



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

October 30, 2013

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

Meeting of October 30, 2013;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President	Pat Farr, Vice President
Mike Clark	George Poling
Chris Pryor	Claire Syrett
Betty Taylor	Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

12:00 p.m. A. **WORK SESSION:
Envision Eugene Implementation: Single-Family Code Amendments
(City File CA 13-3)**

12:45 pm B. **WORK SESSION:
An Ordinance Amending the Eugene-Springfield Metropolitan Area
General Plan Text, Chapter IV; Adopting a Severability Clause; and
Providing an Effective Date (City of Eugene File MA 13-3)**

**time approximate*

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EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Envision Eugene Implementation: Single-Family Code Amendments (City File CA 13-3)

Meeting Date: October 30, 2013
 Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

This work session provides the City Council an opportunity to become familiar with a package of land use code amendments related to single-family housing in the R-1 Low Density Residential Zone, in advance of the upcoming public hearing. The proposed amendments would:

1. Add compatibility standards for secondary dwellings, existing alley access lots and accessory buildings citywide;
2. Allow for new alley access lots in certain areas, including compatibility standards; and
3. Provide interim protection measures in the Amazon, Fairmount and South University neighborhoods to prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed.

BACKGROUND

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary dwelling units and allow for alley access lots. These amendments directly implement several Envision Eugene strategies under the housing affordability and neighborhood livability pillars. Specifically, these amendments achieve the following Envision Eugene strategies:

- Implement the goals of the Infill Compatibility Standards (ICS) project to prevent negative impacts and promote positive impacts of residential infill by integrating compatibility and design standards. These code amendments also directly support the recommendations developed by the Single-Family Dwelling Infill Committee of ICS pertaining to secondary dwelling units and alley access lots.
- Address housing affordability by expanding housing choice and variety by facilitating smaller housing types.
- Serve as land use efficiency strategies to help accommodate a portion of the city's 20-year need for single-family housing inside the current urban growth boundary (UGB). It is estimated that approximately 125 additional single-family homes (approximately 40 alley access lots and 85 additional secondary dwellings) over 20 years could be accommodated within the current UGB through these strategies.

This code amendment package also includes interim protection measures for existing single-family neighborhoods surrounding the University of Oregon. As part of Envision Eugene, the City is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to address impacts from being proximate to the University of Oregon. However, this work is not slated to begin until after the local adoption of Envision Eugene, meaning that an adopted University Area Plan is likely two to three years off. Interim protection measures in the form of code amendments are intended to limit further negative impacts until the area planning process is completed. The interim measures would focus on the R-1 zoned areas in the South University, Fairmount and Amazon neighborhoods, which have experienced a substantial increase in unintended housing associated with the demand for student housing close to campus. These measures would remain in place until the area planning process is complete. It is expected that these interim measures would be replaced by a more comprehensive set of development and design standards established as part of the area planning effort.

A summary of the proposed land use amendments is provided as Attachment A. Draft code language is provided as Attachment B.

Code Concept Development

The early concepts for the amendments related to secondary dwellings, accessory buildings and alley access lots emerged out of the City's Infill Compatibility Standards (ICS) project (beginning in 2007), which was led by a task team that included 14 neighborhood association representatives, a Housing Policy Board representative, and five additional members with the perspectives of builders, developers, and designers of market-rate and affordable infill housing.

The initial code concepts were largely influenced by the previous work of the ICS project, specifically the Single-Family Dwelling Subcommittee and R-1 Infill/Flag Lot Implementation Team (RIFLIT), as well as the Neighborhood Livability Working Group, best practices from other cities, and a review of Eugene land use code. Once drafted, the code concepts were reviewed and vetted by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single-family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLIT team.

Prior to the start of the formal adoption process, the concepts were sent out for broad public feedback to over 120 individuals that are interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association. Other engagement and information opportunities included an open house in June 2013, highlighting the project in the Envision Eugene e-newsletter, an open invitation to neighborhood leaders and other interested parties to meet about the amendments, and the establishment of a project web page.

The concepts for the interim protection measures are a result of numerous conversations and processes held over the past several years, including Envision Eugene, the Neighborhood Livability Working Group, ICS and the multi-family code amendments, relating to the intense

development pressures currently experienced in the single-family neighborhoods surrounding the university.

Planning Commission Process/Recommendation

The Planning Commission held a public hearing on September 10, 2013, to consider the proposed amendments. Twenty-five people testified at the public hearing and a total of 123 pieces of written testimony were received. The vast majority of that testimony was focused on the interim protection measures for the University neighborhoods.

Following the public hearing, the Planning Commission met over the course of several meetings to deliberate and provide a recommendation to the City Council. The Planning Commission voted unanimously (7 to 0) to recommend approval of the code amendment package, as modified through their deliberations. A summary of the Planning Commission's recommendation is provided as Attachment C. The Planning Commission recommendation includes a number of refinements to the proposed code that will be incorporated into the draft ordinances for the council's consideration.

Next Steps

- A public hearing before the City Council is scheduled for November 18, 2013.
- A follow-up work session is scheduled for November 27, 2013, to answer remaining questions and begin deliberations.
- Additional deliberations and action is scheduled for December 9, 2013.

RELATED CITY POLICIES

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, will be included as an exhibit to the proposed ordinances, and will be provided as part of the public hearing materials.

COUNCIL OPTIONS

This is an informational work session. No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled following the November 18, 2013, public hearing.

CITY MANAGER'S RECOMMENDATION

No recommendation at this time. This item is scheduled for a November 18, 2013, public hearing. Following the City's receipt of all testimony, the City Manager will make a recommendation to be included in the council packet for action, scheduled for December 9, 2013.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Summary of Single-Family Code Amendments (Does not include Planning Commission recommendations.)
- B. Draft Code Language (Does not include Planning Commission recommendations.)
- C. Summary of Planning Commission recommendations

FOR MORE INFORMATION

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Summary of Proposed Single Family Code Amendments

Secondary Dwelling Units

The goal is to promote legal and compatible secondary dwelling units by clarifying ownership and occupancy requirements and improving design and compatibility by addressing looming walls, privacy, and building heights. The land use code currently allows secondary dwelling units (SDUs) in the R-1 Low Density Residential zone and includes limited development standards. The amendments would establish design standards such as sloped building setbacks. Note: A related concurrent Envision Eugene implementation project is studying the possibility of restructuring system development charges (SDCs) to incentivize secondary dwelling units. Proposed code amendments include:

- Clarifying that the property owner must be the majority owner of the property, that the primary dwelling or secondary dwelling must be the primary residence of the property owner, and that the property owner must occupy the primary dwelling or secondary dwelling for at least 6 months of each calendar year. Providing allowance for temporary leave of absence.
- Requiring property owner to provide documentation verifying ownership and occupancy and to sign deed restriction
- Limiting building height to 15 feet for secondary dwelling with roof pitch less than 5:12 and 18 feet for roof pitch 5:12 or greater
- Limiting number of bedrooms to 2
- Allowing for overhead utility lines (instead of undergrounding) in certain cases
- Clarifying for attached structures, that the primary dwelling and secondary dwelling must share common wall for a minimum of 8 feet
- Providing for adjustment to allow a secondary dwelling over a garage subject to relevant criteria
- Providing for adjustment to allow for existing legal accessory building to be converted to secondary dwelling

Accessory Buildings

The goal is to promote compatibility, and to clarify distinction between accessory buildings and dwellings. The land use code currently allows accessory buildings (such as detached garages, sheds and studios) in conjunction with a single family dwelling in the R-1 Low Density Residential zone, and includes limited development standards (building setbacks and height limits). The amendments would also clarify that an accessory structure is not be used as a dwelling and is to be subordinate to the primary dwelling on the site. Proposed code amendments include:

- For residential accessory buildings on lots less than an acre, limiting building height to 22 feet, and limiting building size
- Clarifying that an accessory building cannot be used as a dwelling, and limiting number of plumbing fixtures to two per building, but allowing for accessory buildings with three plumbing fixtures if property owner to signs deed restriction limiting use of building
- Providing for adjustment to building height/setback or building size subject to relevant criteria

Alley Access Lots/Houses

The goal is to allow for the creation of a lot that fronts an alley rather than a street and is created from the rear portion of an existing lot, including design and compatibility standards that address looming walls, privacy, parking areas and building heights. The design standards are also proposed to apply to existing alley access lots as well as new alley access lots in the R-1 zone. This type of land division was previously allowed in the R-1 zone prior to the adoption of the 2001 land use code update, without specific standards addressing compatibility. Proposed code amendments include:

Lot Standards for Creating Alley Access Lots

- Minimum area of original lot: 9,000 square feet. Could be created from one lot or from two consolidated lots.

