally in the /WB overlay zone:
1. Nature interpretive centers, when specified in or consistent with adopted plans or policies.
  2. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and natural areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19) in addition to the conditional use criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

## Telecommunication Facilities

### 9.5750 Telecommunication Devices-Siting Requirements and Procedures.

\* \* \*

- (2) **Siting Restricted.** No telecommunication facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility shall be either an outright permitted use, subject to site review procedures, or require a conditional use permit.

\* \* \*

- (b) Site Review. A telecommunication facility which, pursuant to subsections (3) through (5) of this section, is subject to site review shall be processed in accordance with the site review procedures of this land use code. The criteria contained in this section, as well as the criteria contained in EC 9.8440 Site Review Approval Criteria – General/Discretionary, shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.
- (c) Conditional Use Permit. A telecommunication facility which, pursuant to subsections (4) or (5) of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures of this land use code, except that the variance provisions shall not apply. The criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria –General /Discretionary and subsections (6) and (7) of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in subsections (6) and (7) of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

Is the question being asked: How does this section promote housing? We are willing to allow ADUs everywhere (which creates significant density in neighborhoods) and yet when multi-family is proposed setbacks and building height restrictions come in to compromise the ability to provide housing. Transition standards hamstringing the efforts gone into easing restrictions in land use applications for housing.

## Special Development Standards for Certain Uses

### 9.5860 Transition Standards for Housing/Clear and Objective Applications.

**(1) Applicability of Transition Standards.** ~~The transition standards at EC 9.5860(2) shall apply to land use applications proposing housing to be reviewed with clear and objective approval criteria under EC 9.8100 Conditional Use Permit Approval Criteria – Housing/Clear and Objective, EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective, or EC 9.8445 Site Review Approval Criteria – Housing/Clear and Objective. The transition standards at EC 9.5860(2) apply to all new buildings and any building additions that increase the square footage of livable floor area by 20 percent or more for any of the following:~~

- (a) Multiple-family development on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR except where the multiple-family development consists of:**
  - 1. a single tri-plex on one lot.
  - 2. a single four-plex on one lot.
  - 3. structures that are less than 30 feet in height.
- (b) Assisted care, boarding and rooming house, campus living organization, university or college dormitory, or single room occupancy (SRO), proposed on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In cases where the standards in subsection (2) apply to building additions, they shall be applicable between the addition and any property line abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.**

**(2) Standards.** The following standards apply to new buildings and building additions identified in subsection (1) and must be applied along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:

**(a) Height and Setback Options.** The proposed development must comply with one of the following four options:

- 1. **Option 1.** The maximum building height of a new building or building addition shall be limited to 35 feet. In addition, at least one of the following must be provided along the entire portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:
  - a. A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.
  - b. Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).

**Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access.**

Fire may require 16'

- 2. **Option 2.** The minimum interior yard setback shall be 10 feet from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition:

Add 'abutting' to definitions section so it can't be interpreted. Abutting means touching, not across the street from.

It has been interpreted both ways in land use decisions.

Applied along the portion of the property line makes sense. Is there a depth into the lot for which this height limitation is required. 50 feet is indicated in many code sections. This implies it is required for the entire lot. Where R-3 abuts R-1 this is a loss of at least 1 story of the building which translates into housing units.

What problem is trying to be solved with a fence that basically separates neighbors socially and provides little other benefit. It's not like this is required to screen cars/dumpsters/mechanical. It just continues to separate people. It might be time to ask why we consider residential so incompatible with residential that screening is required.

The question still remains . . . why the required separation between residential and residential?

Here there is a limit as to how big a bite has to come out of the building? Why not in #1??

Frankly, if I were living next to a project that was required to do this, the last thing I would want is a hedge of trees on my property line.

Maintenance is an issue. My house is setback 5' from the PL so now I would have trees overhanging my house/gutters. Shade where I did not have shade, on going maintenance of trees debris (my property line is 133 feet long = 9 trees) (remember the ice and snow storms? lots of downed trees on power lines, broken limbs, etc.) This is a lot of trees in a small space.

If neighbor does not opt out, future owners of the R-1 properties are 'stuck' with a windrow of trees on the property line. This is not a desirable effect for anyone's property line considering the typical scale of properties in Eugene. This is essentially a windrow of trees. Fairly unnatural looking (they will be planted in a row to maximize property for development), significant on going maintenance (for the R-1 property as well),

Hedges of trees planted along our alley lines?

If the space is allowed to be used for parking then tree spacing should be 27 feet to allow for 3 full sized spaces (at least until the tree trunks grow and create 2 compact spaces on the outside)

Limits on architectural style limit possibilities for quality living spaces as opposed to whatever this code section is hoping to accomplish, which is unclear. For example: Perhaps the better design would be to have a 30 foot dormer instead of (3) 10 foot dormers. If nothing else this slightly increases construction costs, potentially limits livable area. Multi-family development standards and setback instruction standards have proven time and time again that regulating design through mathematical limitations (through limitations on how tall/wide/ intrusions can be) has many unintended consequences that don't necessarily outweigh the benefits.

- a. **At a point that is 25 feet above grade, the interior yard setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from that property line until a point 50 feet away from the property line.**
- b. **For new buildings or building additions within 30 feet of R-1, R-1.5, S-C/R-1, or S-RN/LDR zoned property, trees growing to a mature height of at least 20 feet shall be planted at a minimum interval of 15 feet, parallel to the property line, between buildings and any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition, one of the following shall be provided along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:**

- (1) **A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.**
- (2) **Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).**

**Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access.**

Fire likes 16 feet

**Option 3. A minimum 30-foot setback shall be provided between a new building or building addition and the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 30-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping and must contain trees growing to a mature height of at least 20 feet, spaced at a minimum interval of 25 feet, parallel to and within five feet of the property line, in the setback area.**

**4. Option 4. A new building or building addition shall be set back at least 50 feet or a setback equal to the height of the tallest building on the development site, whichever is less, from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 50-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping.**

**(b) Allowed intrusions into setbacks. In lieu of the permitted setback intrusions provided at EC 9.6745(3) the following intrusions are allowed within the interior yard setback area described in EC 9.5860(2)(a)2 through 4:**

- 1. **Eaves and chimneys may intrude a maximum of 2 feet into the vertical plane of the interior yard sloped setback area. No other intrusions are allowed into the vertical plane of the setback.**
- 2. **Dormers may intrude into the sloped portion of the interior yard sloped setback area provided each dormer is no more than 10**

*feet wide and the total width of all dormers on a given wall does not exceed 30 percent of the linear length of the building wall.*

3. *Architectural screens or arbors serving an upper floor balcony may protrude a maximum of 6 feet into the sloped portion of the interior yard sloped setback area.*

(c) *Balconies, decks and other outdoor spaces located above the ground floor shall be setback at least 20 feet from any property line that abuts land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.*

(d) *Tree Exception. An exception to the tree planting required by subsections (a)(2) and (3) is allowed if the applicant provides a signed and notarized letter from the abutting property owner stating that the abutting property owner does not desire the trees required by this section. This exception does not apply to trees required by other applicable standards. Future development proposals subject to the standards in this section will need to obtain a separate exception from the tree planting requirements of this section.*

Why have this standard at all?

