

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Public Hearing: An Ordinance Concerning Infill Compatibility Standards Related to Multi-Family Developments, Multi-Family Zoning, Garbage and Recycling Screening, and Bicycle Parking; and Amending Sections 9.0500, 9.2750, 9.2751, 9.3125, 9.3626, 9.5500, 9.6105, 9.6410, 9.6740, 9.6745, and 9.8030 of the Eugene Code, 1971 (City File CA 11-2)

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Meeting Date: April 16, 2012  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 1  
Staff Contact: Alissa Hansen  
Contact Telephone Number: 541/682-5508

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## ISSUE STATEMENT

The City Council will hold a public hearing to consider a package of land use code amendments related to infill compatibility standards for multi-family housing.

## BACKGROUND

Last year, as part of Envision Eugene, the City Council initiated code amendments related to infill compatibility standards for multi-family housing. The purpose of these amendments is to make changes and clarifications to the land use code (Eugene Code Chapter 9) that will improve neighborhood livability, and implement strategies identified through Envision Eugene. These amendments are intended to be limited in scope, and address areas where there is strong momentum and opportunity for achievable solutions.

Based on recommendations from the infill compatibility standards project (ICS), code language addressing the following six topic areas was crafted:

- 1. *Open Space Standards:*** These amendments would apply citywide to all multi-family developments (projects with three or more units on the same lot). They include the elimination of the current open space exemption for dense projects in residential zones, and also provide more flexibility about how and where open space can be provided.
- 2. *Allowed Intrusions in Required Setbacks:*** The land use code currently allows specific intrusions into required setbacks. These amendments would provide clarity, as well as provide additional limitations to the amount of allowed intrusions for multi-family developments and multi-family zones citywide.
- 3. *Driveways and Parking Areas in the R-3 and R-4 Zones:*** This amendment would apply to development in R-3 and R-4 zones citywide, and generally limit the amount of paving and parking in front and interior yards for developments not subject to the multi-family

standards (typically duplexes or the addition of a dwelling on a developed lot). The multi-family standards already include limitations regarding parking in required yards.

4. ***Garbage and Recycling Screening:*** This amendment is proposed to apply citywide and would allow garbage and recycling enclosures to be partially screened to address security and safety issues by providing better visibility into the storage areas.
5. ***Compatible Transition between R-1 and R-3/R-4 zone boundaries in the South University Area:*** This amendment would apply in the south university area along the R-1 Low Density Residential and R-3/R-4 zone boundary (located south of East 19th Avenue and north of East 20th Avenue between Hilyard and Agate streets), and would require an additional setback and a sloped setback for the R-3/R-4 properties.
6. ***Bicycle Parking:*** These amendments would apply citywide and are intended to increase flexibility and provide clarity regarding acceptable bike parking designs.

A more detailed description of the proposed amendments is provided in the attached summary (see Attachment A).

Following initial public feedback, the formal public process on the proposed code amendments began with a Planning Commission public hearing on December 13, 2011, where a total of six people provided testimony. Subsequently, the Planning Commission conducted extensive deliberations, and recommended unanimous approval of a package of land use code amendments. The attached draft ordinance (Attachment B) represents the Planning Commission's recommendation for code amendments. Further details regarding the Planning Commission's discussion, along with a complete set of record materials, are available for review in a binder located at the City Council Office and online at [www.eugene-or.gov/codeamendments](http://www.eugene-or.gov/codeamendments).

Findings in support of the Planning Commission's recommendation for approval are included as Exhibit F to the ordinance (Attachment B). The ordinance and findings, with any directed changes, will be utilized in the event that the City Council votes to approve the proposal upon finding that it complies with the applicable approval criteria.

#### **RELATED CITY POLICIES**

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an exhibit to the draft ordinance (Exhibit F of Attachment B).

#### **COUNCIL OPTIONS**

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for May 14, 2012.



**CITY MANAGER’S RECOMMENDATION AND SUGGESTED MOTION**

No recommendation or motion is suggested for the public hearing. A recommendation and suggested motion will be provided for the City Council deliberations and action scheduled for May 14, 2012.

**ATTACHMENTS**

- A. Summary of Amendments
- B. Draft Ordinance and Findings

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

**FOR MORE INFORMATION**

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**Summary of Proposed Code Amendments: Infill Compatibility Standards related to Multi-Family Housing** ATTACHMENT A

Topic	Description	Eugene Code Sections
1. Multi-Family Open Space Standards	<p>The goal is to increase the amount of open space that is available around high density housing while providing more flexibility on where the open space can be located.</p> <p>Currently, multi-family developments (projects with three or more units on the same lot) must provide open space unless the project meets a certain density (approximately 80 percent of the maximum density allowed in the zone). As a result of this exemption, open space may not be provided for residents of the densest developments.</p> <p>These city-wide amendments would eliminate this exemption in residential zones, while providing more design flexibility and clarity about where and how open space can be provided. Additionally, these amendments strengthen the approval criteria for the adjustment review process, which would allow for creativity in how open space is provided, but would not allow a decrease in the amount of required open space.</p>	<p>9.0500 9.3626(7) 9.5500(9) 9.8030(8)</p>
2. Allowed Intrusions in Required Setbacks	<p>The goal is to provide clarity and reduce the overall bulk of building features projecting into front and interior yard setbacks for multi-family developments and for all residential development in the R-3 Limited High Density Residential and R-4 High Density Residential zones.</p> <p>The current land use code allows certain building features, such as eaves, chimneys and porches to project into required front and interior yard setbacks. Although there are some limitations on the amount of allowed intrusions, this amendment would provide more clarity on the extent of allowed intrusions per floor, particularly for multi-family developments.</p>	9.6745(3)
3. Driveways and Parking Areas in Multi-Family Zones	<p>The goal is to reduce the paving in front and side yards in multi-family zones citywide.</p> <p>For developments in the R-3 and R-4 zones that do not have to meet the multi-family development standards (such as duplexes), driveways and parking areas are allowed in the front and side yard setbacks provided they do not cover more than half of the front yard area. Conversely, all multi-family development in the same zones prohibits parking areas between the building and street.</p> <p>Similar to the current multi-family standards, this amendment would limit the width, depth and location of driveways and parking areas in front and side yards in developments in multi-family zones that are not subject to the multi-family development standards,</p>	<p>9.2750 9.2751(15) 9.6410(1) 9.6745(6) 9.6745 (7)</p>
4. Recycling and Garbage Screening	<p>The goal is to reduce safety concerns around garbage and recycling areas citywide by allowing the enclosures to be less screened to increase visibility.</p>	<p>9.6740 9.6745(8)</p>

	<p>Recycling and garbage areas serving multi-family developments, as well as commercial and industrial uses are required to be fully screened on all sides with a 100 percent site-obscuring fence, a minimum of 6 feet high and made with wood, metal, masonry or other permanent materials. While these standards provide attractive and secure enclosures, neighbors have expressed concern with respect to safety issues due to lack of visibility for residents and employees entering the enclosure.</p> <p>To improve safety, this amendment would allow, but not require, storage areas to be partially screened on the pedestrian entrance side, and allow but not require the lower 12 inches to be screened with mesh or chain link fencing to allow for greater visibility.</p>	
<p>5. Compatible Transition between high density residential and low density residential in South University</p>	<p>The goal is to increase compatibility between the single-family homes and new apartments in south university.</p> <p>Although the maximum building height for R-3 and R-4 zoned properties in the south university area was recently lowered, the building mass and scale of new apartments in proximity to R-1 zones have the potential to be out of scale with the single-family homes in this area.</p> <p>To address compatibility, this amendment would apply to R-3/R-4 zoned properties in the south university area located along the R-1 zoning boundary (generally located along the south side of 19<sup>th</sup> Avenue between Hilyard and Agate Streets), and would require a 10 foot property line setback (instead of 5 feet) and a sloped setback along the R-1 boundary.</p>	<p>9.2750 9.2751(8)</p>
<p>6. Bicycle Parking Standards</p>	<p>The goal is to make the bike parking requirements clearer and easier to meet.</p> <p>The Eugene Code includes requirements for bicycle parking areas, including the location, dimensions, and number of required spaces. Envision Eugene and the Pedestrian and Bicycle Mater Plan have identified several barriers within these standards that could be resolved to improve to requirements.</p> <p>These city-wide amendments would increase flexibility and provide more clarity about how and where required bicycle parking can be provided citywide for all uses. Amendments include:</p> <ul style="list-style-type: none"> <li>• clarifying that parking spaces must be hard surfaced,</li> <li>• allowing bike parking on upper floors in conjunction with multi-family developments with elevators, and</li> <li>• allowing short term parking to be provided in rights-of-way with revocable permit.</li> </ul>	<p>9.6105</p>