- Alley access lot size: minimum 2,250 square feet and not to exceed 40 percent of street lot
 - Alley access lot minimum frontage/lot width: 50 feet
 - Alley access lot depth: No less than 35 feet
 - If original lot(s) eligible for both flag lot division and alley access division, require alley access lot
 - For fire access, require nearest corner of lot to be within 125 feet from alley/street intersection
 - Minimum alley width: 14 feet of right of way and 12 feet of paving
 - Alley surfacing requirements: Pave or allow for gravel through a temporary surfacing permit. Consider allowing alternative paving methods.
- Design/Development Standards for Houses on new and existing Alley Access Lots*
- Limiting home size to 1,000 square feet in floor area. For one and one-half story dwellings, limit square footage on second floor to 400.
 - Calculating lot coverage based on all roofed areas
 - Limiting building height to 24 feet with sloped setbacks
 - Limiting balconies or other second floor outdoor spaces, dormers and upper story windows
 - Limiting number of bedrooms to 3
 - Requiring house to be defined by a covered or roofed entrance with a minimum depth of three feet
 - Requiring house to be served by a minimum three-foot wide hard-surfaced pedestrian walkway from alley or from the front street via an easement
 - Requiring minimum of 1 parking space and maximum of 2 parking spaces
 - Allowing options for location and types of parking and providing maximum dimensions for parking spaces and garages
 - Limiting total vehicle use area (driveways and on-site parking) to a maximum of 400 square feet
 - Limiting size and height of garages and other detached accessory structures to 400 square feet
 - Prohibiting secondary dwelling units on alley access lots
 - Allowing for overhead utility lines in certain cases (as opposed to undergrounding)
 - Providing for adjustments to allow for design flexibility for building height/setback or windows, dormer, balconies subject to relevant criteria

University Area Interim Protection Measures

The goal is to establish interim protection measures for existing single-family neighborhoods surrounding the University of Oregon. As part of Envision Eugene, the city is committed to completing area planning for the university neighborhoods. However, this work is not slated to begin until following the local adoption of Envision Eugene, including a Eugene-specific urban growth boundary. Interim protection measures in the form of land use code amendments are intended to limit further negative impacts until the area planning process is completed. The interim measures would focus on the R-1 zoned areas in the South University, Fairmount and Amazon neighborhoods, which have experienced an increase in unintended housing associated with the demand for student housing and the proximity of the University of Oregon. These measures would remain in place until the area planning process is complete. It is expected that these interim measures would be replaced by a more comprehensive set of development and design standards established as part of the area planning effort.

Proposed code amendments include:

- Prohibiting new secondary dwelling units, and rowhouses, duplexes and other forms of attached housing
- Prohibiting new rezonings to R-1.5 Rowhouse zone
- Prohibiting the creation of new flag lots
- Prohibiting the creation of new alley access lots, but apply compatibility standards for existing lots (as part of citywide standards addressed above)
- Limiting number of bedrooms in single-family residences (new and remodels)
- Limiting the size and number of accessory buildings
- Limiting the location and extent of parking allowed in front yards

DRAFT

Single Family Code Amendments

Proposed Code Language

Blue italic text = Proposed additions

Red italic text = Proposed Interim Protection Measures

~~Strike through text~~ = Text to be removed.

Definitions

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

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site. *For the purposes of EC 9.2700 through 9.2779, in the R-1 zone, an accessory building that shares a common wall with the primary dwelling for less than 8 feet is considered a detached accessory building.*

Alley Access Lot/Parcel. A lot, ~~or~~ parcel *or lot of record* abutting an alley and not abutting a street and created from the rear portion of an existing lot or parcel. For purposes of EC 9.3050 through 9.3065, an alley access lot or parcel is one that abuts an alley but does not abut a street.

Bedroom. ~~Within a multiple-family dwelling, a~~ *A* bedroom is any room that either:

- (A) Is designated as a bedroom on a development plan submitted to the city;
- (B) Is included in the number of bedrooms stated in an advertisement, rental or sales contract, marketing material, loan application, or any other written document in which the owner, or an authorized agent of the owner, makes a representation regarding the number of bedrooms available in the dwelling; or
- (C) Meets all of the following:
 1. Is a room that is a “habitable space” as defined by the current Oregon Structural Specialty Code (OSSC) or Oregon Residential Specialty Code (ORSC);
 2. Meets the OSSC or OSRC bedroom requirements for natural light, ventilation, and emergency escape and rescue windows;
 3. Is a room that is accessed by a door on an interior wall and that does not provide access to another room except for a bathroom, toilet room, closet, hall, or storage or utility space.

Dwelling, Secondary. A dwelling unit that is located on the same ~~parcel~~ *lot* as a primary one-family dwelling that is clearly subordinate to the primary one-family dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot. *Either the secondary dwelling or the primary dwelling must be occupied by the property owner.*

9.1245 Legal Pre-Existing Structures. *The structures listed in Table 9.1245 Legal Pre-Existing Structures shall be considered to be pre-existing as long as such structures were legally established. These structures may continue, and are not subject to the provisions of sections 9.1200 through 9.1230. Determinations as to whether a particular structure qualifies as a pre-existing structure shall be made by the Planning Director.*

<i>R-1 Low Density Residential</i>	<i>Secondary Dwellings</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>
<i>R-1 Low Density Residential</i>	<i>Accessory Buildings</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>
<i>R-1 Low Density Residential</i>	<i>Alley Access Lot Dwellings</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>
<i>R-1 Low Density Residential within the within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association</i>	<i>Secondary Dwelling, Rowhouse, Duplex, Triplex, Foupex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>

9.2735 Residential Zone Siting Requirements. In addition to the approval criteria of EC 9.8865 Zone Change Approval Criteria, a property proposed for the R-1.5 zone shall not exceed the area needed to accommodate up to 8 rowhouse lots and shall be located at least 500 feet, as measured along existing street public right-of-way, from any other property zoned R-1.5. *Zone changes to R-1.5 are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

9.2740 Residential Zone Land Use and Permit Requirements. The following Table 9.2740 Residential Zone Land Use and Permit Requirements identifies those uses in the residential zones that are:

- (P) Permitted, ~~subject to zone verification.~~
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to an approved final planned unit development.
- (S) Permitted, subject to ~~zone verification and~~ the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

The examples listed in Table 9.2740 are for informational purposes and are not exclusive. Table 9.2740 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Accessory Uses					
Accessory Uses. <u>Examples</u> include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P	P	P	P	P
Residential					
Dwellings. (All dwellings shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
One-Family Dwelling (1 Per Lot in R-1)	P		P	P	P
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P(2)				
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(3)	P(3)	P	P	P
Duplex (Two-Family Attached on Same Lot)	P(4)		P	P	P
Tri-plex (Three-Family Attached on Same Lot) See EC 9.5500	S(5)		S	S	S
Four-plex (Four-Family Attached on Same Lot) See EC 9.5500	S(6)		S	S	S
Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500	PUD		S	S	S
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S or SR		S or SR		
Controlled Income and Rent Housing where density is above that normally permitted in the zoning yet not to exceed 150%. (Shall comply with multiple-family standards in EC 9.5500 or be approved as a PUD.)	S or PUD see Map 9.274 0		S or PUD see Map 9.274 0	S or PUD see Map 9.274 0	

9.2741 Special Use Limitations for Table 9.2740.

- (2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards ~~below~~ *beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots, and within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

[Note: This remainder of this section moved to EC 9.2750 and revised]

- ~~(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~
- ~~1. The dwelling shall not exceed 800 square foot unless occupying the full story of a multi-story structure with ground floor residential use.~~
 - ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~

- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~

~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~

- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
- ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
- ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
- ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
- ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~

~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.~~

(3) Rowhouses.

(a) In R-1, new rowhouses are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

(b) In R-1.5, rowhouses shall comply with all of the following:

- ~~(a)~~ **1. Maximum Building Size:** Eight rowhouses in a building, no more than 180 feet in width.
- ~~(b)~~ **2. Minimum Interior or Rear Open Space Required:** 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.
- ~~(c)~~ **3.** Auto access and parking shall be provided from the alley to the rear of the lot; there shall be no auto access from the front of the lot.
- ~~(d)~~ **4.** Siting requirements of EC 9.2735.

(4) Duplex. When located in R-1, a duplex shall conform to 1 of the following standards *below, except that new duplexes are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:*

- (a) The duplex was legally established on August 1, 2001.
- (b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.
- (c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.

(5) Triplex. When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision, *except that new triplexes are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

(6) Four-plex. When located in R-1, a four-plex shall be on a lot that was identified as a

four-plex lot in a subdivision, *except that new four-plexes are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

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. *In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards shall apply.*

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

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum	--	10 units	20 units	20 units
Maximum Net Density per Acre	14 units	--	28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5),					
Main Building. Includes Secondary Dwellings Within the Main Building, <i>but does not include main building on an Alley Access Lot.</i>	30 feet	35 feet	35 feet	50 feet	120 feet
<i>Main Building on Alley Access Lot</i>	<i>See EC 9.2779(4)</i>	--	--	--	--
Accessory Building. Includes Secondary Dwelling Unit Detached from Main Dwelling (See EC 9.2741(2)(b) if located within 20 feet of property line.)	20 feet <i>See (15)</i>	20 feet	25 feet	30 feet	30 feet
<i>Secondary Dwelling Detached from Main Dwelling (See EC 9.2741(2)(b) if located within 20 feet of property line.)</i>	<i>See (16)</i>	--	--	--	--
Minimum Building Setbacks (2), (4), (6), (9), (10), (11)					
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 (12)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (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

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
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	--	--	--	--
<i>Interior Yard Setback for Alley Access Lots in R-1</i>	<i>See EC 9.2779(4)</i>	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
Maximum Lot Coverage					
All Lots, Excluding <i>Alley Access Lots in R-1 and Rowhouse Lots</i>	50% of Lot	--	50% of Lot	--	--
<i>Alley Access Lots in R-1</i>	<i>See EC 9.2779(4)</i>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area (132)					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
Fences (143)					
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
Driveways and Parking Areas (154)					
General Standards	--	--	--	See (154)(b)	See (154)(b)
<i>Area-specific</i>	<i>See (14)(a)</i>	--	--	--	--
Accessory Buildings in R-1 (15)					
<i>General Standards</i>	<i>See (15)(a)</i>	--	--	--	--
<i>Area-specific</i>	<i>See (15)(b)</i>	--	--	--	--
Secondary Dwelling Units (16)					
<i>General Standards</i>	<i>See (16)</i>	--	--	--	--
Maximum Bedroom Count (17)					
<i>Area-specific</i>	<i>See (17)</i>	--	--	--	--

9.2751 Special Development Standards for Table 9.2750.

(3) **Building Height.**

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:
 1. In the R-3 zone between 19th and 20th Avenues, the maximum building height is 35 feet.
 2. In the R-4 zone west of Hilyard Street, the maximum building height is

65 feet.