What is actually being accomplished with a windbreak of trees. It seems the disadvantages outweigh the advantages so to simplify the code the tree 'requirement' should be removed.

## General Standards for All Development

### 9.6010 Applications Proposing [Needed] Housing.

(1) As used in EC chapter 9.6000, the term "applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**" includes:

- (a) Applications that are proceeding (or have proceeded) under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520; or
- (b) Applications for **housing** developments [permits] for **residential** uses permitted outright in the subject zone that are **entitled to clear and objective standards pursuant to state statutes** [proposed housing is needed housing as defined by state statutes].

### 9.6710 Geological and Geotechnical Analysis.

\* \* \*

(6) **[Needed] Clear and Objective Housing.** Unless exempt under 9.6710(3)[(a)-(f)], in lieu of compliance with subsections (2), (4), and (5) of this section, applications proposing [needed]housing **to be reviewed with clear and objective approval criteria** shall include a certification from an Oregon licensed Engineering Geologist, **an Oregon licensed Geotechnical Engineer**, or an Oregon licensed Civil Engineer with geological experience, **prepared within five years of the date of application, that includes the following information**[stating]:

- (a) **Identification of any portion of the proposed development site that is located in an area of moderate or high landslide susceptibility as shown on the city's adopted Eugene Landslide Hazard Map.**
- (ab) **A statement** [T] that the proposed development [activity] will not be impacted by existing or potential stability problems or any of the following site conditions: **slopes 20 percent or greater**, springs or seeps, depth of soil bedrock, **soil types**, variations in soil types, **open drainage ways, fill**, or a combination of these conditions.

What is the scientific reasoning behind the 5 year limit. Does local geology change that quickly?

Simply put: If someone qualified in geotech says that the housing/subdivision/PUD will be stable in that area then that should be the standard. This is how building permit operates.

This word is a whole can of worms in and of itself. Again, the team hires experts. The city should be able to rely on those experts. Otherwise, why require them?

These maps should be used in a general way. Like soils maps. i.e. we know that some issues exist approximately in this location but let's let the expert on the development team tell us scientifically what is going on.

Very discretionary word. Who is going to decide? City staff, who are not experts in geotech, the neighbors as they appeal with their own geotech? These kinds of words set up the lengthy appeals that we all endure.

An if the geotech (required expert on the team) says it isn't a problem will the city accept that answer?

????.

(b)(c) If proposed development [activity] **will be located in an area identified as moderately or highly susceptible to landslides pursuant to (a), or will be impacted by existing or potential stability problems or** any of the **site** conditions listed in (ab), the **certification must also include:**

1. **A review of the suitability of the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings given the landslide hazards, stability problems, and/or site conditions identified in the certification;**
2. **Any recommended modifications to the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings that in the engineer's opinion, would mitigate the landslide hazards, stability problems, and/or site conditions identified in the certification;**
3. **Methods for safely addressing the landslide hazards and/or site conditions identified in (a) and (b)[-]; and,**
4. **Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on the development site.**
5. **Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on proposed lots or parcels.**

If [a statement] **certification** is submitted under (6)(b)(c), the application shall include the applicant's statement that it will develop in accordance with the Engineer's [statement] **certification**.

**9.6810 Block Length.**

(1) **Except as provided in subsections (2) and (3) of this section, b[B]lock length for local streets shall not exceed 600 feet.[;]**

(12) **Applications not proposing housing to be reviewed with clear and objective approval criteria, [unless an exception is] may be exempt from the block length requirements in subsection (1)[granted]** based on one or more of the following:

- (2a) Physical conditions preclude a block length 600 feet or less. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
- (3b) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 600 feet or less, considering the potential for redevelopment.
- (4c) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practicable.
- (5d) As part of a Type II or Type III process, the developer demonstrates that a strict application of the 600-foot requirement would result in a street network that is no more beneficial to vehicular, pedestrian or bicycle traffic than the proposed street network and that the proposed street network will

Public Works has weighed in on this in the past. Simply put, this is not a hard and fast rule. If public works wants a road or connection then they will require it, Goal 5 resource or not. So . . . using the words 'may be exempt' is not clear and it isn't objective and it isn't anything the design team can count on. Even after a Project Consultation Meeting.

accommodate necessary emergency access.

- (23) **Applications proposing housing to be reviewed with clear and objective approval criteria, must comply with the block length requirements in subsection (1) unless existing slopes would result in a street grade that exceeds the grade allowed under current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership.**
- (4) **Block length may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.**

**9.6815 Connectivity for Streets.**

\* \* \*

**(2) Street Connectivity Standards.**

\* \* \*

(e) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.

\* \* \*

(g) **Except for applications proposing housing to be reviewed with clear and objective approval criteria**, [H]in the context of a Type II or Type III land use decision, the city shall grant an exception to the standards in subsections (2)(b), (c) or (d) if the applicant demonstrates that any proposed exceptions are consistent with either subsection 1. or 2. below:

\* \* \*

(h) **For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions to street connectivity standards may be granted if one of the following conditions exists:**

1. **Existing buildings on land abutting the development site and under separate ownership obstruct the extension of the planned street;**
2. **Existing slopes would result in a street grade exceeding current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership;**
3. **Provision of an intersecting street would require dedication of 25 percent or more of the total development site area.**
4. **Abutting residential land cannot be further divided under current development standards.**

(i) **Street connectivity standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.**

Or even if the street on the development site can meet these standards the slopes on the abutting property are so steep as to preclude a future street extension.

This is the amount of property a Cluster Subdivision is required to give up (unless it has a Goal 5 resource). The very reason why you don't see many cluster subdivision. 25% is a lot of property to give up. And who is going to decide how wide the right of way. This, too is discretionary as well. And that will determine how much property is consumed by a proposed street.

9.6820 Cul-de-Sacs or Emergency Vehicle Turnarounds.

\* \* \*

- (5) As part of a Type II or Type III process, an exception may be granted to the requirements of (1), (3) and (4) of this section. ***For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions may only be granted as provided in subparagraph (c). For all other applications, exceptions may be granted*** because of the existence of one or more of the following conditions:

\* \* \*

- (c) ***For applications proposing housing to be reviewed with clear and objective approval criteria, an exception to the requirements of subsections (1) through (4) may be granted if the applicant provides certification from an Oregon licensed civil engineer stating that a cul-de-sac or emergency vehicle turnaround cannot be constructed to meet current standards according to the adopted Design Standards and Guidelines for Eugene Streets, Sidewalk, Bikeways and Accessways;***
- (6) ***Cul-de-sacs or emergency vehicle turnarounds standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.***

9.6845 Special Safety Requirements. Except for applications proposing [~~needed~~] housing ***to be reviewed with clear and objective approval criteria***, where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public, pedestrians, bicyclists and residents of the subject area, the planning director or public works director may require that local streets and alleys be designed to discourage their use by non-local motor vehicle traffic and encourage their use by local motor vehicle traffic, pedestrians, bicyclists, and residents of the area.