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING INFILL COMPATIBILITY STANDARDS RELATED TO MULTI-FAMILY DEVELOPMENTS, MULTI-FAMILY ZONING, GARBAGE AND RECYCLING SCREENING, AND BICYCLE PARKING; AND AMENDING SECTIONS 9.0500, 9.2750, 9.2751, 9.3125, 9.3626, 9.5500, 9.6105, 9.6410, 9.6740, 9.6745, AND 9.8030 OF THE EUGENE CODE, 1971.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 9.0500 of the Eugene Code, 1971, is amended by adding the definition of “Balcony” to provide as follows:

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

***Balcony.*** *A platform that typically projects from the wall of a building with or without additional independent supports, surrounded by a railing, balustrade, or parapet for protection, and accessed only from an upper-floor window or door.*

**Section 2.** Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

**9.2750 Residential Zone Development Standards.** In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b> [(1)]	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b> [(1)]	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5)</b>					
Main Building. Includes Secondary Dwellings Within the Main Building.	30 feet	35 feet	35 feet	50 feet	120 feet

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Accessory Building. Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)	20 feet	20 feet	25 feet	30 feet	30 feet
<b>Minimum Building Setbacks (2),(4),(6),(8),(9),(10),(11)</b>					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports [(11)](12)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback ([excluding education, government and religious uses, and buildings located on Flag Lots in R-1 created after December 25, 2002]except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
<b>Area-specific Interior Yard Setback</b>	--	--	--	<b>See (8)</b>	<b>See (8)</b>
<b>Maximum Lot Coverage</b>					
All Lots, Excluding Rowhouse Lots	50% of Lot		50% of Lot		
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area [(12)](13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. Site	20% of dev. Site
<b>Fences [(13)](14)</b>					
(Maximum Height Within Interior Yard Setbacks)	6 feet	42 inches	6 feet	6 feet	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches	42 inches	42 inches	42 inches	42 inches
<b>Driveways and Parking Areas (15)</b>					
<b>General Standards</b>	--	--	--	<b>See (15)</b>	<b>See (15)</b>



**Section 3.** New subsections (8) and (15) are added to Section 9.2751 of the Eugene Code, 1971, to provide as follows; subsections (8) through (13) are renumbered to (9) through (14); and subsection (14) is amended as follows:

**9.2751 Special Development Standards for Table 9.2750.**

**(8) *For R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south and that are abutting or across an alley from R-1 zoned property:***

**(a) *The interior yard setback shall be a minimum of 10 feet from the property line abutting or across an alley from R-1 zoned property;***  
***and***

**(b) *At a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting or across an alley from R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b).***

***The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in (a) and (b) above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(8))***

**(134) Fences.**

**(a) Types.** The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.

**(b) Location and Heights.**

1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751[(13)](14)(b)1.)**
2. Fences up to 6 feet in height are permitted within the required interior yard setback.
3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.

**(15) Driveways and Parking Areas in R-3 and R-4. Except for development subject to the Multi-Family Development standards at EC 9.5500, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.**

**(a) *Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.***

- (b) *Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.*
  - (c) *Except for a driveway and associated parking area shared by two adjoining lots (“shared driveway”), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.*
  - (d) *Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.*
  - (e) *When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.*
  - (f) *Except for shared driveways and as provided in (h) below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.*
  - (g) *Except as provided in (h) below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.*
  - (h) *When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.*
  - (i) *All portions of required front yard setbacks not otherwise covered by a legal driveway shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the street to the entrance of a dwelling. The pedestrian path shall be separated from any vehicle use areas by a minimum of 3 feet. The area between the vehicle use area and the pedestrian path shall be landscaped and maintained with living plant material.*
  - (j) *No parking shall occur in the landscaped portion of the required front yard setback.*
- (See Figure 9.2751(15))*

**Section 4.** The following entries in Table 9.3125 of the Eugene Code, 1971, are amended to provide as follows:

**9.3125     S-CN Chase Node Special Area Zone Development Standards.**



Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)			
	C	HDR/MU	HDR
<b>Fences - Maximum Height</b>			
Front Yard	(See EC 9.2171(9))	42 inches (See EC 9.2751( <del>13</del> )( <b>14</b> ))	42 inches (See EC 9.2751( <del>13</del> )( <b>14</b> ))
Interior Yard	(See EC 9.2171(9))	6' (See EC 9.2751( <del>13</del> )( <b>14</b> ))	6' (See EC 9.2751( <del>13</del> )( <b>14</b> ))

**Section 5.** Subsections (7) and (8) of Section 9.3626 of the Eugene Code, 1971, are amended to provide as follows:

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

**(7) Common and Private Open Space. (See Figure 9.3626(7)).**

- (a) All developments of three or more dwellings (as calculated under EC 9.3626(1)) shall include common or private open space, or a combination thereof, that equals or exceeds the greater of the following two areas:
  1. 20% of the development site area.
  2. 25% of total living area.
- (b) Any common open space intended to meet the requirements of this subsection (7) may include only those the areas listed under EC 9.5500(9)(a)(~~1~~) and (~~2~~) **1.a. and b.** No indoor area may be counted as common open space.
  1. The minimum area for any common open space shall be 250 square feet.
  2. The boundaries of any area counted as common open space must be sufficient to encompass a square with 15 foot sides.
- (c) Any private open space intended to meet the requirements of this subsection (7) shall be consistent with EC 9.5500(9)(b).
- (d) An open space credit shall be allowed consistent with EC 9.5500(9)(~~e~~)**2.(a)2.e.** for qualifying setback areas **with minimum dimensions of 15 feet by 15 feet.** The EC 9.5500(9)(c)(~~4~~) credit for public parks is not allowed.

**(8) Fences.**

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
  1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence



cannot extend past a line created by an extension of the front wall of the dwelling. (See Figure 9.2751[(13)](14)(b)1.)

2. Fences up to 6 feet in height are permitted within the required interior yard setback.
3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.

**Section 6.** Subsection (9) of Section 9.5500 of the Eugene Code, 1971, is amended to

provide as follows:

**9.5500 Multiple-Family Standards.**

- (9) **Open Space.** Open space that complies with Table 9.5500(9) and the standards in this subsection (9) shall be provided unless exempt under other provisions of this land use code. **Required open space may be provided as common open space, or as a combination of common and private open spaces.**

Table 9.5500(9) Open Space Requirements									
Minimum Area Combined Common and Private Open Space The greater area determined by the following percentages for the zone must be provided on the development site. <del>[All development sites shall contain a minimum of 400 square feet of Common Open Space.]</del>									
Zone	R-1	R-2	R-3	R-4	C-1	C-2	C-3	GO	[Other Non-Residential] <b>All Other Zones</b>
Percent of the Development Site	20%	20%	20%	20%	20%	20%	[20%] <b>N/A</b>	20%	20%
Percent of Liv[e]able Floor Area	25%	25%	15%	15%	25%	15%	[15%] <b>N/A</b>	15%	15%
Minimum Density for Exemption from Open Space Requirements by Zone									
Zone	R-1	R-2	R-3	R-4	C-1	C-2	C-3	GO	[Other Non-Residential] <b>All Other Zones</b>
Dwelling Units Per Net Acre	[12] <b>N/A</b>	[23] <b>N/A</b>	[45] <b>N/A</b>	[90] <b>N/A</b>	23	45	[45] <b>N/A</b>	45	45

- (a) **Common Open Space.** *All development sites shall contain a minimum of 400 square feet of common open space. A minimum of 20-percent of the total provided common open space shall be living plant material.*

- [(a)] 1. Common open space may include any of the following:
- [4.] a. Outdoor areas incorporating:
    - a.(1) Lawn or hard surfaced areas **to be used for active or passive recreation** in which user amenities such as

trees, shrubs, **planters**, pathways, tables, benches or drinking fountains have been placed.