3. In the R-4 zone east of Hilyard Street, the maximum building height is:
 - a. 35 feet within the area south of 19th Avenue;
 - b. 50 feet within the half block abutting the north side of 19th Avenue;
 - c. 65 feet within the half block abutting the south side of 18th Avenue.

(See Figure 9.2751(3)).

- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south the maximum building height is 65 feet.

(See Figure 9.2751(3)).

- (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones, *except that this additional building height allowance is not permitted for secondary dwellings, accessory buildings in the R-1 zone, or development on alley access lots.*

- (8) **Area-specific Interior Yard Setback.** 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 19th Avenue to the north and East 20th 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))**

- ~~(11) Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks. There are no front yard setbacks since there is no frontage on a street.~~

- (121) The 18 foot setback requirement for garages and carports is measured through the centerline of the driveway from the front property line to either the garage door or to the frontmost support post of a carport.

- (132) For multiple-family projects, refer to EC 9.5500(9) Open Space.

(143) 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(143)(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.

(154) Driveways and Parking Areas

(a) R-1 Zone. *Within the City-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:*

1. *A lot shall have no more than one driveway accessed from a street.*
2. *The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.*
3. *The driveway and associated parking shall be perpendicular to the street.*
4. *A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.*
5. *Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.*

(b) R-3 and R-4 Zones. Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, 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)~~ 1. 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)~~ 2. 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)~~ 3. 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)~~ 4. 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)~~ 5. 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)~~ 6. Except for shared driveways and as provided in ~~(h)~~ 8. 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)~~ 7. Except as provided in ~~(h)~~ 8. 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)~~ 8. 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)~~ 9. All portions of required front yard setbacks not otherwise covered by a legal driveway or by projecting building features as allowed per EC 9.6745(3) 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)~~ 10. No parking shall occur in the landscaped portion of the required front yard setback.
- ~~(k)~~ 11. Adjustments to the standards in subsection ~~(i)~~ 9. may be made, based on the criteria at EC 9.8030(30).

(See Figure 9.2751(154)(b))

(15) Accessory Buildings in R-1.

(a) General Standards. Except as provided in subsection (b) below, the following standards apply to all new accessory buildings in the R-1 zone that are detached or that share a common wall with the primary dwelling for less than 8 feet:

1. Building Size.

a. For accessory buildings on development sites less than one acre (43,560 square feet) in area with a dwelling, the maximum square footage of all detached accessory buildings shall be limited to the lesser calculation of the following:

- 75-percent of the structure containing the primary dwelling*
- 1,000 square feet*

For the purposes of calculating area, all floors of a multi-story structure shall be included.

b. For accessory buildings on development sites 43,560 square feet or greater in area, or on development sites with a non-residential use, there is no building size limitation.

2. Building Height/ Setback.

a. For accessory buildings on development sites less than one acre with a dwelling, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(15)(a)2.a.)

b. For accessory buildings on development sites 43,560 square feet or greater in area or on development sites with a non-residential use, the interior yard setback shall be 10 feet and the building height shall

be limited to 25 feet.

3. Use. *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except as provided below.*
 - a. *An accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
 - (1) *The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
 - (2) *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
 - (3) *The deed restriction may be terminated, upon approval by the City, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*

4. Pre-existing Structures. *Legally established accessory buildings that conform to the development standards required in the R-1 zone prior to [date of ordinance adoption] are subject to Table 9.1245 Legal Pre-Existing Structures.*

5. Adjustment Review. *The standards in EC 9.2751(16)(a)1. and 2. regarding building size and building height/setback may be adjusted, based on the criteria at EC 9.8030(34). For accessory buildings in the R-1, these are the only standards that may be adjusted.*

- (b) Area-specific Standards. *The following standards apply to all new accessory buildings associated with a residential dwelling in the R-1 zone within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association that are detached or that share a common wall with the primary dwelling for less than 8 feet:*
 1. *In addition to any accessory buildings legally established prior to [date of ordinance adoption], one accessory building is allowed.*
 2. *The accessory building shall not exceed 400 square feet in area.*
 3. *The accessory building shall not exceed 18 feet in height.*
 4. *An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for every 12 inches horizontally.*
 5. *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.*
 6. *The accessory building shall not include more than one plumbing fixture.*
 7. *For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:*
 - a. *The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.*
 - b. *If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and*

- remove the plumbing fixture from the building.*
- c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.*
- d. The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.*
- e. The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.*

(16) Secondary Dwelling.

- (a) Attached Secondary Dwellings. Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. Lot Area. ~~Except for flag lots, To allow for a secondary dwelling, the lot shall be~~ *contain* at least 4,500 square feet. ~~Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
 2. Building Size. The *secondary* dwelling shall not exceed 800 square feet ~~of total building square footage, measured at the exterior perimeter walls unless occupying the full story of a multi-story structure with ground floor residential use.~~ *Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
 3. Minimum Attachment. *The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.*
 4. Maximum Bedrooms. *The secondary dwelling unit shall contain no more than 2 bedrooms.*
~~There shall be at least 1 off street parking space on the property~~
 5. Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.
 6. Ownership/Occupancy Requirements. Either the primary dwelling or the secondary dwelling shall be *the primary residence of the property owner. The primary residence must be occupied by the property owner for a minimum of 6 months of each calendar year by a property owner with at least 50 percent interest in the property. The primary residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*

[OR as an alternative to the 50 percent interest above: The property owner is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest.]

7. Temporary Leave. Notwithstanding subsection 6. above, a property owner may temporarily vacate the primary residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the primary residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.
 8. Deed Restriction. Prior to issuance of ~~final occupancy~~ a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a ~~notice~~ deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. *The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions: documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.*
 - a. *One of the dwellings must be the primary residence of a property owner with at least 50 percent interest in the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
 - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
 - c. *The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires primary occupancy of one of the dwellings by the owner.*
 9. Verification. At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.
- (b) Detached Secondary Dwellings. In addition to the standards in subsection (a) of this section, detached secondary dwellings shall

comply with the following:

1. Lot Area. ~~Except for flag lots,~~ *To allow for a secondary dwelling, the lot shall be contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
 2. Pedestrian Access. ~~Provide a~~ *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
 3. Primary Entrance. ~~The primary entrance~~ *entry to a secondary dwelling shall be defined by a covered or roofed porch entrance with a minimum roof depth and width of no less than 3 feet.*
 4. Outdoor Storage/Trash. *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
 5. Building Height/Sloped Setback.
 - a. *For detached secondary dwellings located within 20 feet of a property line:*
 - (1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*
 - (2) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.*
 - b. *For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*
 - c. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.*
(See Figure 9.2751(16)(b)5.a.)
 7. Maximum Wall Length. *Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 5 feet.*
- (c) Adjustment Review. *The standards in EC 9.2751(15)(a)7. regarding temporary leave and in EC 9.2751(15)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, these are the only standards that may be adjusted.*
- (d) Pre-Existing Structures. *Legally established accessory buildings that*

conform to the development standards required in the R-1 zone prior to [date of ordinance adoption] are subject to Table 9.1245 Legal Pre-Existing Structures.

*(e) **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*

(17) Maximum Bedroom Count. *In the R-1 zone within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, no more than 3 bedrooms shall be allowed in a dwelling. This standard applies to new dwellings and to building additions, expansions and alterations of existing dwellings.*

9.2760 Residential Zone Lot Standards. The following Table 9.2760 sets forth residential zone lot standards, subject to the special standards in EC 9.2761.

Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Lot Area Minimum (1)					
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots, <i>Alley Access Lots</i>	4,500 square feet	--	4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD	--	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 square feet	--	--	--	--

Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	--	6,000 square feet	6,000 square feet	6,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet	--	3,600 square feet	3,600 square feet	3,600 square feet
<i>Alley Access Lot (11) (Existing lot or lots shall be at least 9,000 square feet)</i>	<i>2,250 square feet</i>	<i>–</i>	<i>–</i>	<i>–</i>	<i>–</i>
Lot Frontage Minimum (1)					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35feet (9)	35feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)					
1 Lot	15 feet	--	15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<i>Alley Access Lot (11)</i>	<i>0 feet</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
Lot Width Minimum (1)					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet	--	--	--	--
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<i>Alley Access Lot (11)</i>	<i>50 feet</i>	<i>–</i>	<i>–</i>	<i>–</i>	<i>–</i>
Lot Area Maximum (5)					
New subdivisions and partitions only	13,500 square feet	–	–	–	–
Housing Mix Maximum (6)					
Duplex	See EC 9.2741(4)	–	–	–	–
Triplex	See EC 9.2741(5)	–	–	–	–
Four-plex	See EC 9.2741(6)	–	–	–	–

9.2761 Special Standards for Table 9.2760.

- (2) **Small Lots.** Lots shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.)
- (3) **Rowhouse Lots.**
- (a) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density

- in the subdivision complies with Table 9.2750 Residential Zone Development Standards, *except that the creation of new rowhouse lots is prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.
- (4) **Flag Lots.**
- (a) No variances to residential flag lot standards are allowed.
- (b) *The creation of new flag lots is prohibited in the R-1 zone within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.* ~~Minimum lot area excludes the pole portion of the lot.~~
- (c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
- (5) Exceptions to the maximum lot size shall be granted if any of the following is met:
- (a) Existing physical circumstances such as topographically constrained lands, conservation easements, existing buildings, or utility easements prevent the ability to further divide the lot.
- (b) The lot exceeding the maximum lot size is intended to reserve a large lot for future land division with feasibility demonstrated by a conceptual buildout plan.
- (c) The subdivision achieves a minimum density of 9 units per net acre.
- (d) The exception will enable protection of natural resources.
- (6) Unless approved through a planned unit development process, in any 1 subdivision there shall be a maximum of 25% duplex lots, 15% triplex lots, and 10% fourplex lots. At least 50% of the lots must be for one-family detached dwellings or rowhouses. Fractions are reduced to the next lowest number.
- (7) In R-1, interior lots shall not have frontage on two non-intersecting streets unless approved through the cluster subdivision or planned unit development process where alternative proposals were evaluated, and there is no feasible alternative to the creation of double frontage lots.
- (8) **Duplex Division Lots.** Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)
- (9) Lot width and lot frontage minimums in R-2, R-3 and R-4 can be reduced to 20 feet as part of an approved site review plan, planned unit development, or cluster subdivision. Unless otherwise approved through a planned unit development or cluster subdivision, at no point, for the entire extent of the lot, shall the side lot lines be less than 20 feet apart.
- (10) Alley Access Only Lots/Parcels can be created only through an approved cluster subdivision in the R-1 zone or an approved planned unit development in any zone.
- (11) **Alley Access Lots.**
- a. *The creation of new alley access lots is prohibited in the R-1 zone within the boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- b. *Alley access lots shall comply with other alley access lot standards.* (See EC 9.2779 Alley Access Lot Standards.)