9.6865 Transit Facilities.

- (1) Except for applications proposing [~~needed~~] housing ***to be reviewed with clear and objective approval criteria***, the city manager may require provisions, including easements, for transit facilities where future transit routes are required on streets extending through or adjacent to the area of the development, and where a need for bus stops, bus pullouts or other transit facilities within the development has been identified, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2) Except for applications proposing [~~needed~~] housing ***to be reviewed with clear and objective approval criteria***, where the provision of transit stops, bus pullouts or other facilities along a public street requires a right-of-way or paving width greater than that listed in Table 9.6870 Right-of-Way and Paving Widths and where a need for transit service within the development has been identified, the planning director or public works director, depending upon the type of application being processed, may require that additional right-of-way or paving be provided.

9.6885 Tree Preservation and Removal Standards.

(2) **Tree Preservation and Removal Standards.** *The standards in this subsection apply only to land use applications processed under EC 9.8100, EC 9.8325, EC 9.8445, and EC 9.8520. Unless exempt under subparagraph (b) below, [N]no permit for a development activity subject to this section shall be approved until the applicant [submits plans or information, including a written report by a certified arborist or licensed landscape architect, that] demonstrates compliance with the [following] standards **in this subsection.**[:]*

- (a) ~~The materials submitted shall reflect that consideration has been given to preservation in accordance with the following priority:~~
  - ~~1. Significant trees located adjacent to or within waterways or wetlands designated by the city for protection, and areas having slopes greater than 25%;~~
  - ~~2. Significant trees within a stand of trees; and~~
  - ~~3. Individual significant trees.~~

(a) **Definitions.** *For the purposes of this subsection (2), the following definitions apply:*

- 1. **Critical Root Zone (CRZ).** *That area surrounding a tree that has a radius of 12 inches multiplied by the diameter breast height expressed in inches of the tree trunk or trunks.*
- 2. **Tree Removal.** *To fell or sever a tree or to use any procedure the natural result of which is to cause the death or substantial destruction of the tree. Substantial destruction includes actions ~~that destroy more than 15% of the critical root zone of a tree, or topping, or severing the cambial material on 50% or more of the circumference of the tree trunk.~~ Remove does not in any context include those pruning standards as defined in the edition of American National Standards Institute (ANSI) Section A300, Tree, Shrub and Other Woody Plant Maintenance Standard Practices in effect at the time the pruning occurs.*

(b) *For the purposes of this subsection (2), the South Hills Area is defined as all property located within the City's adopted Urban Growth Boundary, above an elevation of 500 feet, and:*

- 1. **South of 18th Avenue,**
- 2. **South of Franklin Boulevard and East of the intersection of 18th Avenue and Agate Street, or**
- 3. **If 18th Avenue were extended from the intersection of 18th Avenue and Willow Creek Road directly west to the Urban Growth Boundary, the area south of that extension of 18th Avenue.**

(c) **Exemptions.** *A proposed development shall be exempt from the requirements of EC 9.6885(2) if any of the following apply:*

- 1. *Except as provided in subparagraph 4., the area of the development site is less than 20,000 square feet.*
- 2. *Five or fewer significant trees exist on the development site prior to development.*
- 3. *The development site is zoned R-1.5 Rowhouse zone, R-3 Medium Density Residential, R-4 High Density Residential, GO*

Or more simply expressed: The DBH converted to feet. eg: an 8" dbh tree has a CRZ of 8'. It is the same math on ly easier.

Why is this reduced from 30%?

Complication on top of complication. What problem is being solved by having someone monitor the affect on the cambium layer? How often does this happen? Has happened once or twice to a couple of tree? Does that warrant an additional criterion on the code language?

Add R-2. Why was this excluded?

I know it has been said before but adding an Adjustment Review as the only way to achieve the development goal negates the Clear and Objective nature of this exercise. It has been said that the team can design so as to avoid the AR. Just meet the criterion. And experience tells all of us that not every site affords that possibility.

Take for an example a site that has very few trees on the steep parts and most of the trees on the more desirable to develop flatter parts. The development team is then 'forced' into an AR and a likely appeal process. How does this help us get housing units?

**General Office, C-2 Community Commercial, or C-3 Major Commercial zones.**

- 4. Notwithstanding subparagraph 1., development sites that include property at or above 900 feet elevation are subject to the requirements of EC 9.6885(2), regardless of the area of the development site.**

- (d) Tree Preservation Requirements. Unless adjusted per EC 9.8030(13), significant trees must be preserved in accordance with the requirements of Table 9.6855(2)(c). Minimum preservation is based on the total existing Diameter Breast Height (d.b.h.) of significant trees within each specific location category prior to development. Maximum mitigation is the percentage of the minimum preservation that may be mitigated according to subsection 2. below.**

Is the mitigation 50% of what was removed? In other words is it 50% of 60% in this case (assume 40% preservation only)

**Table 9.6885(2)(c) Tree Preservation and Mitigation**

Location Category	Minimum Preservation	Maximum Mitigation
Outside the South Hills Area	40%	50%
Within the South Hills Area, between 500 feet and 900 feet elevation	50%	50%
Within the South Hills Area, at or above 900 feet elevation	50%	0%

How does this apply to that section which defines the location of the South Hills

- 1. A Tree Preservation and Removal Plan is required except as provided in EC 9.6885(2)(b) or EC 9.6885(2)(c)3. The plan must be prepared by a certified arborist or licensed landscape architect and shall provide the following:**

Remove requirement for landscape architect to be approved by planning director.

**Q:** Does any of this consider good forest management practices considering the current drought conditions, state of our existing forests, dead and dying Douglas Firs or is it just 'preserve at all costs by the numbers'?

Couldn't mitigation be the entire answer. Get an arborist on board to propose appropriate planting considering existing conditions?

- a. A table, organized by the location categories listed in Table 9.6885(2)(c), listing all significant trees on the development site and including the following information for each listed tree:**

- (1) Diameter Breast Height (d.b.h.)
- (2) Preservation, removal, or mitigation status
- (3) Common name, genus and species

- b. A site plan that includes the following information:**

- (1) The locations of all significant trees on the development site, the Diameter Breast Height (d.b.h.) for each significant tree, whether each significant tree is to be preserved, removed, or mitigated according to EC 9.6885(2)(c)2, and the location of the critical root zone (CRZ) for each significant tree to be preserved.
- (2) The location of all existing and/or proposed public and private utility easements, driveways, and areas of grading or excavation on the development site.
- (3) The location of all existing development on the site as well as the location of development proposed in

Exception should be made for trees that will remain untouched, are so far away from the development site that they will not be affected, otherwise staff requires survey of ALL trees. See LaurelRidge PUD. This has been an ongoing rigid interpretation of the standard for decades. It needs to be clear as to what needs to be surveyed and what is exempt from surveying. This significantly contributes to the cost of housing.