- ~~b.~~(2) Ornamental or food gardens.
- ~~c.~~(3) Developed and equipped adult recreation areas.
- ~~d.~~(4) Developed and equipped children's play areas.
- ~~e.~~(5) Sports courts (tennis, handball, volleyball, etc.).
- ~~f.~~(6) Swimming pools, spas and adjacent patios and decks.
- ~~g.~~(7) Roof terraces.
- ~~h.~~(8) Picnic areas.
- ~~i.~~(9) [~~Covered, but unenclosed, patios~~]**Patios.**
- (10) Porches with floors no more than 30 inches above grade.**
- ~~j.~~(11) Internal courtyards.

[2-] **b.** Common open space may also include up to 30% of the required area in natural resource areas, such as steep slopes greater than 25%, forested areas, conservation areas and delineated wetlands.

[3-] **c.** Up to 30% of common open space may be located in indoor recreation areas fitted with game equipment, work-out equipment, court sports facilities, swimming pools, plant greenhouse, wood shop, or other designated project or game equipment, if the facility conforms to the following standards:

- ~~a.~~(1) The minimum area of any single space shall be [250] **225** square feet, with no dimension being less than 15 feet.
- ~~b.~~(2) Interior common open space shall be at least 10 feet in floor to ceiling height; glazed window and/or skylight areas shall be provided in the proportion of 1 square foot for each 4 square feet of the floor area of the common space.
- ~~c.~~(3) The space shall be accessible from a common lobby, courtyard or exterior common open space.

**2. Outdoor common open space shall comply with all of the following:**

[4-] **a.** The minimum area for any **single outdoor** common open space shall be [250] **225** square feet.

**b. At least one area of outdoor common open space shall be a minimum of 15 feet by 15 feet.**

[5-] **c.** The minimum dimensions for any **portion of outdoor** common [~~outdoor~~] open space **in the front yard setback** shall be **at least 15 feet by 15 feet. The minimum dimensions for any other portion of outdoor common open space shall be at least 10 feet by 10 feet.**

**d. For development in the area identified in Map 9.5500(9)(a)2.d. University Area R-3 and R-4 Zoning, common outdoor open space must abut a front lot line for a minimum length of 20 percent of the total lot frontage. For lots with frontage on more than one street, this standard only applies along one street frontage.**

- e. **Required setback areas and areas required to comply with perimeter parking lot landscape standards may be applied toward the minimum open space requirements when the minimum dimensions of such space meets the standards above in (a)-(c).**
- f. **Outdoor common open spaces shall not be used as parking areas.**

(See Figure 9.5500(9)(a)2.)

- 3. **Outdoor common open spaces shall not be used as parking areas.**
- (b) Private Open Space. Private open space is outdoor space directly adjacent to a dwelling unit[s] providing an outdoor area for private use by the occupants **of the dwelling unit**. Private open space, where provided, shall meet the minimum standards in the following Table 9.5500(9)(b).

<b>Location</b>	<b>Minimum Area</b>	<b>Minimum Dimension</b>
Ground Level	100 square feet	10 feet
Balcony	<del>[none]</del> <b>20 square feet</b>	<del>[None]</del> <b>4 feet</b>
Roof Terrace	100 square feet	8 feet

- 1. **Balconies located within 20 feet of property zoned R-1 shall not be counted as private open space.**
- 2. **To be counted toward the minimum required, private open space may be covered, but cannot be enclosed. Private open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has more than three sides taller than 42 inches in height.**
- ~~[1-]~~3. ~~[Privacy Requirements.]~~**Ground level [P]private open space shall be screened or buffered from adjacent private open space and dwellings by landscape, fencing or partitions. Such screening or buffering shall be a minimum of 30 inches in height.**
- 4. Ground level [P]private open space shall be physically ~~[and visually]~~ separated from common **outdoor** open space by ~~[fence]~~ **fencing** or landscaping meeting the EC 9.6210(2) Low Screen Landscape Standard (L-2).
- (c) Open Space Credit.
  - ~~[4-]~~ An open space credit, not to exceed 25 percent of the total open space requirement, may be applied toward compliance with that requirement, for developments that are located within one-quarter mile of a public park as measured along the route of the shortest existing public way or private street.
  - ~~[2-]~~ ~~Required setback areas and areas required to comply with perimeter parking lot landscape standards may be applied toward the minimum open space requirements when the minimum dimension of such space is 15 feet or greater.]~~
- (d) Criteria for Adjustment. **Except for the amount of open space required per Table 9.5500(9), Open Space Requirements,** [A]adjustments to the standards in this subsection may be made[;].



**Adjustments shall be** based on the criteria of EC 9.8030(8)(c).

**Section 7.** Table 9.6105(4) is renumbered to Table 9.6105(5), with no other changes to the Table. The remainder of Section 9.6105 of the Eugene Code, 1971, is amended, to provide as follows:

**9.6105 Bicycle Parking Standards.**

- (1) **Exemptions from Bicycle Parking Standards.** The following are exempt from the bicycle parking standards of this section:
- (a) Site improvements that do not include bicycle parking improvements.
  - (b) Building alterations.
  - (c) Drive-through only establishments.
  - (d) Temporary activities as defined in EC 9.5800 Temporary Activity Special Development Standards.
  - (e) Bicycle parking at Autzen Stadium Complex (see EC 9.6105[(5)](6) Autzen Stadium Complex Bicycle Parking Standards).
- (2) **Bicycle Parking Space Standards.**
- (a) ***The minimum required number of bicycle parking spaces for each use category is listed in EC 9.6105(5) Minimum Required Bicycle Parking Spaces.*** A minimum of 4 bicycle parking spaces shall be provided at each development site, ***unless no spaces are required by Table 9.6105(5).***
  - (b) [A] [b] **Bicycle parking spaces** required by this land use code shall ***comply with the following:***
    - 1. ***Perpendicular or diagonal spaces shall*** be at least 6 feet long and 2 feet wide with an overhead clearance of at least 7 feet, and with a 5 foot access aisle. This minimum required width for a bicycle parking space may be reduced to 18" if designed using a hoop rack according to **Figure 9.6105(2) Bicycle Parking Standards.**
    - 2. Bicycles may be tipped vertically for storage, but not hung above the floor. [~~Bicycle parking shall be provided at ground level unless an elevator is easily accessible to an approved bicycle storage area.~~] ***Such vertical parking spaces shall be at least 2 feet wide, 4 feet deep, and no higher than 6 feet, and have a 5 foot access aisle.***
    - 3. ***Except pie-shaped lockers, bicycle lockers shall be at least 6 feet long, 2 feet wide and 4 feet high, and have a 5 foot access aisle.***
    - 4. ***Pie-shaped bicycle lockers shall be at least 6 feet long, 3 feet wide at the widest end, and 4 feet high, and have a 5 foot access aisle.***
  - [c] ~~All required long term bicycle parking spaces shall be sheltered from precipitation. Shelters for short term bicycle parking shall be provided in the amounts shown in Table 9.6105(2)(c) Required Sheltered Bicycle Parking Spaces.~~

**Table 9.6105(2)(c) Required Sheltered Bicycle Parking Spaces**

Short Term Bicycle Parking Requirement	Percentage of Sheltered Spaces
5 or fewer	No shelter required
6 to 10	100% of spaces sheltered
11 to 29	50% of spaces sheltered
30 or more	25% of spaces sheltered]

- (c) **With the exception of individual bicycle lockers, enclosures or rooms, long term and short term bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device.**
- (d) **Areas devoted to required bicycle parking spaces shall be hard surfaced with concrete, compacted asphaltic concrete mix, pavers or an equivalent. All racks and lockers shall be securely anchored to such surface.**
- (de) Direct access from the bicycle parking area to the public right-of-way shall be provided with access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance.
- (3) **Long Term Bicycle Parking Location and Security.**
- (a) Long term bicycle parking required in association with a commercial, industrial, or institutional use shall be provided in a well-lighted, secure location, **sheltered from precipitation and** within a convenient distance of a main entrance. A secure location is defined as one in which the bicycle parking is:
1. A bicycle locker,
  2. A lockable bicycle enclosure, **or**
  3. Provided within a lockable room **with racks complying with space standards at EC 9.6105(2).**~~], or~~
  4. ~~Clearly visible from, and within 30 feet of the employee's work station.]~~
- (b) ~~[Bicycle parking provided in outdoor locations shall not be farther than the closest automobile parking space (except disabled parking).] Long term bicycle parking required in association with a multiple-family residential use shall be provided in a well-lighted, secure [ground-level] location **sheltered from precipitation, and** within a convenient distance of an entrance to the residential unit. A secure location is defined as one in which the bicycle parking is provided outside the residential unit within:~~
1. ~~[a]A lockable garage[.];~~
  2. ~~[a]A lockable room **serving multiple dwelling units with racks complying with space standards at EC 9.6105(2)**[.];~~
  3. ~~**A lockable room serving only one dwelling unit;**~~
  4. ~~[a]A lockable bicycle enclosure[.]; or~~
  5. ~~[a]A bicycle locker.~~
- ~~[(b) Short term bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device. The required spaces for each use category are listed in EC 9.6105(4)]~~