9.2779

Alley Access Lot Standards

- (1) **Purpose.** To provide opportunities for single family housing variety and choice, home ownership, and affordable housing, and to promote the efficient use of residential land by allowing the creation of a lot that fronts an alley rather than a street and is created from the rear portion of an existing lot. Development standards are included to specifically address design considerations and compatibility.
- (2) **Land Division Regulations.**
- (a) **Original Lot.** The original lot or lots shall be a minimum of 9,000 square feet in area prior to the creation of the alley access lot. If the original lot(s) meet(s) the required lot area and dimensions to create a flag lot or an alley access lot, only an alley access lot shall be created.
 - (b) **Front Lot.** The street fronting lot shall meet the lot standards for R-1 lots
 - (c) **Lot Area.** The alley access lot shall be a minimum of 2,250 square feet and shall not exceed 40 percent of the area of the street fronting lot.
 - (d) **Lot Width.** The alley access lot shall have a minimum width of 50 feet, and shall abut the alley for a minimum width of 50 feet.
 - (e) **Lot Depth.** No portion of the alley access lot shall have a depth of less than 35 feet.
 - (f) **Distance from street.** The closest corner of the alley access lot shall be no less than 125 feet from the centerline of the alley and the street intersection.
 - (g) **Alley Improvement.** The minimum improvement width for the alley shall be 12 feet.
- (3) **Use Regulations.**
- (a) Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling unit.
- (4) **Development Standards.**
- (a) **Applicability.** The following standards apply to all alley access lots existing as of [date of ordinance adoption] and to new alley access lots.
 - (b) **General.** All base zone requirements must be met, unless otherwise stated in this section.
 - (c) **Building Size.** An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.
 - (d) **Lot Coverage.** Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
 - (e) **Building Height/Interior Setback.**
 1. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.
 2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

(See Figure 9.2779(4)(e)1.)

- (f) Windows, Dormers and Balconies.
1. Any window on the upper story must be located a minimum of 10 feet from any property line.
 2. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.
 3. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.
- (g) Bedrooms. The dwelling shall contain no more than 3 bedrooms.
- (h) Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
- (i) Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.
- (j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
- (k) Parking and Driveway.
1. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
 2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
 3. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.
 4. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
 5. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
 6. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
 7. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
 8. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
 9. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
 10. No parking shall occur outside of the vehicle use area.
- (See Figure 9.2779(4)(k))**
- (l) Trash and recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.

(m) Accessory buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(15), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.

*(5) **Adjustment Review.** The development standards in subsections EC 9.2779(4)(e), and (f) regarding building height/setback, and windows, dormers and balconies, may be adjusted in accordance with EC 9.8030(36). For alley access lots, these are the only standards that may be adjusted.*

9.6105 Bicycle Parking Standards.

(5) Minimum Required Bicycle Parking Spaces. The minimum required number of bicycle parking spaces shall be calculated according to Table 9.6105(5) Minimum Required Bicycle Parking Spaces.

Table 9.6105(5) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)	Type and % of Bicycle Parking
Lodging		
Hotel, Motel, and similar business providing overnight accommodations	1 per 10 guest bedrooms.	75% long term 25% short term

9.6410 Motor Vehicle Parking Standards. Except as provided in this section, or in an adjustment pursuant to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment, the minimum number of required off-street parking spaces shall be calculated as provided in Table 9.6410 Required Off-Street Motor Vehicle Parking.

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
Lodging	
Hotel, Motel, and similar business providing overnight accommodations	1 per guest bedroom.

9.6505 Improvements - Specifications. All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:

(3) Streets and Alleys.

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided the City makes findings to

demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.

- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (d) *Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site with a temporary surface, designed and constructed in accordance with the City's adopted temporary surface permit procedures.*

9.6745 Setbacks-Intrusions Permitted.

- (6) **Driveways.** Except as provided in EC 9.2751(154)(~~eb~~)**3. Driveways and Parking Areas in R-3 and R-4,** 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(154) Driveways and Parking Areas in R-3 and R-4, 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.

9.6775 Underground Utilities.

- (1) *Exemptions from Underground Utility Standards. The following are exempt from the undergrounding requirement of this section:*
 - (a) ~~Temporary~~ uses on a development site.
 - (b) ~~or to~~ *New utility connections to structures or buildings with legally established above ground utility service.*
 - (c) *Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.*
 - (d) *Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.*

(2) *Underground Utility Standards.* All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~This provision does not apply to [Text moved above].~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

9.6870 Street Width. Unless an alternative width is approved through use of other procedures in this code, the right-of-way width and paving width of streets and alleys dedicated shall conform to those designated on the adopted Street Right-of-Way map. When a street segment right-of-way width is not designated on the Street Right-of-Way map, the required street width shall be the minimum width shown for its type in Table 9.6870 Right-of-Way and Paving Widths. Based on adopted plans and policies, adopted “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways,” or other factors which, in the judgment of the planning and public works director necessitate a greater street width, a right-of-way width greater than the minimum width shown for its type in Table 9.6870 can be required for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515. The required alley width shall be the width shown for its type in Table 9.6870 Right-of-Way and Paving Width, unless, for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515, a lesser width is approved by the planning director and public works director based on adopted plans and policies, adopted “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways” or other factors which, in the judgment of the planning and public works director allow for a lesser alley width.

Type of Street or Alley	Right-of-Way (for Public Streets and Alleys only)	Paving Width
Major Arterials	100' – 120'	68' – 94'
Minor Arterials	65' – 100'	46' 70'
Major Collector	60' – 75'	32' – 44'
Neighborhood Collector	40' 55'	20' – 43'
Bicycle and Pedestrian Accessway:		
With Fire Accessibility	20'	20'
Without Fire Accessibility	10'	10'
Local Streets		
Alley (secondary access <i>or access to an alley access lot in R-1</i>) only	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'
Cul-de-sac Bulb Radius:		
Residential	48.5''	35'
Non-residential	62'	50'
*Measured from face to face of curbs		

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.

(30) Driveways and Parking Areas in R-3 and R-4. The standards at EC 9.2751(14)(i) ~~(14)(b)9.~~ may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.

(34) Accessory Buildings in R-1. *Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*

(a) Building Height/Setback or Building Size

1. *The location and design of the accessory building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
2. *The exterior design of the building maintains the scale of the neighborhood.*
3. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*

(35) Secondary Dwellings. *Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*

(a) Temporary Leave. *A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.*

(b) Conversion of Existing Building. *A legally established building existing as of [date of ordinance adoption] may be converted to a secondary dwelling if it complies with all of the following:*

1. *The secondary dwelling is limited to 800 square feet in total building square footage, and occupies the first floor of a multi-story building or is limited to one-story.*
2. *The exterior design of the building is compatible with the existing dwelling on the lot, such as through building form, height, and construction materials.*
3. *The exterior design of the building maintains the scale of the neighborhood.*
4. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*

(c) Building Height. *A detached secondary dwelling may be located above a detached accessory building if the secondary dwelling is limited to 500 square feet in area, the building does not exceed 24 feet in building height, and complies with all of the following:*

1. *The exterior design of the building is compatible with the primary dwelling on the lot, such as through building form, height, and construction materials.*
2. *The exterior design of the building maintains the scale of the neighborhood.*
3. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*

4. *Access stairs, decks, balconies, entry doors and large windows are oriented to the primary dwelling to the greatest extent possible, or to an alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.*
5. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*

(36) *Alley Access Lots.* *Where this land use code provides that the development standards for alley access lots in R-1 may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*

(a) Building Height/Interior Setback or Windows, Dormers, Balconies.

1. *The exterior design of the dwelling maintains the scale of the neighborhood.*
2. *The location and design of the dwelling maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
3. *The impacts of windows or balconies to the privacy of the neighboring side or rear yard have been minimized such as through design, location, open space or landscaping.*
4. *The design of the dwelling does not visually dominate the surrounding properties.*

9.8405 Applicability of Property Line Adjustment Applications.

- (3)** A property line adjustment application may not be utilized to create flag lots *or alley access lots.*

9.8415 Property Line Adjustment Approval Criteria. The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria:

- (6)** *Within the R-1 zone in the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, property lines may only be adjusted up to 5 feet, measured perpendicularly from the current location of the property line. A Property Line Adjustment allowed under this section may be up to 10 feet if the adjustment is necessary to accommodate an encroachment that existed as of [date of ordinance adoption].*

**Summary of Planning Commission Recommendation
Single Family Code Amendments
October 21, 2013**

The Planning Commission voted unanimously (7 to 0) to recommend approval of the Single Family Code Amendments, with the following modifications:

Secondary Dwelling Units

- Building Size: Change primary residence to principal residence
- Ownership/Occupancy: Use majority ownership instead of percentage when determining ownership.
- Minimum Wall Length: Modify to require a 2 foot deep by 5 foot wide minimum articulation on walls over 25 feet in length. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).

