

- 9.8220** **Partition, Tentative Plan Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the 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.
 - (2) The proposed partition complies with all of the following:
 - (a) Lot standards of EC 9.2000 through 9.3980 regarding applicable parcel dimensions and density requirements. 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:
 1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
 2. The /WQ Management Area.
 - (b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
 - (c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
 - (d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
 - (e) EC 9.6710(6) Geological and Geotechnical Analysis.
 - (f) EC 9.6735 Public Access Required.
 - (g) EC 9.6750 Special Setback Standards.
 - (h) EC 9.6775 Underground Utilities.
 - (i) EC 9.6780 Vision Clearance Area.
 - (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
 - (k) EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
 - (l) All other applicable development standards for features explicitly included 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.
 - (3) The proposed partition will not cause any existing improvements on proposed lots to be inconsistent with applicable standards in this land use code.
 - (4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.
 - (5) If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:
 - (a) The proposed land uses and densities within the partition are consistent with the land use designation(s) shown on the comprehensive plan Land Use Diagram, as refined in any applicable refinement plan.
 - (b) 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.

- (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.** *(See Note Below)*
- (6)** On R-1 zoned property, if the partition results in a parcel greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of parcel lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. Any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

(Section 9.8220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; administratively corrected July 9, 2003; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)

** Based on a Land Use Board of Appeals (LUBA) Final Order and Opinion (LUBA No. 2016-024), issued June 30, 2016, this criteria is not capable of being imposed only in a clear and objective manner, as required per ORS 197.831 for needed housing. As a result, the City of Eugene will no longer apply this criteria to needed housing applications.