~~Minimum Required Bicycle Parking Spaces.]~~

- (c) **Long term bicycle parking shall be provided at ground level unless a ramp no less than 2 feet in width or an elevator with a minimum depth or width of 6 feet is easily accessible to an approved bicycle parking area. If bicycle parking is provided on upper floors, the number of required spaces provided on each floor cannot exceed the number of spaces required for the use on that floor as per Table 9.6105(5).**
- (4) **Short Term Bicycle Parking Location and Security.**
  - (a) Short term bicycle parking shall be provided:
    1. **Outside a building;**
    2. **At the same grade as the sidewalk or at a location that can be reached by a bike-accessible route; and**
    3. ~~[w]~~Within a convenient distance of, and clearly visible from the main entrance to the building as determined by the city, but it shall not be farther than the closest automobile parking space (except disabled parking).
  - (b) **Short term bicycle parking may project into or be located within a public right-of-way, subject to the city's approval of a revocable permit under Chapter 7 of this code.**
  - (c) **Shelters for short term bicycle parking shall be provided in the amounts shown in Table 9.6105(4)(c) Required Sheltered Bicycle Parking Spaces.**

<b>Table 9.6105(4)(c) Required Sheltered Bicycle Parking Spaces</b>	
<b>Short Term Bicycle Parking Requirement</b>	<b>Percentage of Sheltered Spaces</b>
<b>5 or fewer</b>	<b>No shelter required</b>
<b>6 to 10</b>	<b>100% of spaces sheltered</b>
<b>11 to 29</b>	<b>50% of spaces sheltered</b>
<b>30 or more</b>	<b>25% of spaces sheltered</b>

- (45) **Minimum Required Bicycle Parking Spaces.** The minimum required number of bicycle parking spaces shall be calculated according to Table 9.6105[(4)](5) Minimum Required Bicycle Parking Spaces.
- (56) **Autzen Stadium Complex Bicycle Parking Standards.**
  - (a) So long as a city-approved intergovernmental agreement incorporating a transportation demand management plan for Autzen Stadium complex is in effect:
    1. A minimum of 150 permanent bicycle parking spaces are required to be provided to accommodate employees of the Autzen Stadium complex, athletes using the complex, and visitors to the complex. Twenty-five percent (25%) of those spaces shall be sheltered from precipitation. The permanent bicycle parking spaces shall be provided in a well-lighted, secure location within a convenient distance of a primary employee entrance to either Autzen Stadium, the Casanova Center, or the Moshofsky Center. A secure location is defined as one in which the bicycle parking is clearly visible from employee work areas, or in which the bicycle parking is provided within a lockable room, a lockable bicycle

enclosure, or a bicycle locker. Bicycle parking provided in outdoor locations shall not be farther than the closest employee auto parking space (except disabled parking).

2. Secured temporary bicycle parking that will accommodate a minimum of 550 temporary bicycle parking spaces is required for each major event occurring within Autzen Stadium to accommodate major stadium event patrons. Temporary bicycle parking shall be provided in temporary attended areas as described in the approved Autzen Stadium transportation demand management plan.
- (b) If the above referenced intergovernmental agreement is not in effect, the Autzen Stadium Complex shall be required to provide 1 bicycle space per each 16 seats, with 20% of the spaces provided being long term parking spaces and 80% being short term parking spaces.

**Section 8.** Subsection (1)(b) of Section 9.6410 of the Eugene Code, 1971, is amended to provide as follows:

**9.6410 Motor Vehicle Parking Standards.**

- (1) **Location of Required Off-Street Parking Spaces.** Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.
- (b) ***Except as provided in EC 9.2751(15)(c) Driveways and Parking Areas in R-3 and R-4, [P]parking areas may be located in required setbacks only as permitted in EC 9.6745 Setbacks - Intrusions Permitted.***

**Section 9.** Section 9.6740 of the Eugene Code, 1971, is amended to provide as follows:

- 9.6740 Recycling and Garbage Screening.** Except for one- and two-family dwellings, outdoor storage areas and refuse collection areas within or adjacent to vehicular use areas shall be screened on all sides so that materials stored within these areas [~~shall not be visible~~] **are obscured** from streets, accessways, or adjacent properties. [~~Such uses shall not be permitted within required landscaping areas. Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).~~]
- (1) ***Outdoor storage areas and refuse collection areas are prohibited within required minimum or maximum front yard setbacks or required landscaping areas.***
  - (2) ***Required screening shall include the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet.***
  - (3) ***Fences may be made of wood, metal, masonry, or other permanent materials, and shall be 100 percent site-obscuring except as provided in (4) and (5) below.***
  - (4) ***On the pedestrian entrance, the fence shall be at least 50 percent site-obscuring, such as cyclone fencing with slats.***
  - (5) ***On all sides of the screening structure, up to 12 inches measured from grade may be visually unobscured provided that the unobscured area is***



**covered with a material that contains the debris within the structure, such as cyclone fencing.**

**Section 10.** Subsections (3), (6), (7), and (8) of Section 9.6745 of the Eugene Code, 1971, are amended to provide as follows:

**9.6745     Setbacks-Intrusions Permitted.**

**(3)     Projecting Building Features.**

- (a)     One Story Structures. **Except as provided in subsection (c) of this section,** ~~[F]~~the following building features may project into the required front yard setback no more than 5 feet and into the required interior yard setback no more than 2 feet; provided, that such projections are at least 8 feet from any building on an adjacent lot:
1.     Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
  2.     Chimneys, fireplaces, **bays**, and bay windows, provided they do not exceed 8 feet in width. **The maximum frequency of bays or bay windows is one per 15 feet of building façade.**
  3.     Porches, platforms or landings with roofs which do not extend above the level of the first floor of the building.
- (b)     Multiple Story Structures (2 or more floors). **Except as provided in subsection (c) of this section,** ~~[F]~~for multiple-story buildings, portions of buildings that may project into required front yard setbacks no more than 5 feet and into the required interior yard setback no more than 2 feet, provided such projections are at least 8 feet from any building on an adjacent lot, include:
1.     Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
  2.     Chimneys and fireplaces, provided they do not exceed 8 feet in width.
  3.     ~~[Open p]~~Porches no ~~[deeper]~~ **greater** than 10 feet **deep** and no higher than 15 feet **measured from grade** may project into required ~~[yards that abut streets]~~**front yard setbacks.**
  4.     Bays **and bay windows** no greater than 3 feet deep and 10 feet ~~[long]~~ **in width** and no higher than 25 feet **measured from the exterior base of the bay or bay window to the peak of the bay or bay window** may project into required ~~[yards that abut streets]~~**front yard setbacks.** The maximum frequency of such bays **or bay windows** is one ~~[bay]~~ per 15 feet of **street facing** building ~~[street frontage]~~**façade.**
  5.     **Bays and bay windows no greater than 8 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required interior yard setbacks along a public alley. The maximum frequency of such bays or bay windows is one per 15 feet of alley facing building façade.**
  6.     ~~[5-]~~Balconies ~~[with a maximum depth of]~~ **no greater than** 10 feet **deep** are permitted to project into required **front yard**~~[s that abut streets]~~**setbacks.**



~~[6. Bay windows cantilevered from the first floor, provided they do not exceed 8 feet in width.]~~

(c) **For all multi-family developments and for all residential developments in R-3 and R-4 zones, portions of buildings that may project into required front yard setbacks no more than 5 feet and into the required interior yard setback no more than 2 feet, provided such projections are at least 8 feet from any building on an adjacent lot, include:**

1. **Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.**
2. **Chimneys and fireplaces, provided they do not exceed 8 feet in width.**
3. **Porches no less than 7 feet deep, as measured from the leading edge of the structure, and no higher than 15 feet measured from grade may project into required front yard setbacks.**
4. **Bays and bay windows no greater than 3 feet deep and 10 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required front yard setbacks. The maximum frequency of such bays or bay windows is one per 15 feet of street facing building facade. Bays shall not include doors.**
5. **Bays and bay windows no greater than 8 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required interior yard setbacks along a public alley. The maximum frequency of such bays or bay windows is one per 15 feet of alley facing building façade. Bays shall not include doors.**
6. **Balconies no greater than 10 feet deep are permitted to project into required front yard setbacks.**
7. **The maximum length of all porches, bays, bay windows, and balconies intruding in the required front yard front setback is limited to no more than 50 percent of the length of the street facing building façade on each floor.**

(ed) Signs conforming to all other applicable provisions of this code. Freestanding signs 5 feet high or less are allowed in the front yard setback when located at least 5 feet from the front property line.