Alley Access Lots

- Distance from Street/Fire Access: Clarify distance requirement for lot and modify to require sprinklers in dwelling if any portion of house is beyond 150 feet of alley/street intersection
- Lot Standards: Establish maximum lot size for new alley access lot size as 5,000 square feet
- Development Standards: Allow windows, dormers and balconies on second story of alley lot dwelling on any non-alley facing property line only with the written approval of the affected adjacent property owner, in lieu of requiring an adjustment review.

Accessory Buildings

- Building size/setbacks: For lots 13,500 square feet or less in area, limit the total square footage of all accessory buildings to 1000 square feet. For lots greater than 13,500 square feet to 43,560 square feet, limit the total square footage of all accessory buildings to 10 percent of the lot area, not to exceed 3,000 square feet, and require 10 foot setback and 10:12 roof pitch. For lots greater than 43,600 square feet (one acre) in size, no limit on square footage of accessory buildings, but require 10 foot setback and 10:12 roof pitch.

University Area Interim Protection Measures

- Timing/Sunset: Establish sunset date that interim measures would remain in effect for 42 months after the date of adoption.
- Bedroom Count: Support 3 bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond 3 bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to 3 (instead of 5) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such.
- Occupancy: Add provision to require property owner to provide city with copy of current lease(s) or rental agreement(s) as a means of verifying occupancy (add as city wide provision)
- Secondary Dwelling Units: Add development standards (see Exhibit 1 for draft development standards) to allow for secondary dwellings during the interim, subject to the 42 month sunset date.

R1 Code Amendments and Interim Protection Measures: Draft Interim SDU
Development Standards

September 15, 2013

Planning Commissioners:

In the testimony I presented at the September 10, 2013 public hearing regarding R1 Code Amendments and Interim Protection Measures, I suggested that, having heard the concerns specifically around an inability to build an SDU during an “interim” period, I proposed the idea that it might be possible to allow the building of SDU's with temporary standards during a one year period which would sunset at the end of 2014, by which time we would commit to having completed a final set of standards.

During the past few days a group of us have been working through this idea. We have consulted with Michael Fifield (Professor of Architecture University of Oregon, Principal Fifield Architecture + Urban Design) and Paul Conte. The result of our effort thus far follows below. If you would like to engage us in further discussion around our proposal we would be more than willing to be involved.

Carolyn Jacobs

Bill Aspegren

Draft Interim SDU Development Standards

The intent is that all applicable standards for SDUs must be met for SDUs in the “interim protection area.” In addition, the standards below must also be met by SDUs in the “interim protection area.”

- Min lot size: (Note: Must be at least 6,300 s.f. to meet R-1 standards.)
 - 9,000 s.f. (e.g., 60' x 150') for SDU up to 800 s.f.
 - 7,500 s.f. for SDU up to 600 s.f.
- Min rectangle that fits inside lot: 45' x 45'
- Setbacks and max height: Use S-JW standard for all structures (including accessory buildings) beyond 60' from street.
 - Setback: 8' inflection, 40 degree slope.
 - Max height: Same as amended code.
- Max total lot coverage – structures: 50 percent
- Max total lot coverage – vehicle use areas: 20 percent
- Max s.f. of SDU attached or detached:
 - SDUs not allowed on lots less than 7,500 s.f.
 - 600 s.f. on lots at least 7,500 s.f., up to 9,000 s.f.
 - 800 s.f. on lots at least 9,000 s.f.
- Max bedrooms of SDU:
 - When Primary Dwelling Unit has 3 or fewer bedrooms: 2 bedrooms.
 - Otherwise: 1 bedroom.
- Max SDU occupants:
 - When Primary Dwelling Unit has 3 or fewer bedrooms: 3 occupants.
 - Otherwise: 2 occupants.
- Parking spaces:
 - At least 1 and no more than 2 on-site parking spaces for the Primary Dwelling Unit.
 - Exactly 1 parking space for exclusive use by SDU occupants and their guests.
 - No adjustments or exceptions.
- Alley driveway: To be worked on using S-JW and “Draft R-1” alley access standards.
- Garage on alley stds: to be worked on using S-JW and “Draft R-1” alley access standards.
- If primary vehicle access is from the alley, a 3' wide sidewalk must be provided from the alley to the front door of the SDU.
- Adjustments: No adjustments allowed for SDUs created under these interim standards.
- Require special “exception” permit and/or recorded agreement: needs to involve staff discussion

Envision Eugene Single Family Code Amendments

-37-



SINGLE FAMILY CODE AMENDMENTS



- Envision Eugene Goals
- Public Engagement Process
- Summary of Amendments

-38-



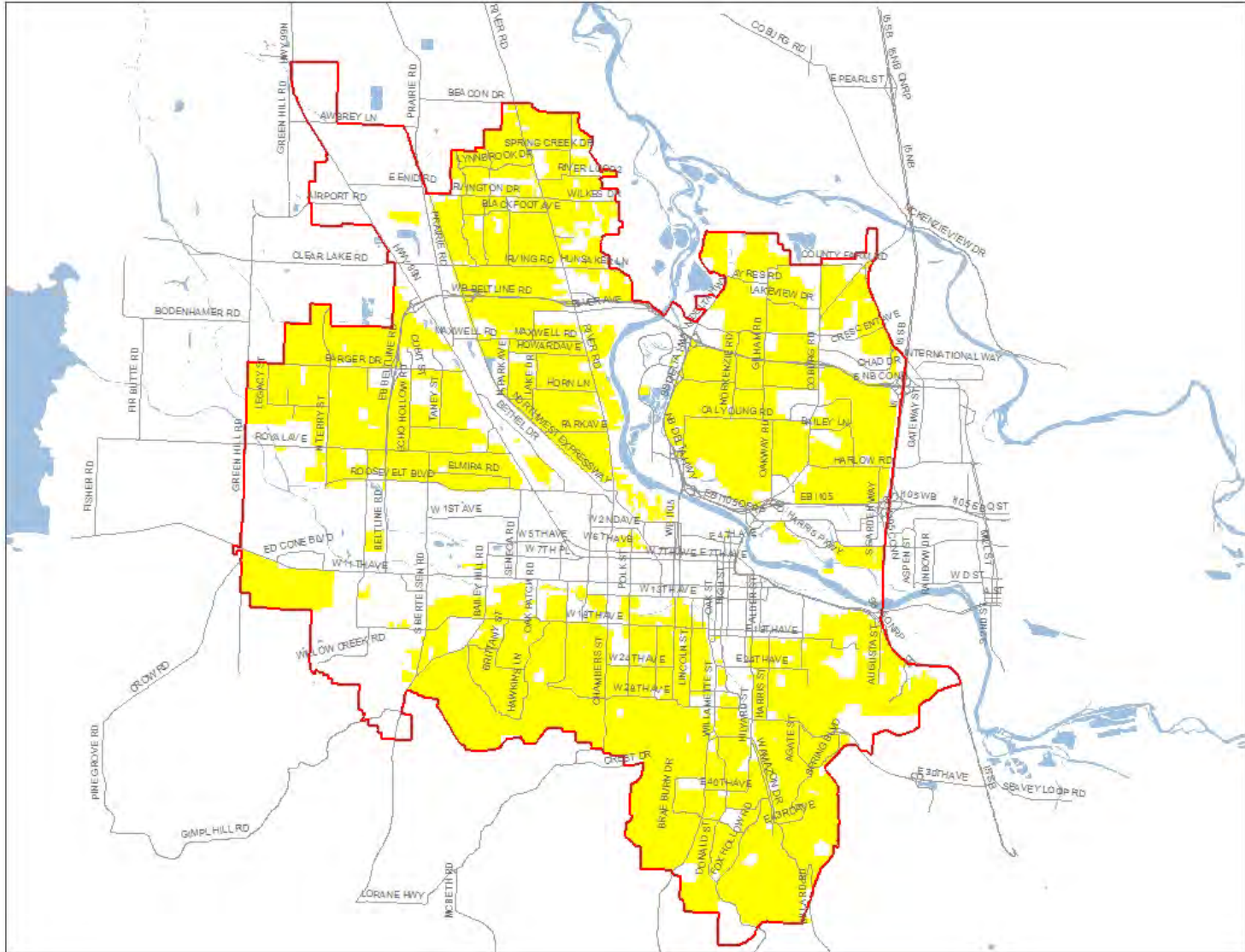
Photo Credit: Eugene Backyard Farmer



R-1 Low Density Residential Zone

- Improve compatibility standards citywide for
 - secondary dwelling units (currently allowed)
 - accessory buildings (currently allowed)
 - existing alley access lots
- Allow for new alley access lots
- Add University Area Interim Protection Measures

R-1 Low Density Residential Zoning



ENVISION EUGENE GOALS



- Implement the goals of Infill Compatibility Standards project
- Address housing affordability
- Meet a portion of the city's 20 year need for single family housing

-41-



Eugene's existing neighborhoods provide the foundation for the community's overall livability. As new development brings change throughout Eugene's neighborhoods, we will undertake the following strategies to help ensure a high level of livability, deter negative impacts, and make positive changes:

1. Minimum and maximum allowable densities in the land use code will not be changed in order to meet our residential land need for Envision Eugene. Future actions (such as land use code changes and plan amendments) that impact allowable density in neighborhoods will only be undertaken through a public process (such as area planning or neighborhood planning) that integrates the compatibility goals of the Infill Compatibility Standards (ICS)

Infill Compatibility Standards

Infill Compatibility Standards are a set of recommendations from a community task force to help new development fit and function better in Eugene's existing neighborhoods. Some recommendations have been implemented while others are pending further action. For more information on specific recommendations, see www.eugene-or.gov/infill.