**the land use application that triggers the requirement for a Tree Preservation and Removal Plan .**

- (4) Proposed lot or parcel boundaries.**
- (5) For development sites with any portion located within the South Hills Area, identification of areas at or above 500 feet elevation and areas at or above 900 feet elevation.**

Industry standard is that if a professional puts their stamp and signature on a plan that it meets the standards. Requiring a statement is redundant and unnecessary. The stamp and signature is all that is needed. You would be surprised at how much time this step takes for a PUD to get everyone's signatures on the cover sheet basically stating that the plans they produced, signed and sealed meet the standards.

- c. A statement by the preparer that the Tree Preservation and Removal Plan meets EC 9.6885(2)(c) Tree Preservation Requirements.**
- 2. Mitigation. An applicant may elect to mitigate a portion of the minimum preservation of significant trees on the development site as provided below:**
- a. The maximum d.b.h. that can be mitigated shall be based on location category as provided in Table EC 9.6885(2)(c) Tree Preservation and Mitigation.**
  - b. Installation and Maintenance. Each significant tree designated for mitigation must be replaced with one tree selected from the approved species listed in Table 9.6885(2)(c)2 within one year from the date of removal or prior to final occupancy, whichever is later. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association.**
  - c. The maximum mitigation allowance may be adjusted in accordance with EC 9.8030(13).**

This makes a lot of sense.

Prevents overcrowding and over planting.

5' - 6' trees are harder to find. The taller the tree the greater the mortality when it comes to conifers.

**Table 9.6885(2)(c)2. Approved Species List**

<b>Genus and Species</b>	<b>Common Name</b>
<b><i>Abies koreana</i></b>	<b>Silver Korean fir</b>
<b><i>Abies pinsapo</i></b>	<b>Spanish fir</b>
<b><i>Acer circinatum</i></b>	<b>Vine Maple</b>
<b><i>Acer ginnala</i></b>	<b>Amur Maple</b>
<b><i>Acer glabrum var. douglasii</i></b>	<b>Rocky Mountain Maple</b>
<b><i>Acer griseum</i></b>	<b>Paperbark Maple</b>
<b><i>Acer macrophyllum</i></b>	<b>Big Leaf Maple</b>
<b><i>Alnus rhombifolia</i></b>	<b>White Alder</b>
<b><i>Alnus rubra</i></b>	<b>Red Alder</b>
<b><i>Amelanchier alnifolia</i></b>	<b>Pacific Serviceberry</b>
<b><i>Arbutus menziesii</i></b>	<b>Pacific Madrone</b>
<b><i>Arbutus unedo</i></b>	<b>Strawberry Madrone</b>

**Table 9.6885(2)(c)2. Approved Species List**

<b>Genus and Species</b>	<b>Common Name</b>
<i>Arbutus 'Marina'</i>	<i>Marina Strawberry Tree</i>
<i>Betula nigra</i>	<i>River Birch</i>
<i>Calocedrus decurrens</i>	<i>Incense Cedar</i>
<i>Carpinus betulus</i>	<i>European Hornbeam</i>
<i>Carpinus caroliniana</i>	<i>American Hornbeam</i>
<i>Castanopsis cuspidata</i>	<i>Japanese Chinquapin</i>
<i>Catalpa speciosa</i>	<i>Northern Catalpa</i>
<i>Cedrus atlantica</i>	<i>Atlas Cedar</i>
<i>Cedrus deodara</i>	<i>Deodar Cedar</i>
<i>Cedrus libani</i>	<i>Cedar of Lebanon</i>
<i>Celtis occidentalis</i>	<i>Common Hackberry</i>
<i>Chrysolepis chrysophylla</i>	<i>Golden Chinquapin</i>
<i>Cinnamomum chekiangense</i>	<i>Camphor Tree</i>
<i>Cornus nuttallii</i>	<i>Pacific Dogwood</i>
<i>Corylus colurna</i>	<i>Turkish Filbert</i>
<i>Cupressus arizonica</i>	<i>Arizona cypress</i>
<i>Cupressus bakeri</i>	<i>Modoc cypress</i>
<i>Fraxinus latifolia</i>	<i>Oregon Ash</i>
<i>Fraxinus ornus</i>	<i>Flowering Ash</i>
<i>Ginkgo biloba (fruitless cultivars only)</i>	<i>Ginkgo</i>
<i>Koelreuteria paniculata</i>	<i>Goldenrain Tree</i>
<i>Maackia amurensis</i>	<i>Maackia</i>
<i>Nyssa sylvatica</i>	<i>Tupelo, Black Gum</i>
<i>Ostrya virginiana</i>	<i>American Hophornbeam</i>
<i>Oxydendrum aroboreum</i>	<i>Sourwood</i>
<i>Parrotia persica</i>	<i>Persian Ironwood</i>
<i>Picea smithiana</i>	<i>Morinda spruce</i>
<i>Pinus ponderosa</i>	<i>Ponderosa Pine</i>
<i>Pinus ponderosa var. benthamania</i>	<i>Willamette Valley Ponderosa Pine</i>
<i>Pinus wallichiana</i>	<i>Himalayan pine</i>
<i>Pistacia chinensis</i>	<i>Chinese Pistachio</i>
<i>Platanus acerifolia</i>	<i>London Plane</i>
<i>Prunus virginiana</i>	<i>Chokecherry</i>
<i>Pseudotsuga menziesii</i>	<i>Douglas Fir</i>
<i>Quercus acutissima</i>	<i>Sawtooth Oak</i>
<i>Quercus agrifolia</i>	<i>Coast Live Oak</i>
<i>Quercus bicolor</i>	<i>Swamp White Oak</i>
<i>Quercus chrysolepis</i>	<i>Canyon Live Oak</i>