(6) **Driveways. Except as provided in EC 9.2751(15)(c) Driveways and Parking Areas in R-3 and R-4, [H]in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.**

(7) **Parking Spaces in Required Setbacks.**

(a) **Except as provided in EC 9.2751(15) Driveways and Parking Areas in R-3 and R-4, [H]in areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:**

1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
  2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
  3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
  4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
- (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.
- (8) Utilities.** Structures necessary for the operation and maintenance of public and private utilities may be located in required front setbacks and interior setbacks, provided these structures are screened as [~~required by EC 9.6740 Recycling and Garbage Screening,~~] **per EC 9.6210(6) Full Screen Fence Landscape Standard (L-6)** and provided vision clearance is maintained in accordance with the requirements of EC 9.6780 Vision Clearance Area. Exceptions shall be made for such features as transformers, back flow prevention devices and closures, which already have a low visual impact.

**Section 11.** Subsection (8) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

**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.

- (8) Multiple-Family Standards Adjustment.** Where this land use code provides that the multiple-family standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:
- (a) Maximum Building Dimension. The requirements set forth in EC 9.5500(6)(a) may be adjusted if the proposal creates building massing and/or facades that:
    1. Create a vibrant street facade with visual detail.
    2. Provide multiple entrances to building or yards.
  - (b) Building Articulation. The requirements set forth in EC 9.5500(7) may be adjusted if the proposed building design:
    1. Utilizes architectural masses, features or details to distinguish



- elements of the building.
2. Defines entryways in appropriate scales.
- (c) Open Space. The requirements set forth in EC 9.5500(9), ***except for the amount of open space required per Table 9.5500(9) Open Space Requirements***, may be adjusted if the ~~[proposal will achieve better overall compliance with the purpose of the open space standards than what would result from strict adherence to the standards.]~~***applicant demonstrates consistency with all of the following:***
1. ***The requested adjustment will allow the project to achieve an equivalent or higher quality design of open space than would result from strict adherence to the standards through:***
    - a. ***Enhanced public and private spaces that contribute positively to the site, streetscape, and adjoining properties. Design elements for this purpose may include high quality materials, outdoor seating, enhanced pedestrian space, pedestrian-scaled lighting, canopy trees and other landscape materials and other user amenities; and***
    - b. ***An overall site design that promotes safety, security and privacy, and reduces visual, noise, and lighting impacts of development on adjacent properties.***
  2. ***When abutting property is zoned R-1 Low-Density Residential, the design provides an appropriate combination of setbacks, landscaping and screening to buffer between the multiple family development and the adjacent Low-Density Residential zone.***
- (d) Block Requirement. The requirements set forth in EC 9.5500(10) may be adjusted if the proposal achieves at least one of the following:
1. Provides an equivalent or greater degree of vehicular and pedestrian circulation.
  2. Traditional block patterns that reduce the apparent scale of large developments by breaking the site up into smaller land units.  
(See also EC 9.6810 Block Length.)
- (e) Site Access and Internal Circulation. The requirements set forth in EC 9.5500(11) may be adjusted in accordance with the criteria in this subsection. In the case of an adjustment, all of the following standards apply:
1. Sidewalks may be designed as curbside walks only along those portions of the private streets providing parallel on-street parking.
  2. Street trees may be placed in tree wells or adjacent to the sidewalk.
- (f) Vehicle Parking. The requirements set forth in EC 9.5500(12) may be adjusted if the proposal achieves to the same degree as would strict compliance with the standards all of the following:
1. Limitations on the use of continuous parking drives in large-scale multiple-family developments.
  2. Limitations on the size of individual parking lots in multiple-family development.
  3. Minimal negative aspects of parking uses in multiple-family developments.
- Where cost considerations preclude parking beneath or within

residential buildings, combinations of partial and interrupted parking drives; on-street parking; and small, dispersed parking courts are an acceptable alternative.

**Section 12.** Figure 9.2751(8) is adopted as reflected on Exhibit A attached to this Ordinance.

**Section 13.** Figure 9.2751(13)(b)1. is relabeled as Figure 9.2751(14)(b)1. as reflected on Exhibit B attached to this Ordinance.

**Section 14.** Figure 9.2751(15) is adopted as reflected on Exhibit C attached to this Ordinance.

**Section 15.** Map 9.5500(9)(a)2.d. is adopted as reflected on Exhibit D attached to this Ordinance.

**Section 16.** Figure 9.5500(9)(a)2. is adopted as reflected on Exhibit E attached to this Ordinance.

**Section 17.** The findings set forth in Exhibit F attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 18.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 19.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Passed by the City Council this**  
\_\_\_ day of \_\_\_\_\_, 2012

**Approved by the Mayor this**  
\_\_\_ day of \_\_\_\_\_, 2012

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**City Recorder**

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**Mayor**

Figure  
9.2751 (8)

# Interior Yard Setbacks in R-3 and R-4 in South University

\* Remainder of site is subject to building height at EC 9.2751 (3) and setbacks at Table 9.2750

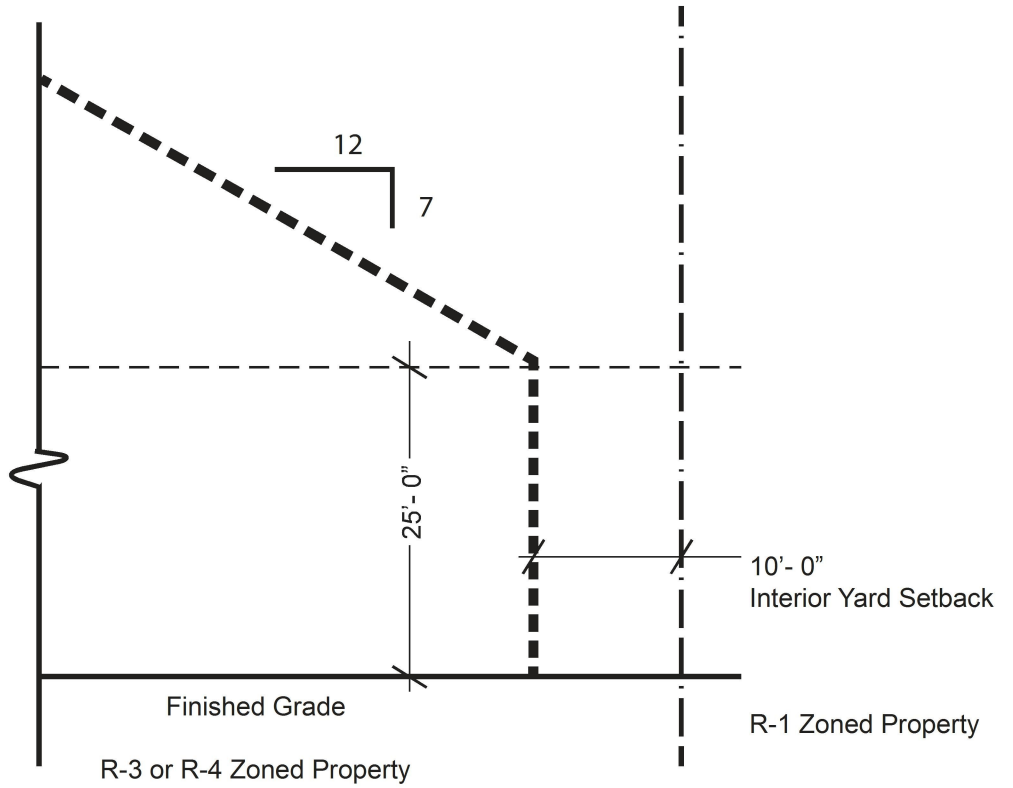


Figure 9.2751(14)(b)1.