Infill Compatibility Standards and promoting compatibility and arts.

Support low-density flag lots, lot coverage, and alley access lots as part of the ongoing Code Revision issues identified by the Commission into the ongoing Code Revision Pillar).

That uses incentives for development on by residents, for more information see www.eugene-or.gov/infill.



Neighborhood planning

Our livable neighborhoods is vital great place to live, work, and in the future.



Affordable Housing often pertains to not-for-profit housing developments that offer lower cost housing through government subsidies. Housing Affordability refers to a broader concept of subsidized and market-rate housing that is affordable to the various income levels that make up a community's population. Over the past thirty years, housing costs in Eugene (both renting and purchasing) have far outpaced increases in wages. The result is that in 2010, 44% of Eugene households were considered housing cost burdened. Housing cost burdened is a federal guideline that means that 30 percent or more of a household's income is spent on housing costs.

A mixture of housing types at various levels of affordability will help meet our community's diverse and changing needs. To meet the housing affordability needs of all Eugene residents today and in the future, we will undertake the following strategies:

1. Plan for a higher proportion of new housing stock to be multi-family than the 39% of multi-family that currently exists. Increasing the proportion of multi-family housing is intended to expand the variety of housing types and the prices available, and to address shifting demographic trends towards an aging population and smaller household size.

Approximately 15,000 new homes are expected to be constructed in the next 20 years. A mix of 55% single-family and 45% multi-family is being planned for the new homes. When combined with Eugene's existing inventory of housing, this represents an overall mix of 60% single-family and 40% multi-family homes.

Housing Affordability

A typical national standard used to determine housing affordability is that a household should pay no more than 30 percent of their income on housing. In 2010, 44 percent of Eugene households paid more than 30 percent (58 percent of renters, 31 percent of homeowners).

Multi-Family Housing

Multi-family housing is typically attached housing including building types like duplexes, triplexes, small and large apartment complexes, and condominiums.



Duplex



Small scale apartments



West Town on 8th

Highlights

2007-2009	Infill Compatibility Standards (ICS) Task Team
2010	R-1 Infill/Flag Lot Implementation Team (RIFLIT)
2010-2013	On-going Envision Eugene public engagement
2011	Draft Envision Eugene Proposal published
2012	Envision Eugene Recommendation published City Council initiated code amendments
2012-2013	Single Family Advisory Group

Highlights

November 2012- Present

- Planning Commission work sessions
- Project highlighted in Envision Eugene Newsletter
- Emails to all neighborhood leaders and other interested parties
- Meetings with members/board members of Friendly, South University, Amazon, Fairmount and Jefferson-Westside neighborhoods
- Public open house
- Public hearing notice
- Notice mailed University area property owners
- Planning Commission public hearing
- Project website

Secondary Dwelling Units



Rainbow Valley Design and Construction

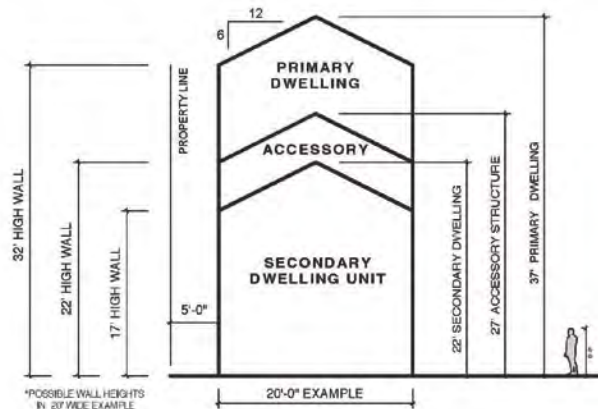


Rainbow Valley Design and Construction

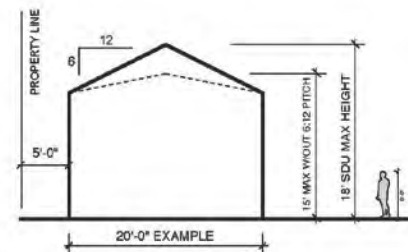


Secondary Dwelling Units

- Strengthen owner/occupancy provisions
- Limit building height to one story
- Add sloped setbacks
- Limit number of bedrooms to 2



EXISTING BUILDING HEIGHTS



PROPOSED BUILDING HEIGHTS

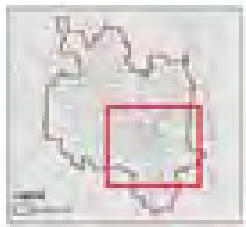
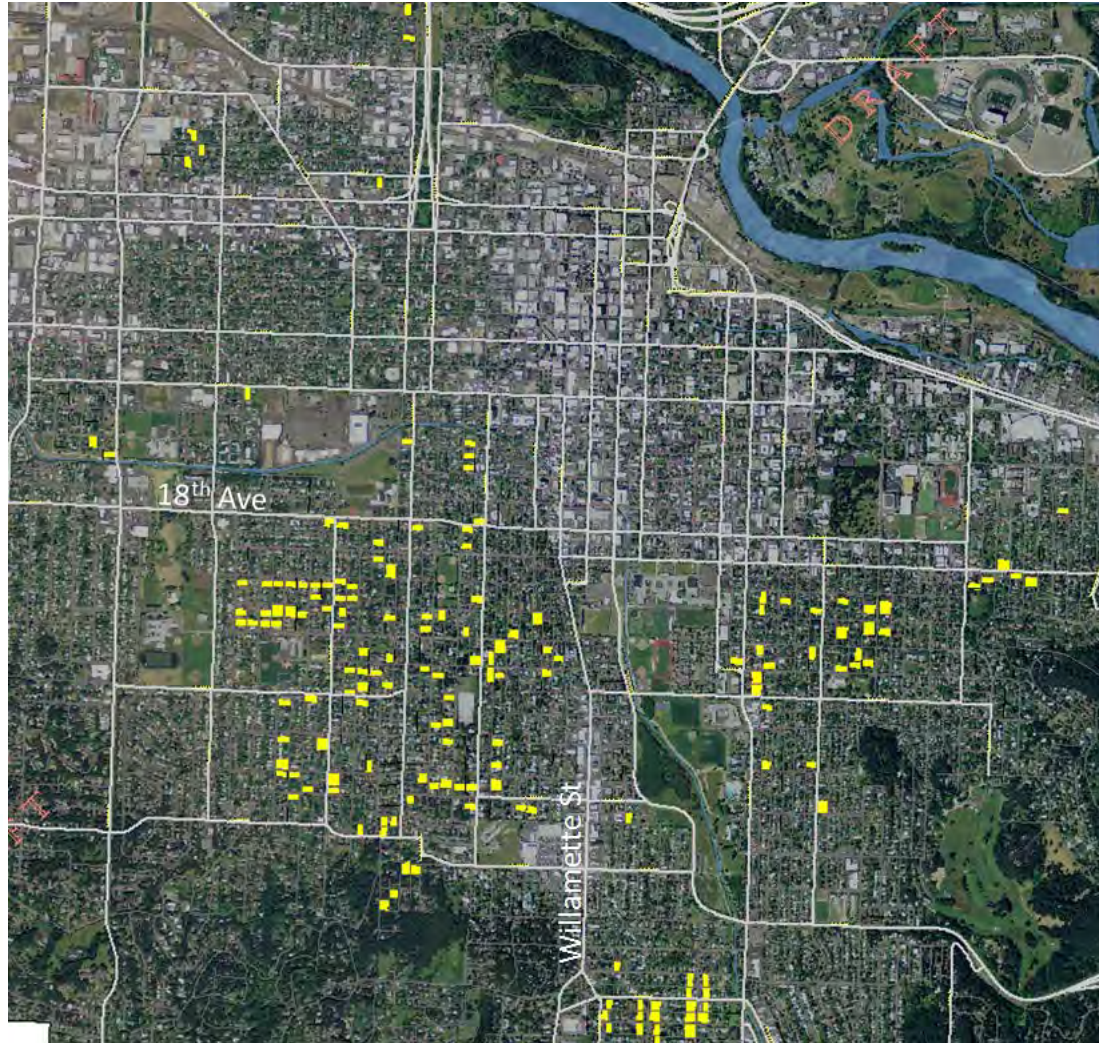
Accessory Buildings



Accessory Buildings

- Limit building height/adding sloped setbacks
- Limit building size on smaller lots
- Increase setbacks on larger lots
- Clarify that building cannot be used as a dwelling
 - Limit number of plumbing fixtures