**Table 9.6885(2)(c)2. Approved Species List**

<b>Genus and Species</b>	<b>Common Name</b>
<i>Quercus douglasii</i>	<i>Blue Oak</i>
<i>Quercus frainetto</i>	<i>Hungarian Oak</i>
<i>Quercus gambelii</i>	<i>Gambel Oak</i>
<i>Quercus garryana</i>	<i>Oregon White Oak</i>
<i>Quercus hypoleucoides</i>	<i>Silver Oak</i>
<i>Quercus ilex</i>	<i>Holly Oak</i>
<i>Quercus kelloggii</i>	<i>California Black Oak</i>
<i>Quercus lobata</i>	<i>Valley Oak</i>
<i>Quercus macrocarpa</i>	<i>Bur Oak</i>
<i>Quercus myrsinifolia</i>	<i>Chinese Evergreen Oak</i>
<i>Quercus phellos</i>	<i>Willow Oak</i>
<i>Quercus shumardii</i>	<i>Shumardii Oak</i>
<i>Quercus suber</i>	<i>Cork Oak</i>
<i>Quercus wislizeni</i>	<i>Interior Live Oak</i>
<i>Rhamnus purshiana</i>	<i>Cascara Buckthorn</i>
<i>Salix lucida ssp. Lasiandra</i>	<i>Pacific Willow</i>
<i>Salix scouleriana</i>	<i>Scouler's Willow</i>
<i>Sciadopitys verticillata</i>	<i>Japanese Umbrella Pine</i>
<i>Sequoia sempervirens</i>	<i>Coast Redwood</i>
<i>Sequoiadendron giganteum</i>	<i>Giant Sequoia</i>
<i>Styrax japonicus (japonica)</i>	<i>Japanese Snowbell</i>
<i>Taxodium distichum</i>	<i>Bald Cypress</i>
<i>Taxus brevifolia</i>	<i>Pacific Yew</i>
<i>Thuja plicata</i>	<i>Western Red Cedar</i>
<i>Tilia americana</i>	<i>American Linden</i>
<i>Tilia tomentosa</i>	<i>Silver Linden</i>
<i>Tsuga canadensis</i>	<i>Canadian hemlock</i>
<i>Tsuga heterophylla</i>	<i>Western Hemlock</i>
<i>Tsuga mertensiana</i>	<i>Mountain hemlock</i>
<i>Tsuga sieboldii</i>	<i>Southern Japanese hemlock</i>
<i>Ulmus americana</i>	<i>American Elm</i>
<i>Ulmus carpinifolia</i>	<i>Smoothleaf Elm</i>
<i>Ulmus parvifolia</i>	<i>Chinese Elm</i>
<i>Ulmus propinqua</i>	<i>Japanese Elm</i>
<i>Umbellularia californica</i>	<i>California Bay Laurel</i>

3. **Tree Preservation Area Alternative.**
  - a. **A Tree Preservation and Removal Plan is not required if the applicant chooses to preserve at least 50 percent of**

How are Tree Preservation Areas delineated on a plan? A simple outline of the area? This needs clarification as it is open to interpretation as to what this means graphically.

A simple statement saying that this is true? Does this mean the approved professional has walked through the area, counted up the DBH and made a statement as to the math? Without locating/surveying every tree?

Why would mitigation be discouraged? An inherent distrust of the information being provided? I don't understand this section and its purpose. And again, easier path with the whammy of an Adjustment Review.

**the total existing d.b.h. of significant trees on the development site within one or more tree preservation area(s) and the following requirements are met:**

- (1) Tree preservation area(s) must be delineated and shown on a site plan submitted for approval by the City.**
- (2) Applicant must provide written certification from a certified arborist or licensed landscape architect stating that the area(s) designated for tree preservation include(s) at least 50 percent of the total existing d.b.h. of significant trees on the development site.**

**b. Mitigation is not allowed when the Tree Preservation Area Alternative is used to meet tree preservation requirements, except as approved through an adjustment review according to EC 9.8030(13).**

**4. Protection Standards. The following notes must be included on the final plan set submitted for approval by the City and shall apply at the time of development:**

**a. "Protective fencing for trees identified to be preserved shall be installed by the applicant and inspected by the City prior to beginning any development activities. All protective tree fencing must remain in place until completion of all construction activities; any relocation, removal, or modification of the protective fencing shall only occur under the direction of a certified arborist and a written explanation of the reason for the relocation, removal, or modification of the protective fencing from the certified arborist must be provided to the City."**

**b. "At the time of building permit, a site plan in compliance with the approved tree preservation and removal plan is required."**

**c. "No excavation, grading, material storage, staging, vehicle parking or other construction activity shall take place within protective tree fencing areas."**

**d. "The removal of trees not designated to be preserved is optional; removal may occur at the owner's discretion."**

**e. "Any tree designated for mitigation must be replaced with one tree selected from the approved species listed in Table 9.6885(2)(c)2 within one year from the date of removal or prior to final occupancy. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. Maintenance of replacement trees is the ongoing responsibility of the property owner."**

**f. "In the event a tree designated to be preserved must be removed because it is dead, diseased, dying, or**

5' - 6'

*hazardous, documentation of the tree's dead, diseased, dying, or hazardous condition by a certified arborist must be provided to the City prior to tree removal. The tree must be replaced with one replacement tree selected from the approved species list in Table 9.6885(2)(c)2. At the time of planting, deciduous trees used for replacement must have a minimum diameter of 2 inches and evergreen trees used for replacement must be a minimum of 6 feet in height as measured according to the 2014 edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. Maintenance of replacement trees is the ongoing responsibility of the property owner."*

5' - 6'.

(be) Street Tree Removal. If the proposal includes removal of any street tree(s), removal of those street trees has been approved, or approved with conditions according to the process at EC 6.305 Tree Felling Prohibition.

~~[(3) **Adjustment to Standards.** [Except for applications being processed under EC 9.8100 Conditional Use Permit Approval Criteria - [Needed] Housing/**Clear and Objective**, EC 9.8325 Tentative Planned Unit Development Approval Criteria - [Needed] Housing **/Clear and Objective**, EC 9.8445 Site Review Approval Criteria - [Needed] Housing **/Clear and Objective**, or EC 9.8520 Subdivision, Tentative Plan Approval Criteria - [Needed] Housing **/Clear and Objective**,] [a] Adjustments to these standards may be made, subject to compliance with the criteria for adjustment in EC 9.8030(13) Tree Preservation and Removal Standards Adjustment.]~~

## Application Procedures

### 9.7007 **Neighborhood/Applicant Meetings.**

(1) This section applies to the following types of applications:

- (a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews, **except for 3-lot partitions and tentative subdivisions that implement an approved tentative planned unit development,**

Yay!!

Neighborhood Meetings for 3 lot partitions needs some careful consideration. These prove to be an incredible waste of resources, sets up expectations for neighbors that they have a say in what this looks like. Typically 3 lot partitions are straight forward, there is little if any room for change. This requirement was not a staff recommendation but was added by city council back in the day. It should be removed.

## Application Requirements and Criteria

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

\* \* \*

~~[(13) **Tree Preservation and Removal Standards Adjustment.** [Except as otherwise provided in EC 9.6885(3) Adjustments to Standards, the tree preservation and removal standards of EC 9.6885(2) may be adjusted], and~~

~~the number of trees amount of existing d.b.h. required to be preserved may be reduced] based on compliance with all of the following criteria [of (a), (b), (c), and (d), and one of the conditions of (e) exists:~~

- ~~(a) The proposed adjustment to the tree preservation and removal standards is the minimum necessary to implement the development proposal.~~
- ~~(b) The proposal includes an approved replanting or restoration program or plan that mitigates the loss of trees or impacts to other natural features.~~
- ~~(c) The proposal is otherwise in compliance with all applicable standards.~~
- ~~(d) Alternative proposals have been evaluated, and there is no feasible alternative.~~
- ~~(e) One of the following conditions exists:~~
  - ~~1. Compliance with tree preservation and removal standards is not feasible, or would result in degradation of steep slopes, significant wildlife habitat, or water bodies due to the topography or other natural features of the development site; or~~
  - ~~2. An adjustment to the tree preservation and removal standards is necessary in order to achieve the minimum residential density under this land use code; or~~
  - ~~3. The existing trees required to meet the minimum preservation standard are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.]~~