# Fences

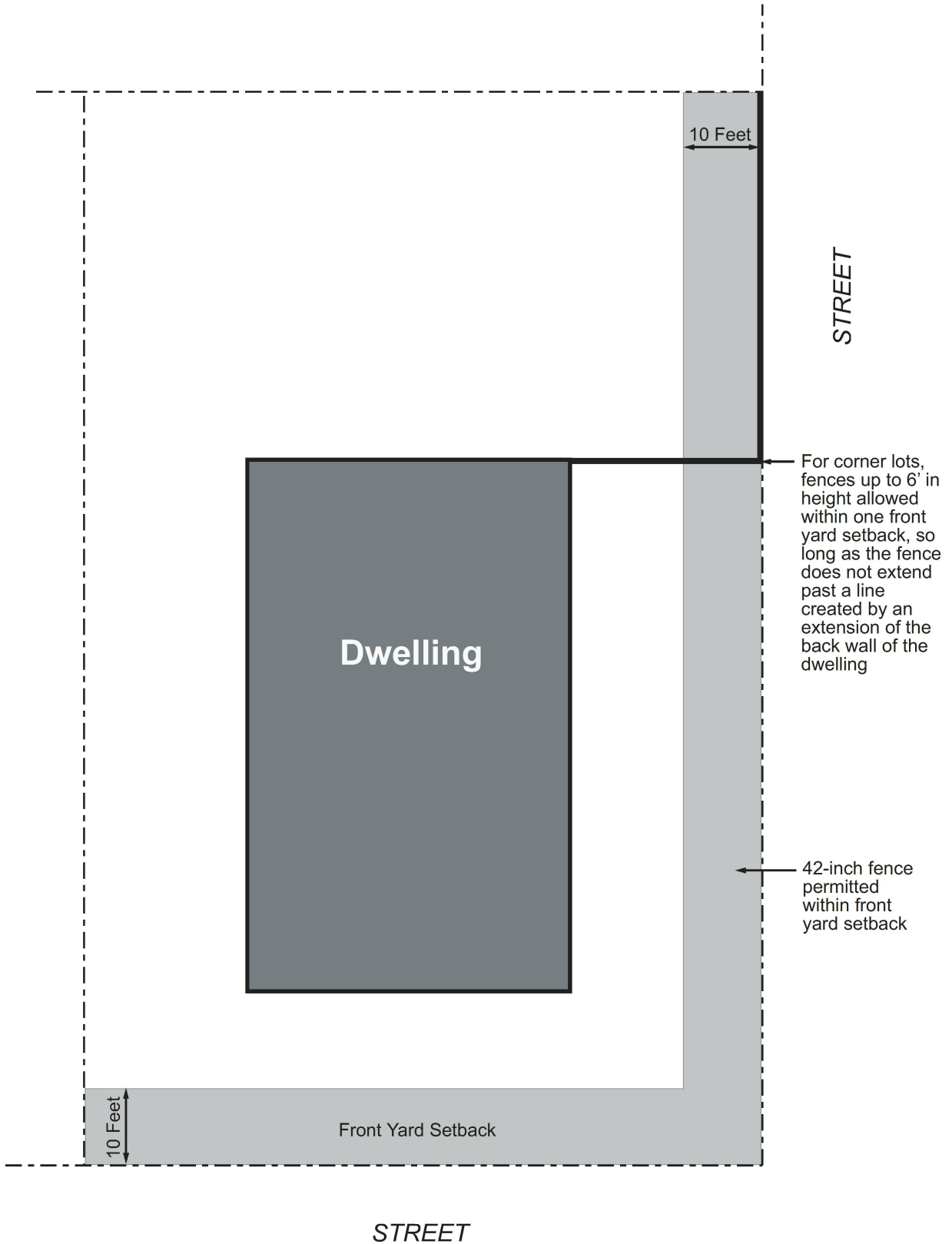
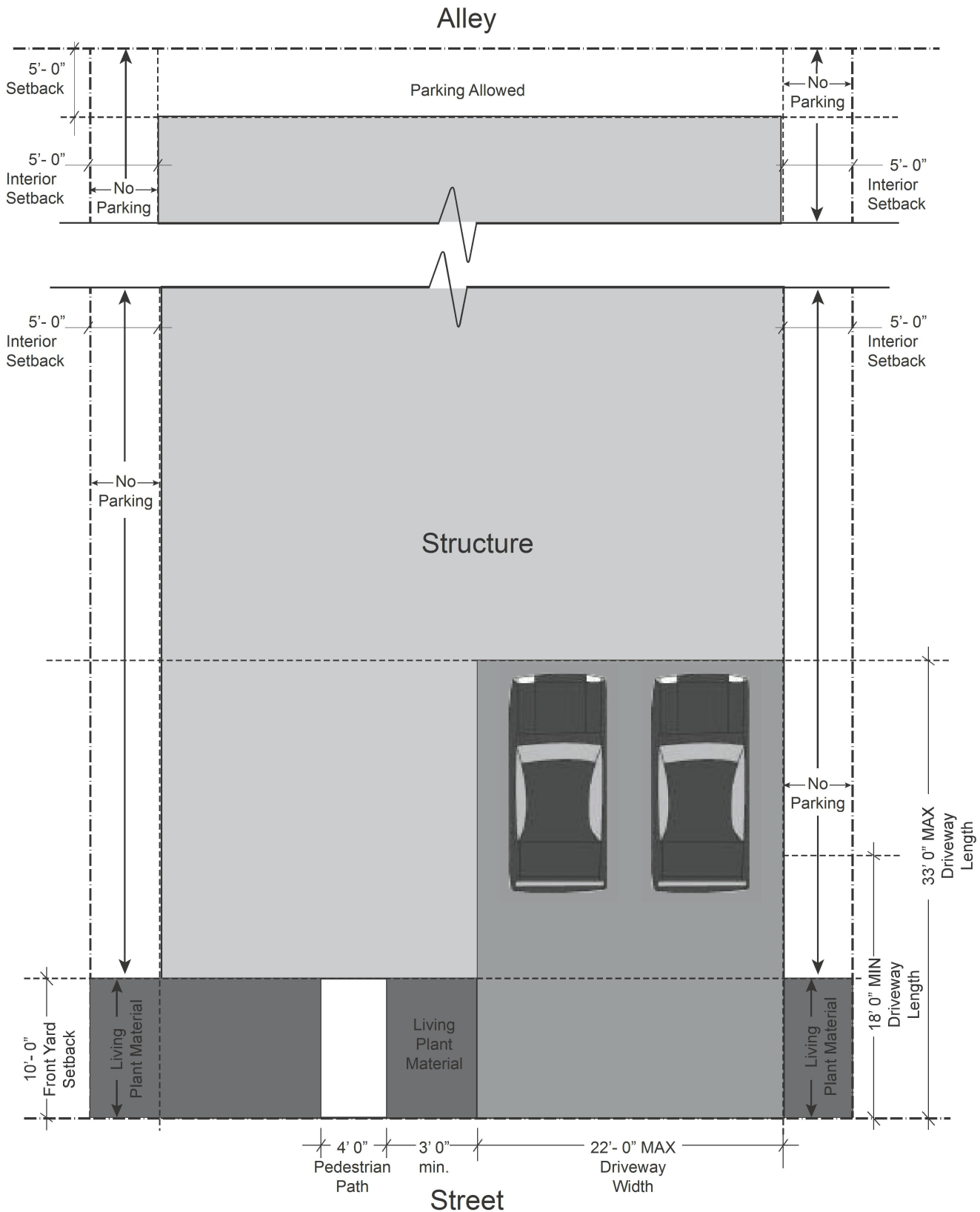


Figure 9.2751 (15)