Alley Access Lots



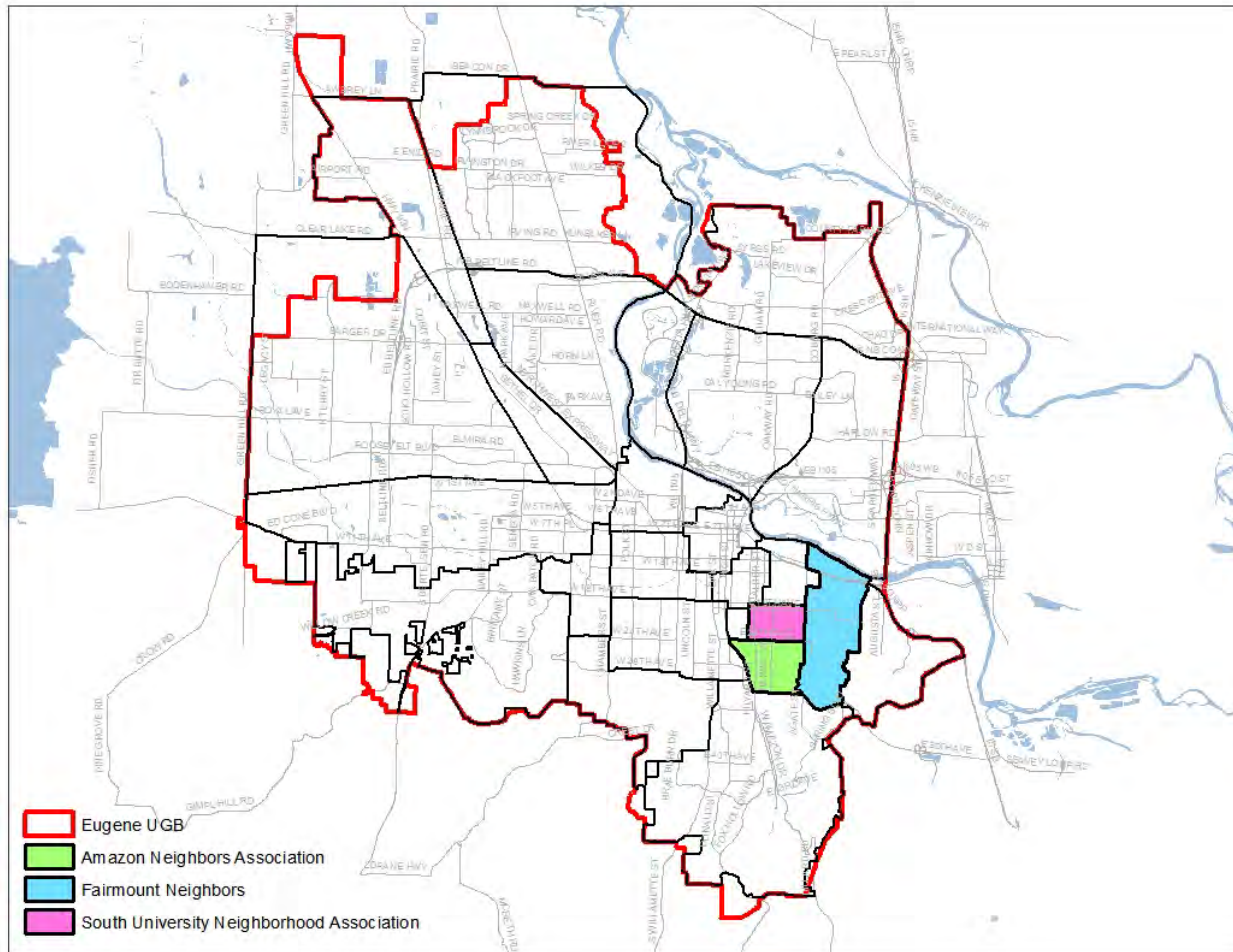
Alley Access Lots



Alley Access Lots/Houses

- Limit home size
- Limit building height /requiring sloped setbacks
- Limit balconies, dormers, upper story windows
- Limit number of bedrooms to 3
- Limit total vehicle use area (driveways and on-site parking)
- Limiting size and height of accessory buildings

University Area Interim Protection Measures



University Area Interim Protection Measures

Prohibits

- new secondary dwelling units, rowhouses and duplexes
- new rezonings to R-1.5 Rowhouse zone
- new flag lots
- new alley access lots (add compatibility standards to existing lots)

Limits

- number of bedrooms in single-family homes (new/remodels)
- size/number of accessory buildings
- location/extent of parking allowed in front yards
- property line adjustments

Planning Commission Recommendations

Secondary Dwellings/Accessory Buildings/Alley Access Lots

- Modest Changes/Clarifications

University Area Interim Protection Measures

- Sunset Date
- Bedroom Count
- Secondary Dwellings

Next Steps

November 18 Public Hearing

November 27 Work Session

December 9 Action

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Text, Chapter IV; Adopting a Severability Clause; and Providing an Effective Date (City of Eugene File MA 13-3)

Meeting Date: October 30, 2013
 Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

This work session provides an opportunity to update the City Council on a City of Springfield-initiated amendment to Chapter IV of the Metro Plan in advance of the November 4, 2013, joint public hearing.

BACKGROUND

Earlier this year the Springfield City Council initiated an amendment to Chapter IV of the Metro Plan. Chapter IV (titled Metro Plan Review, Amendments and Refinements) provides the decision-making structure and process for amendments to the Metro Plan. The goal of this chapter is to “ensure that the Metro Plan is responsive to the changing conditions, needs, and attitudes of the community.”

Consistent with this goal, the purpose of the proposed amendments is to respond to changing conditions brought about by ORS 197.304 (commonly referred to as HB 3337) including adoption of separate urban growth boundaries, and to clarify which governing bodies will participate in decision making. As proposed, the amendments change how the Metro Plan is amended and clarify which of the three jurisdictions would participate in approving those amendments. The amendments to Chapter IV are intended to support a framework for planning collaboration among the jurisdictions while respecting the autonomy of each. Land use code amendments to codify these changes will be necessary as part of a future action.

The most significant proposed changes to Chapter IV of the Metro Plan are summarized below.

- **Amendment Types/Process:** The proposed amendments would align the Metro Plan amendment types with the amendment process. Three types of Metro Plan amendments are proposed to be established based on the number of jurisdictions required to approve the proposed amendment: Type I amendments require the participation of all three jurisdictions; Type II requires the participation of the home city and Lane County; and Type III amendments may be enacted by the home city alone. The current policy defines only two types of amendments: Types I and II. The current process for amendments is not based on the application types. For example, certain Type I applications require approval

of all three jurisdictions, while other Type I applications require approval of only two jurisdictions.

- ***Amendment Process for UGB or Boundary Amendment:*** Currently, all three governing bodies must approve a site-specific urban growth boundary (UGB) or Metro Plan Boundary adjustment that crosses the Willamette or McKenzie Rivers or that crosses over a ridge into a new basin. The proposed amendments would instead require all three governing bodies approve only the amendments of the common UGB along I-5 and for UGB or Metro Plan Boundary amendments that cross I-5. All other types of UGB or boundary amendments would be Type II amendments, requiring the participation of the home city and Lane County.
- ***Regional Impact:*** The proposed amendments remove references to Metro Plan amendments with "regional impact." The regional impact provisions currently apply to amendments where the home city and Lane County are required to participate as decision-makers. These provisions allow for the non-home, city-elect to become a decision-maker if the city council determines the amendment has regional impact (as defined by the Metro Plan). Removal of the regional impact provision does not change similar language found in the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. There is no known instance when regional impact provisions have been invoked. Given the recent action to make the Metro Plan boundary co-terminus with Springfield's urban growth boundary, there is even less likelihood of this provision being invoked.
- ***Conflict Resolution:*** When governing bodies do not reach consensus on a Metro Plan amendment, the current policy sends the matter to the Metropolitan Policy Committee (MPC). The proposed amendments would send unresolved decisions to the Chair of the Board of County Commissioners and one or both of the Mayors of Eugene and Springfield, depending on how many governing bodies are participating in the decision. The purpose of this proposed change to Chapter IV is to provide a conflict resolution mechanism that is flexible enough to apply to different types of situations and involves the appropriate decision- makers.

The full text of the proposed amendments is included as Attachment A and a chart that compares the current standards to the proposed amendments is included as Attachment B.

The planning commissions of Lane County, Springfield and Eugene held a joint public hearing on October 15, 2013, to consider the proposed amendments. No one provided testimony at the public hearing. Following the close of the public hearing, the three planning commissions met separately for deliberations and to provide recommendations to their respective elected officials. All three bodies recommended approval of the proposed amendments with modifications. Attachment C provides a compilation of recommended changes identified by the three commissions.

RELATED CITY POLICIES

The goal of Chapter IV of the Metro Plan is to “ensure that the Metro Plan is responsive to the changing conditions, needs, and attitudes of the community.” These proposed amendments are consistent with that goal. Additional findings, addressing consistency with related City policies, including provisions of the Metro Plan, will be included with the proposed ordinance that will be provided in advance of the public hearing.

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 November 18, 2013.

CITY MANAGER’S RECOMMENDATION

This item is scheduled for a public hearing only. Following the City’s receipt of all testimony, the City Manager will make a recommendation to be included in the council packet for action on November 18, 2013.

SUGGESTED MOTION

No motion is proposed as this item is scheduled for a public hearing only. Following the City’s receipt of all testimony, the City Manager will make a recommendation and associated motion to be included in the council packet for action on November 18, 2013.

ATTACHMENTS

- A. Proposed Metro Plan Chapter IV Amendments
- B. Chart Comparing Current and Proposed Standards for Metro Plan Chapter IV
- C. Recommendations by Eugene, Springfield, and Lane County Planning Commissions

FOR MORE INFORMATION

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Chapter IV

Metro Plan Review, Amendments, and Refinements

The *Metro Plan* is the long-range public policy document which establishes the broad framework upon which Eugene, Springfield, and Lane County make coordinated land use decisions. While the *Metro Plan* is the basic guiding land use policy document, it may be amended from time to time require update or amendment in response to changes in the law or circumstances of importance to the community. Likewise, the *Metro Plan* may be augmented and implemented by more detailed ~~refinement~~ plans and regulatory measures.

Goal

Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community.

Findings, Objectives, and Policies

Findings

1. If the *Metro Plan* is to maintain its effectiveness as a policy guide, it must be adaptable to the changing laws and the needs and circumstances of the community.
2. Between *Metro Plan* updates, changes to the *Metro Plan* may occur through Periodic Review and amendments initiated by the governing bodies and citizens.
3. Refinements to the *Metro Plan* ~~are~~ may be necessary in certain geographical portions of the community where there is a great deal of development pressure or for certain special purposes.
4. Refinement plans augment and assist in the implementation of the *Metro Plan*.
5. Enactment of ORS 197.304 required each city to separately establish its own Urban Growth Boundary (UGB) and demonstrate that it has sufficient buildable lands to accommodate its estimated housing needs for twenty years.