**(13) Tree Preservation and Removal Standards Adjustment. The minimum tree preservation requirement and maximum mitigation allowance of EC 9.6885(2) may be adjusted if one of the conditions listed in subparagraph (a) below applies and the proposed design complies with the criteria in subparagraphs (b) through (e):**

- (a) Conditions. To qualify for an adjustment, one of the following conditions must apply:**
  - 1. Strict compliance with tree preservation and removal standards is not feasible due to other requirements of this code or existing site constraints such as topography or other natural features; or,**
  - 2. An adjustment to the minimum tree preservation and/or mitigation requirement is necessary in order to achieve a net density greater than 75 percent of the maximum allowed under this land use code; or,**
  - 3. The existing trees required to meet the minimum preservation requirement are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.**
- (b) The proposed reduction to the minimum tree preservation requirement or increase in mitigation allowance is necessary to accommodate a reasonable level of development. In no case shall minimum tree preservation for areas at or above 900 feet elevation be reduced below 30%.**
- (c) The proposed project shall be designed and sited to preserve significant trees to the greatest degree practicable, with trees having the following characteristics given the highest priority for preservation:**

I know this will sound repetitive however it is true. Responsible designers respond to topography first. That is the driving factor in designing housing and roads. Do the least amount of harm by paying attention to topography/cut/fill. This piece of the code language is one of the top reasons for arbitrary revisions to plans, expensive delays and appeals.

No one designs with the healthiest trees in mind first unless there are exceptional specimens on the site. This is a mixing up of priorities and does nothing to further the cause of housing.

This hamstrings the C&O effort. Please reconsider.

1. *Healthy trees that have a reasonable chance of survival;*
2. *Trees located within vegetated corridors and stands;*
3. *Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;*
4. *Trees that provide a buffer between potentially incompatible land uses;*
5. *Trees located along the perimeter of the lot(s) and within building setback areas;*
6. *Trees and stands of trees located along ridgelines and within view corridors;*
7. *Trees with significant habitat value;*
8. *Trees adjacent to public parks, open space and streets;*
9. *Trees along water features;*
10. *Heritage trees.*

(d) *Except for areas at or above 900 feet elevation, proposals that include a Tree Preservation and Removal Plan per EC 9.6885(2)(c)1. may mitigate up to 100% of the minimum tree preservation requirement if the following requirements are met:*

1. *For proposed subdivisions, new trees must be planted so that lots up to 7,000 square feet in area will contain a minimum of two trees and lots 7,000 square feet or more will contain a minimum of three trees.*
2. *For all other developments, the proposed design must either:*
  - a. *Provide one tree per dwelling unit; or,*
  - b. *Provide one replacement tree per 8 inches of d.b.h. reduced below the minimum preservation requirement. For example, if the minimum preservation is 80 inches d.b.h., then 10 replacement trees are required.*

*New trees planted to meet subsection 1. or 2. above are subject to the requirements at EC 9.6885(2)(c)2.b. Installation and Maintenance. Trees planted to meet applicable landscape standards may count toward these requirements. Existing trees on the development site that are under 8-inches Diameter Breast Height (d.b.h.) and listed in Table 9.6885(2)(c)2. Approved Species List may be designated for preservation and counted toward these requirements (in lieu of planting new trees).*

(e) *For areas at or above 900 feet elevation or applications using the Tree Preservation Area Alternative at EC 9.6885(2)(c)3., mitigation is limited to 10% of the minimum preservation requirement.*

\* \* \*

(37) *Street Standards Adjustment. Where this land use code provides that street standards may be adjusted, the standards may be adjusted upon a demonstration by the applicant that the requested adjustment is consistent with the following:*

- (a) *The applicant has submitted a report prepared by an **Orgon** licensed civil engineer that demonstrates it is not technically or financially feasible to construct the street in accordance with adopted plans and policies, and adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways."*

- (b) **The adjustment is necessary due to at least one of the following conditions:**
  - 1. **Existing on-site or off-site geologic or topographic conditions, or existing wetlands designated for protection by the City of Eugene; or**
  - 2. **Existing development on lands abutting the development site.**

**9.8045 Applicability of Cluster Subdivisions.** Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing ~~[needed housing, as defined in state statutes,]~~ **housing to be reviewed with clear and objective approval criteria** shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria – [Needed] Housing/Clear and Objective. No development permit shall be issued by the city prior to approval of the cluster subdivision.

**9.8055 Cluster Subdivision- Approval Criteria – General/Discretionary.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

- (1) The proposed subdivision complies with:
  - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary except for the standards related to EC 9.2760 Residential Zone Lot Standards; and

**9.8085 Conditional Use Permit Application Requirements.**  
\* \* \*

- (3) If the proposal includes ~~[needed housing, as defined by state law]~~ **housing**, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria – [Needed] Housing/Clear and Objective.

**9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:

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

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~ **The proposal complies with EC 9.5860 Transition Standards.**

\* \* \*

- (3) For areas not included on the city’s acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~

~~(a) The proposal complies with]~~ **the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.**

~~[(b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource” are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.]~~

- (4) The proposal complies with ~~[all applicable standards, including, but not limited to:~~

~~(a) EC 9.2000 through EC 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone.~~

~~(b) EC 9.6500 through EC 9.6505 Public Improvement Standards.~~  
~~\*Renumber remaining subsections\*~~

\* \* \*

~~(i) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.~~

~~(j) All other applicable development standards for features explicitly included in the application.~~

~~(ik) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.~~

- (5) Public improvements as required by this land use code or as a condition of ~~[tentative plan]~~ approval **will be** ~~[have been]~~ completed **prior to issuance of a development permit**, or:

- (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or  
 (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the conditional use permit, and the petition has been accepted by the city engineer.

- (6) **If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.**

These seems to be beyond the scope of C&O. It is very discretionary, arguing constitutional findings regularly involves attorneys, and pedestrian and bicycle circulation is not clearly defined as to what, exactly that means, in the built environment.

Does this include requiring off-site improvements? i.e. adding sidewalks off site where there are none, etc.

**9.8105 Conditional Use Permits within the NR Natural Resource Zone or /WB Wetland Buffer Overlay Zone.**

\* \* \*

- (2) **Criteria for Hearings Official Approval.** Applications for conditional use permits within the NR natural resource zone or /WB wetland buffer overlay

zone shall be processed and scheduled for public hearings in the same manner as other conditional use permit applications, except that NR standards (2) through (19) listed in EC 9.2530 Natural Resource Zone Development Standards shall be considered as additional criteria along with the criteria listed in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

PUD + Partition  
PUD +  
Subdivision  
These are  
redundant  
procedures.  
Why would one  
need a Partition  
if the PUD is  
approved.  
A Subdivision is  
basically an  
execution of the  
PUD with very  
little difference  
until Final Plat.  
Why redundant  
requirements?  
Who is this  
serving? How is  
this furthering  
the housing  
goal?