# Driveways and Parking Areas in R-3 and R-4





# Map 9.5500(9)(a)2.d. University Area R-3 and R-4 Zoning

EXHIBIT D



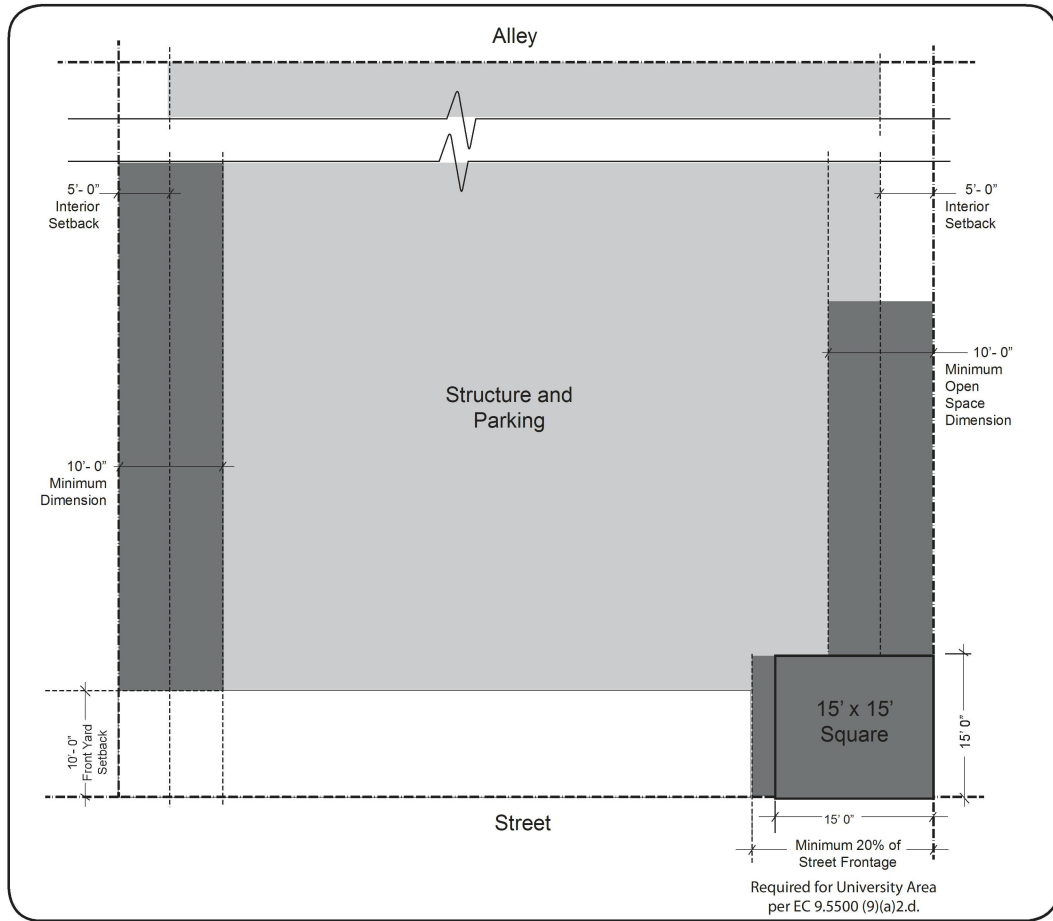
■ Area subject to EC 9.5500(9)(a)2.d.

Figure 9.5500 (9)(a)2.

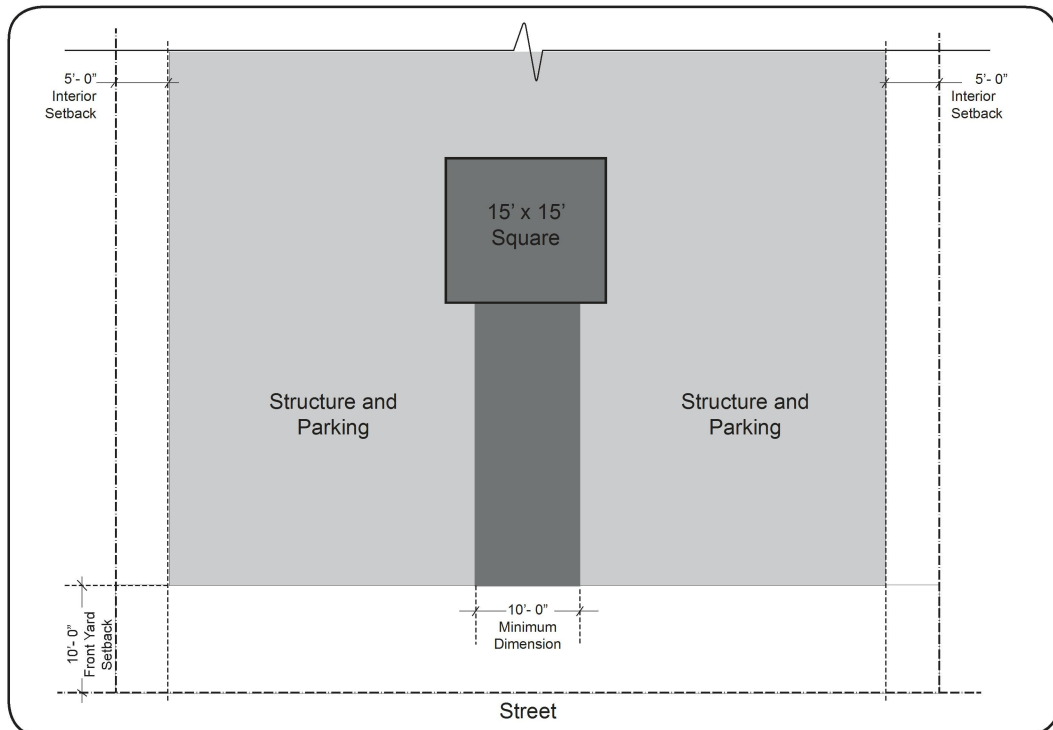
# Multi-Family Common Open Space

Example A

 Open Space



Example B



**Findings of Consistency**  
**Infill Compatibility Standards for Multi-Family Developments**  
**(City File CA 11-2)**

**Summary**

The findings below address the required approval criteria from the Eugene Code for land use code amendments and cover the following topics:

- Multi-Family Open Space Standards
- Allowed Intrusions in Required Setbacks
- Driveways and Parking Areas in the R-3 and R-4 Zones
- Garbage and Recycling Screening
- Compatible Transition between R-1 and R-3/R-4 zone boundaries in the South University Area
- Bicycle Parking Standards

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

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

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

The City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The process for adopting these amendments was consistent with the City's requirements and provided numerous additional opportunities for interested parties to participate in development of the amendments. The majority of these topics came directly from recommendations of the Infill Compatibility Standards Project, which represented a diverse range of interests, including neighborhood associations, the development community, and affordable housing advocates. A subcommittee devoted to multi-family development completed substantial work developing proposals and recommending draft code that largely informed these amendments.

Prior to the start of the formal adoption process, the proposals were sent out for broad public feedback to over 175 individuals that are involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders, architects, designers and developers of multi-family developments, Infill Compatibility Standards Task Team, Home Builder's Association, Envision Eugene Community Resource Group, Opportunity Siting Task Team, and bicycle advocates. The proposals were also available via the Planning Division's website. Additionally, public comment was received at the Planning Commission work sessions prior to the hearing.

The Planning Commission public hearing on the proposal was duly noticed all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council held a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

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

The Eugene Land Use Code specifies the procedure and criteria that are to be used in considering these amendments to the code. The record for these amendments includes substantial factual information supporting the proposed ordinance. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no Goal 2 Exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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

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

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

These amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

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

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



*that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

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

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. These amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. Goal 7 prohibits a development in natural hazard areas without appropriate safeguards. These amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, the amendments are consistent with Statewide Planning Goal 7.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The code amendments do not affect the city's provisions for recreation areas, facilities or recreational opportunities. The proposal to remove the open space exemption for multi-family developments exceeding a certain density in the medium to high density residential zones and allow for more flexibility in how and where open space can be provided helps to satisfy the private recreational needs of residents of these denser developments. To the extent Goal 8 applies, the amendments are consistent with Statewide Planning Goal 8.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the

Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Although the amendments address residential development standards, they do not impact the supply or availability of residential lands included in the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. The amendments pertaining to allowed intrusions, driveways and parking areas, garbage and recycling, and bicycling parking do not have an impact on the level of development or densities currently permitted through existing code and zoning regulations. The amendment pertaining to building height in the south university areas only apply to a limited number of properties, and there is no evidence that such revisions will have any measurable impact on assumed densities for the area in question. While the amendment pertaining to the multi-family development open space standards removes an exemption to open space for higher density projects, this amendment also provides more design flexibility and clarity about where and how open space can be provided. For example, the new required setback can be used to accommodate required open space, whereas previously that was not possible. As a result, the assumed densities for the area in question are not anticipated to be affected. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

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

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

Statewide Planning Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level.

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

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility...*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*



- (a) *Changes the functional classification of an existing or planned transportation facility;*
- (b) *Changes standards implementing a functional classification system;*
- (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP*

The proposed amendments do not change the functional classification of an existing or planned transportation facility, do not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access with are inconsistent with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 12.

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

Statewide Planning Goal 13 calls for land uses to be managed and controlled “so as to maximize the conservation of all forms of energy, based upon sound economic principles.” Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. The amendment does not affect any of the City’s energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

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

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

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

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

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

There are no coastal, ocean, estuarine, or beach and dune resources related to the properties affected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

**(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable***

***adopted refinement plans.***

**Applicable Metro Plan Policies**

As noted in the *Metro Plan* (page I-5), use of the *Metro Plan* requires a balancing of its various components on a case-by-case basis, as well as a selection of those goals, objectives and policies most pertinent to the issues at hand. The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these code amendments. Based on the findings provided below, the proposal is consistent with and supported by the applicable provisions of the *Metro Plan*.

**A. Residential Land Use and Housing Element**

*Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.*

*Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)*

*Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes.)*

*High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes) (Policy A.9)*

The amendments are consistent with Metro Plan density policies. The city's zoning provisions in the Eugene Code allow significantly higher densities in the R-3 and R-4 zones than are required by Metro Plan Policy A.9 and the proposed amendments do not change the zoning of any property. There is no evidence to demonstrate that, in passing the proposed amendments, the city will be unable to comply with the 28.56 dwelling units per net acre that is set by Metro Plan Policy A.9.

*Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods. (Policy A.13)*

The amendments will continue to provide opportunities for additional high-density development but will better ensure that site design will preserve the character of the existing neighborhoods, directly implementing this policy.

*Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options. (Policy A.14)*

This policy recognizes that the city's ability to predict the ultimate impact of land use regulations on



housing density and options at the time of land use regulations are adopted or amended is imperfect. It simply requires that the city assess and correct, on a periodic basis, any land use regulations that prove to be a barrier to housing density or providing a full range of housing options. While this policy discourages adoption of a land use regulation that on its face would be a barrier to achieving desired housing density or housing options, the evidence in the record does not support such a conclusion about these amendments. Furthermore, the amendments specifically include the provision of more flexibility in how open space and bicycle parking are provided in multi-family developments, thus removing potential barriers to higher density housing.

*Reduce impacts of higher-density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations. (Policy A.23)*

The amendments support this policy by establishing development standards that reduce the impacts of higher-density residential on surrounding uses by addressing building mass and scale, landscaping and paving. These standards will lessen the impacts of high density infill on surrounding uses, as compared to development currently allowed.

#### E. Environmental Design Element

*Local jurisdictions shall carefully evaluate their development regulations to ensure that they address environmental design considerations, such as, but not limited to, safety, crime prevention, aesthetics, and compatibility with existing and anticipated adjacent uses (particularly considering high and medium density development locating adjacent to low density residential). (Policy E.6)*

The amendments strongly support this policy by addressing safety considerations, crime prevention, aesthetics and compatibility with adjacent uses. The amendments related to open space, allowed intrusions, driveways and parking areas, and compatible transitions all address aesthetics and compatibility, by ensuring adequate open space and setbacks. The amendment related to garbage and recycling screening directly addresses safety and crime prevention by allowing the enclosures to be less screened to increase visibility for residents accessing the enclosures.

#### F. Transportation Element

*Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development. (Policy F.4)*

By providing more flexibility and clarity about how and where required bicycle parking can be located (such as in the right-of-way), these amendments support this policy.

*Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion. (Policy F.22)*

To the extent that this policy applies, the bicycle parking amendments are consistent with this policy as

they enhance bicycle system support facilities. These amendments provide more flexibility and clarity about how and where bicycle parking can be provided for new developments and redevelopments.

#### G. Public Facilities and Services Element

*Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative effects from increases in runoff, and is compatible with Metro Plan policies. (Policy G.18)*

Consistent with this policy, the code amendment related to driveways and parking areas in multi-family zones will minimize the amount of imperious surface for new duplexes and single-family dwellings.

#### H. Parks and Recreation Facilities Element

*Encourage the development of private recreational facilities. (Policy H.4)*

Consistent with this policy, the amendment related to open space in multi-family developments will increase the amount of open space that is available around high density housing by eliminating the exemption for denser developments and providing more flexibility on where and how open space can be located.

#### **Applicable Adopted Refinement Plans**

The following applicable adopted refinement plans contain policies that are applicable to these code amendments:

- *Fairmount/UO Special Area Study*
- *19<sup>th</sup> and Agate Special Area Study*
- *West University Neighborhood*
- *Whiteaker Plan*
- *Willakenzie Area Plan*

The applicable policies from these refinement plans (in *italics*) are addressed below. Based on the findings, the proposal is consistent with and supported by the applicable provisions of these adopted refinement plans.

A review of the following plans found no policies that apply to the amendments:

- *Bethel-Danebo Refinement Plan*
- *Bethel Danebo Neighborhood Refinement Plan Phase 2*
- *Eugene Downtown Plan*
- *Jefferson/Far West Refinement Plan*
- *Laurel Hill Plan*
- *River Road / Santa Clara Urban Facilities Plan*
- *South Hills Study*
- *South Willamette Subarea Study*

- *Walnut Station*
- *Westside Neighborhood Plan*
- *Willow Creek Special Area Study*

*Fairmount/UO Special Area Study*

*Existing and future businesses shall be encouraged to provide safe and covered bicycle parking for employees and patrons. (Bicycle and Pedestrian Policy 3)*

Consistent with this policy, the amendments provide more flexibility and clarity about how and where bicycle parking can be located citywide, thereby encouraging the provision of safe and covered bicycle parking.

*19th and Agate Special Area Study*

*Consider amendments to the city code that increase provision of bicycle parking throughout the city. (Policy 4)*

As described in this plan, at the time of plan adoption (1988) required bicycle parking was based on the amount of automobile parking for the proposed use, and the number of spaces were required to be equal to 10-percent of the required automobile parking spaces. Consistent with this policy, the code was previously revised to make the amount of required bicycle parking based on expected demand rather than automobile parking. The current proposal is also consistent with this policy in that the amendments and provide more flexibility and clarity about how and where bicycle parking can be located citywide.

*West University Refinement Plan*

*The use of bicycles, mass transit, walking, carpooling, and other appropriate alternative modes of transportation, especially by employees in the plan area, shall be actively encouraged and provided for in order to reduce automobile dependence and alleviate traffic and parking problems. (Transportation and Parking Policy 1)*

Consistent with this policy, the amendments provide more flexibility and clarity about how and where bicycle parking can be located citywide, thereby encouraging and providing for the use of bicycles.

*The City of Eugene will update its Land Use Code and that effort shall particularly take into account the need to:*

- reduce non-residential uses permitted in the R-3 and R-4 zones.*
- redefine usable open space.*
- enable infilling on newly created small lots.*
- enable alley access as the primary access to newly created lots.*
- reduce the minimum lot size.*
- increase the flexibility of development standards (for example to enable more efficient use of open space, shared open space, shared parking, and more extensive use of public*



*rights-of-way).*

- review parking requirements for residential development in the plan area to respond to changing circumstances, such as development trends, parking and transportation supply and demand trends.*
- amend the commercial zoning in the City Code to provide a greater range of commercial zones. (Land Use Policy 3)*

Consistent with this policy, the amendments address redefining useable open space, increasing flexibility and reviewing parking requirements. The proposal regarding open space in multi-family developments provides more clarity and flexibility about how and where open space can be provided and also eliminates the exemption from open space for denser projects, thereby creating more useable open space and providing flexibility. The proposal to provide limitations on driveways and parking areas in the university area is in direct response to current development trends to maximize the use of the front yard for parking areas. The proposals related to garbage and recycling screening and bicycle parking also both provide more flexibility. The former allows one side of the enclosure to be partially screened to increase visibility, and the latter includes more flexibility about how and where required bicycle parking can be provided.

#### Whiteaker Plan

*Review existing City Code regulations on height, setback, area, and lot coverage to strengthen compatibility between existing residential development and new commercial, industrial, medium and high-density residential developments, and the positive impact of new development on the public streetscape. (Neighborhood History and Character Element Policy 7)*

Consistent with this policy, the amendments related to multi-family open space help to strengthen compatibility between existing residential development and medium and high-density residential developments by increasing the amount of open space that is available around multi-family developments while providing more flexibility on where it can be located.

#### Willakenzie Area Plan

*Promote compatibility between low-density residential uses and medium to high-density residential land uses. (Residential Policy 8)*

Consistent with this policy, the amendment regarding open space for multi-family developments promotes compatibility by increasing the amount of open space that is available around multi-family developments by removing the exemption for denser project while providing more flexibility on where it can be located.

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

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