**9.8205 Applicability of Partition, Tentative Plan Applications.**

\* \* \*

I am not certain I understand the utility of forcing concurrency. If the Partition is filed after the tentative PUD and prior to approval the Tentative PUD approval could simply be a condition of approval for the Partition to be approved.

Any chance you can to double up on processes, whether fully (concurrently) or some overlap, saves time, effort and gets to the goal of adding housing faster.

- (2) A **tentative plan application to partition land** ~~[application that also involves a PUD request]~~ may **be submitted and reviewed concurrently with the** ~~[not be submitted until a decision on the]~~ tentative PUD **application following a Type III application procedure** ~~[approval is final]~~. **If a partition application that also involves a PUD request is not submitted concurrently with the tentative PUD, the partition application may not be submitted until a tentative PUD is approved.** (Refer to EC 9.8305 Applicability.)
- (3) **If the partition tentative plan application is not reviewed concurrently with the tentative PUD, no development permit shall be issued by the city prior to approval of the tentative partition application.** ~~;~~ **If the tentative partition is reviewed concurrently with the tentative PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.**

**9.8210 Partition, Tentative Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

\* \* \*

- (4) If the proposal includes ~~[needed housing, as defined by State statutes]~~ **housing**, the written statement submitted with the partition application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

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

**9.8220 Partition, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.** **Unless the applicant elects to use the discretionary criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** ~~the planning director shall approve, conditionally approve, or deny the partition application.~~ ~~[Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval~~

~~Criteria General, where the applicant proposes needed housing, as defined by State statutes, the planning director shall approve or approve with conditions a partition] based on compliance with the following criteria:~~

~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.] \*Renumber remaining subsections.\*~~

~~(21) The proposed partition complies with all of the following:~~

~~(a) [Let standards of]EC 9.2000 through [9.3980] 9.4170 regarding applicable parcel dimensions and density requirements **for the subject zone and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:~~

~~\* \* \*~~

~~(k) [EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.]~~

~~\*Renumber remaining subsection\*~~

~~\*Renumber remaining subsections\*~~

~~[(4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.] \*Renumber remaining subsections\*~~

~~(53) If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:~~

~~\* \* \*~~

~~[(c) The street layout of the proposed partition shall disperse motor vehicle traffic onto more than one public local street when the sum of proposed partition parcels and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

## **9.8310 Tentative Planned Unit Development General Application Requirements.**

~~(5) [Needed] Housing. If the proposal includes [needed housing, as defined by State statutes] **housing**, the written statement submitted with the PUD application shall clearly state whether the applicant is **proceeding under:** (a)[electing to use] the [general] approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary; or (b) [instead of] the approval criteria [found] in EC 9.8325 Tentative Planned Unit Development Approval Criteria-[Needed] Housing/Clear and Objective.~~

Remove the requirement that requires the discretion of planning director to approve landscape architect vs arborist.

## **9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary.**

The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions, shall be based on compliance with the following criteria:

## **9.8325 Tentative Planned Unit Development Approval Criteria – [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary, for housing**

Just when it felt like housing was truly the goal, an added code section that truly complicates the way forward, adds unnecessary costs and is trying to achieve something that is unstated and unclear (in other words, why is this section required at all? Because housing is so offensive to be adjacent to housing??)

These Transition Standards are going to complicate the approval process and provide more fodder for appeals and discretionary decisions.

Excellent! More opportunities for housing. Shifts the risk/responsibility/expense to builder/developer as it should be.

**applications entitled to clear and objective review pursuant to state statute,**  
~~The hearings official shall approve, conditionally approve, or deny the PUD application [with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions, a PUD] based on compliance with the following criteria:~~

**(1) The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.] *The proposal complies with EC 9.5860 Transition Standards.***  
\* \* \*

**(3) [The PUD provides a buffer area between the proposed development and surrounding properties by providing at least a 30 foot wide landscape area along the perimeter of the PUD according to EC 9.6210(7).]** Excellent!

**(43) For areas not included on the city’s acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with [all of the following:**  
**(a) ~~¶~~ the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards, [(not subject to modifications set forth in subsection (11) below)].**  
**[(b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource” are protected.]**

**(5) [There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]**

**(64) The PUD provides safe and adequate transportation systems through compliance with all of the following:**  
\* \* \*

**[(c) The street layout of the proposed PUD shall disperse motor vehicle traffic onto more than one public local street when the PUD exceeds 19 lots or when the sum of proposed PUD lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]**

**(75) The PUD complies with all of the following:**  
**(a) EC 9.2000 through [9.3980] *EC 9.4170* regarding *applicable* lot dimensions and density requirements for the subject zone *and overlay zone*. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:**

\* \* \*

**(k) *All applicable development standards explicitly addressed in the application.***

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

\*Renumber next section\*

\* \* \*

**(97) [All proposed dwellings within the PUD are within 1/4 mile radius (measured from any point along the perimeter of the development site) of an accessible recreation area or open space that is at least 1 acre in size and will be available to residents.] *PUDs proposed on development sites that are two acres or larger must comply with either subsection (a) or subsection (b) below:***

**(a) *The PUD is located within 1/2-mile of a public park, public recreation facility, or public school (determined using the shortest***

122 acre LaurelRidge would have had to dedicated 12 acres??? This hardly seems constitutional, sustainable, maintainable or even appropriate. How does this benefit adding housing?

12 acres is about 48 single family housing units.

So this effectively discourages developers from proposing lots smaller than the minimum.

At the very least this should be net acres not gross acres. The development site typically includes road. This already reduces the available land for housing. Now more is lost to arbitrary open space calculations.

**No Name PUD**

There is nothing like a real life example to demonstrate a point. This PUD (Abandoned in 2008 recession) would have provided 34 single family housing lots.

By the math of this new code section (b) 20% of the development site 178,661 sf = 35,732 sf or approximately 9 lots or 9 housing units.

This code section is arbitrary with no basis for evaluating on the grounds of dispersal or ability to maintain.

Math is not the way to design and plan for open space.

By the number, if the required open space is more than 29,000 sf and no tract can be less than 14,500 then there can't be 3 tracts until the open space is 43,500. So basically 29000 sf has to be in 2 tracts.

So the lot owners are maintaining? Paying taxes on? Having everyone in the neighborhood/city coming on to their property?

**(b) distance as measured along a straight line between a point along the perimeter of the development site and a point along a property line of a public park, public recreation facility, or public school); or Except as provided in EC 9.8325(8)(b)1, the PUD shall provide common open space within the development site equal to a minimum of 10 percent of the development site or 14,500 square feet, whichever is greater.**

**1. If the PUD includes lot areas smaller than the minimum lot area allowed in the base zone, then common open space must be provided as follows:**

**a. If the average lot area is within 10 percent of the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 15 percent of the development site or 14,500 square feet, whichever is greater.**

**b. If the average lot area is more than 10 percent below the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 20 percent of the development site or 14,500 square feet, whichever is greater.**

**2. Common open space shall be provided in one separate tract of land, except that developments providing more than 29,000 square feet of common open space may include up to three common open space tracts provided no tract is less than 14,500 square feet..**

**3. Ownership of the common open space tract(s) must be dedicated to all lot or parcel owners within the development site.**

**4. Each common open space tract must include a portion with minimum dimensions of 70 feet by 70 feet.**

**5. Common open space tracts must have a minimum of 20 feet of lot frontage along an existing or proposed public way or private street.**

This requirement alone would take out housing units. Too complicated to explain here..

**6. Common open space tracts do not have to meet lot standards.**

**(108)** Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards [(these standards may be modified as set forth in subsection (11) below)].

**(149)** [The PUD complies with all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development.]

**(1210)** For any PUD located within or partially within the boundaries of the South Hills Study, the following additional approval criteria apply:

**(a)** [No development shall occur on land above an elevation of 900 feet except that one dwelling may be built on any lot in existence as of August 1, 2001.]

**Development on any portion of the development site located above 900 feet elevation is limited by the following:**

**1. The sum of all building area, measured using building footprints, shall not exceed 5,000 square feet on proposed new lots or parcels.**

**2. Driveways shall not exceed 20 feet in width on proposed new lots or parcels.**

- (b) Development **on any portion of the development site located above 900 feet elevation** shall be setback at least 300 feet from the ridgeline unless there is a determination by the city manager that the area is not needed as a connection to the city's ridgeline trail system. For purposes of this section, the ridgeline [trail] shall be considered as the line indicated as being the urban growth boundary [within the South Hills Study plan area].
- (e) [~~Development shall cluster buildings in an arrangement that results in at least 40% of the development site being retained in 3 or fewer contiguous common open space areas. For purposes of this section, the term contiguous open space means open space that is uninterrupted by buildings, structures, streets, or other improvements.~~]  
*\*Renumber remaining subsections.\**
- (dc) Residential density is limited as follows:
  - 1. In the area west of Friendly Street, the maximum level of new development per gross acre shall be 8 units per acre.
  - 2. In the area east of Friendly Street, the maximum level of new development per gross acre shall be limited to 5 units per acre.
  - 3. Housing developed as Controlled Income and Rent Housing shall be exempt from the density limitations in subsections 1 and 2 above, but are subject to the other applicable development standards and review procedures.
  - 4. For any portion of the development site located above 900 feet elevation, the maximum density shall be 2.5 units per gross acre, or one dwelling per legal lot in existence as of August 1, 2001, whichever is greater.**

**9.8360 Planned Unit Development, Final Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to PUD final plan applications:

\* \* \*

- ~~[(4) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
  - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
  - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.]~~

**9.8365 Final Planned Unit Development Approval Criteria.** The planning director shall approve, approve with conditions, or deny a final PUD application, **based on compliance with the following criteria:** Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.]

- (1) The final PUD plan conforms with the approved tentative PUD plan and**

*all conditions attached thereto.*

- (2) ***For final PUDs not associated with a land division, public improvements as required by this land use code or as a condition of tentative plan approval will be completed prior to issuance of a development permit, or:***

- (a) ***A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or***
- (b) ***A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.***

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

**9.8445 Site Review Approval Criteria- [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8440 Site Review Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** [F] the planning director shall approve, conditionally approve, or deny the site review application.

~~[Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria—General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve, or approve with conditions, a site review]~~ based on compliance with the following criteria:

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.]~~ ***The proposal complies with EC 9.5860 Transition Standards.***
- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with [all of the following:
- (a) ~~The proposal complies with]~~ ***the provisions of EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.***
- ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.]~~
- (4) The proposal complies with all of the following [standards]:
- (a) EC 9.2000 through [9.3980] ***EC 9.4170*** regarding ***applicable*** lot dimensions and density requirements for the subject zone ***and overlay zone.***
- (b) ***EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.***

*\*Renumber remaining subsections\**

- (5) Public improvements as required by this land use code or as a condition of [tentative plan] approval ***will be*** [have been] completed ***prior to issuance of a development permit,*** or:

- (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to

These seems to be beyond the scope of C&O. It is very discretionary, arguing constitutional findings regularly involves attorneys, and pedestrian and bicycle circulation is not clearly defined as to what, exactly that means, in the built environment.

Does this include requiring off-site improvements? i.e. adding sidewalks off site where there are none, etc.

- (b) assure the completion of all required public improvements; or A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.

(6) ***If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.***

**9.8505 Applicability of Subdivision, Tentative Plan Applications.**

Requests to create 4 or more lots shall be subject to the subdivision provisions of this land use code under a Type II application process.

Still wondering why we don't do away with Tentative Subdivision which is merely an execution of Final PUD. One could easily have Tentative PUD, Final PUD and then Final Plat. Tentative Subdivision looks almost exactly like Final PUD. Complete waste of resources creating this duplicate set of documents. There is little to no utility in this.

(1) A ***tentative plan application to subdivision land may be submitted and reviewed concurrently with the [application that also involves a PUD request may not be submitted until a decision on the] tentative PUD application following a Type III application procedure [approval is final]. If a subdivision application that also involves a PUD request is not submitted concurrently with the tentative PUD, the subdivision application may not be submitted until a tentative PUD is approved.*** (Refer to EC 9.8305 Applicability.)

(2) ***If the subdivision tentative plan application is not reviewed concurrently with the tentative PUD, no development permit shall be issued by the city prior to approval of the tentative subdivision tentative plan application. If the tentative subdivision is reviewed concurrently with a PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.***

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

\*\*\*  
 (5) If the proposal includes ~~[needed housing, as defined by State statutes]~~ ***housing***, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the ~~[general]~~ ***discretionary*** approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

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

\* \* \*

- (2) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto, based on the provisions of this land use code. For subdivisions involving phasing, it shall be demonstrated that each sequential phase will maintain consistency with the provisions of EC 9.8515 Tentative Subdivision Approval Criteria – General/Discretionary.

9.8520

**Subdivision, Tentative Plan Approval Criteria – [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,**

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

- ~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~

*\*Renumber remaining subsections.\**

- (32) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

- (a) EC 9.2000 through ~~[9.3980]~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

*\*Renumber remaining subsections\**

Excellent! Gets us where we need to be going. ←

- (5) ~~[There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]~~

*\*Renumber remaining subsections.\**

- (64) The proposed subdivision provides ~~[safe and adequate transportation systems through compliance with the following:]~~ **for the**

- ~~[(a) P]~~ provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

- ~~[(b) The street layout of the proposed subdivision shall disperse motor vehicle traffic onto more than one public local street when the subdivision exceeds 19 lots or when the sum of proposed subdivision lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

- (75) For areas not included on the city’s acknowledged Goal 5 inventory, the

subdivision will preserve existing natural resources by compliance with ~~[all of the following:~~

- ~~(a) The proposal complies with] **the provisions of** EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.~~
- ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource."]~~

*\*Renumber remaining subsections.\**

DRAFT