Objectives

1. Maintain a schedule for monitoring, reviewing, and amending the ~~Metropolitan Area General Plan~~ *Metro Plan* so it will remain current and valid.
2. Maintain a current land use and parcel information base for monitoring and updating the ~~Metropolitan Area General Plan~~ *Metro Plan*.
3. Prepare refinement and functional plans that supplement the ~~Metropolitan Area General Plan~~ *Metro Plan*.

Policies

1. A special review, and if appropriate, *Metro Plan* amendment, shall be initiated if changes in the basic assumptions of the *Metro Plan* occur. An example would be a change in public demand for certain housing types that in turn may affect the overall inventory of residential land.
2. The regional land information database shall be maintained on a regular basis.

3. ~~All amendments~~ A proposed amendment to the *Metro Plan* shall be classified as a Type I, ~~or~~ Type II or Type III amendment depending upon the ~~specific changes sought by the initiator of the proposal~~ number of governing bodies required to approve the decision.
- a. ~~A Type I amendment shall include any change to the urban growth boundary (UGB) or the Metro Plan Plan Boundary (Plan Boundary) of the Metro Plan; any change that requires a goal exception to be taken under Statewide Planning Goal 2 that is not related to the UGB expansion; and any amendment to the Metro Plan text that is non-site specific.~~
- b. ~~A Type II amendment shall include any change to the Metro Plan Diagram or Metro Plan text that is site specific and not otherwise a Type I category amendment.~~
- c. ~~Adoption or amendment of some refinement plans, functional plans, or special area plans may, in some circumstances, be classified as Type I or Type II amendments. Amendments to the Metro Plan that result from state mandated Periodic Review or Metro Plan updates also shall be classified as Type I or Type II amendments depending upon the specific changes that would result from these actions.~~
4. A Type I Amendment requires approval by all three governing bodies:
- a. Type I Diagram Amendments include: [Derived in part from former Policy 5. b.]
- i. Amendments of the Common UGB along I-5; and
- ii. A UGB or Metro Plan Boundary change that crosses I-5.
- b. Type I Text Amendments include:
- i. Amendments that change a Fundamental Principle as set forth in Chapter II A. of the Metro Plan;
- ii. Non site specific amendments that apply to all three jurisdictions;
- iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.
5. A Type II Amendment requires approval by two governing bodies. The governing bodies in a Type II are the home city and Lane County. Eugene is the home city for amendments west of I-5, and Springfield is the home city for amendments east of I-5: [Derived in part from former Policy 5. b.]
- a. Type II Diagram Amendments include:
- i. Amendments to the Metro Plan Diagram for the area between a city limit and the Plan Boundary;
- ii. A UGB or Metro Plan Boundary amendment east or west of I-5 that is not described as a Type I amendment.
- b. Type II Text Amendments include:
- i. Amendments that are non site specific and apply only to Lane County and one of the cities;

- ii. Amendments that have a site specific application between a city limit of the home city and the Plan Boundary;
- iii. Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and one of the cities is required by the amendment provisions of those plans.

6. A Type III amendment requires approval by the home city.

- a. Type III Diagram Amendments include amendments to the *Metro Plan* Diagram for land inside the city limits.
- b. Type III Text Amendments include:
 - i. Amendments that are non site specific and apply only to land inside the city limits of the home city;
 - ii. Site specific amendments that apply only to land inside the city limits of the home city;
 - iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when only participation by the home city is required by the amendment provisions of those plans;
 - iv. The creation of new *Metro Plan* designations and the amendment of existing *Metro Plan* designation descriptions that apply only within the city limits of the home city.

~~4.~~ 7. Initiation of *Metro Plan* amendments shall be as follows:

- a. A Type I amendment may be initiated ~~at the discretion of any one of~~ by the three governing bodies. ~~(Note: this correction reflects adopted ordinance and code.)~~ at any time.
- b. A Type II amendment may be initiated ~~at the discretion of any one of the three governing bodies or by any citizen who owns property that is subject of the proposed amendment~~ by the home city or county at any time. A property owner whose property is the subject of a proposed amendment may initiate a Type II amendment at any time subject to limitations set out in the development codes of the home city and Lane County.
- c. A Type III amendment may be initiated by Eugene, Springfield, or a property owner whose property is the subject of the proposed amendment at any time subject to limitations set out in the home city development code.
- ~~e.~~ d. Only a governing body may initiate a refinement plan, a functional plan, a special area study or Periodic Review or *Metro Plan* update.
- e. *Metro Plan* updates shall be initiated no less frequently than during the state required Periodic Review of the *Metro Plan*, although the governing bodies may initiate an update of the *Metro Plan* at any time. [Derived from former Policy 10.]

~~5.~~ The approval process for *Metro Plan* amendments, including the number of governing bodies who participate and the timeline for final action, will vary depending upon the classification of amendment and whether a determination is made that the proposed amendment will have Regional Impact.

- a. ~~All three governing bodies must approve non-site specific text amendments; site specific *Metro Plan* Diagram amendments that involve a UGB or Plan Boundary change that crosses the~~

~~Willamette or McKenzie Rivers or that crosses over a ridge into a new basin; and, amendments that involve a goal exception not related to a UGB expansion.~~

- b. ~~A site specific Type I *Metro Plan* amendment that involves a UGB expansion or Plan Boundary change and a Type II *Metro Plan* amendment between the city limits and Plan Boundary, must be approved by the home city and Lane County (Springfield is the home city for amendments east of I-5 and Eugene is the home city for amendments west of I-5). The non-home city will be sent a referral of the proposed amendment and, based upon a determination that the proposal will have Regional Impact, may choose to participate in the decision. Unless the non-home city makes affirmative findings of Regional Impact, the non-home city will not participate in the decision. [Moved in part to Policy 5.]~~
- e. ~~An amendment will be considered to have Regional Impact if:~~
- ~~(1) It will require an amendment to a jointly adopted functional plan [*Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)*, *Eugene-Springfield Public Facilities and Services Plan (Public Facilities and Services Plan)*, etc.] in order to provide the subject property with an adequate level of urban services and facilities; or~~
 - ~~(2) It has a demonstrable impact on the water, storm drainage, wastewater, or transportation facilities of the non-home city; or~~
 - ~~(3) It affects the buildable land inventory by significantly adding to Low Density Residential (LDR), Campus Industrial (CI), Light Medium Industrial (LMI), or Heavy Industrial (HI) designations or significantly reducing the Medium Density Residential (MDR), High Density Residential (HDR), or Community Commercial (CC) designations.~~
- d. ~~A jurisdiction may amend a *Metro Plan* designation without causing Regional Impact when this action is taken to: compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction; or accommodate the contiguous expansion of an existing business with a site specific requirement.~~
- e. ~~Decisions on all Type II amendments within city limits shall be the sole responsibility of the home city.~~
6. ~~Public hearings by the governing bodies for *Metro Plan* amendments requiring participation from one or two jurisdictions shall be held within 120 days of the initiation date. *Metro Plan* amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date. When more than one jurisdiction participates in the decision, the Planning Commissions of the participating jurisdictions shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials also shall conduct a joint public hearing prior to making a final decision. The time frames prescribed in connection with Type II *Metro Plan* amendment processes can be waived if the applicant agrees to the waiver. [Moved in part to Policy 8. a.]~~
7. ~~If all participating jurisdictions reach a consensus to approve a proposed amendment, substantively identical ordinances affecting the changes shall be adopted. Where there is a consensus to deny a proposed amendment, it may not be re-initiated, except by one of the three governing bodies, for one year. Amendments for which there is no consensus shall be referred to the Metropolitan Policy Committee (MPC) for additional study, conflict resolution, and recommendation back to the governing bodies. [Moved in part to Policy 8. b.]~~

- ~~8. Adopted or denied *Metro Plan* amendments may be appealed to the Oregon Land Use Board of Appeals (LUBA) or the Department of Land Conservation and Development (DLCD) according to applicable state law. [Moved to Policy 8. e.]~~
- ~~9. The three metropolitan jurisdictions shall jointly develop and adopt *Metro Plan* amendment application procedures and a fee schedule. [Moved in part to Policy 8. f.]~~
- ~~10. *Metro Plan* updates shall be initiated no less frequently than during the state required Periodic Review of the *Metro Plan*, although the governing bodies may initiate an update of the *Metro Plan* at any time. [Moved to Policy 7. e.]~~

8. The approval process for *Metro Plan* amendments shall be as follows:

- a. When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision. [Derived in part from former Policy 6.]
- b. If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. Where there is a consensus to deny a proposed amendment, it may not be re-initiated, except by one of the three governing bodies, for one year. [Derived in part from former Policy 7.]
- c. A Type I amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for further examination of the issue(s) in dispute and recommendation back to the governing bodies.
- d. A Type II amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of the home city for further examination of the issue(s) in dispute and recommendation back to the governing bodies.
- e. Adopted or denied *Metro Plan* amendments may be appealed to the Oregon Land Use Board of Appeals (LUBA) or the Department of Land Conservation and Development (DLCD) according to applicable state law. [Derived from former Policy 8.]
- f. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures. [Derived from former Policy 9.]
- g. A different process, time line, or both, than the processes and timelines specified in 8a. through 8f. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated *Metro Plan* amendment.
- ~~11. 9.~~ In addition to the update of the *Metro Plan*, refinement studies may be undertaken for individual geographical areas and special purpose or functional elements, as determined appropriate by each governing body.
- ~~12. 10.~~ All refinement and functional plans must be consistent with the *Metro Plan* and should inconsistencies occur, the *Metro Plan* is the prevailing policy document.
- ~~13. 11.~~ Refinement plans developed by one ~~jurisdiction~~ governing body shall be referred to the other two jurisdictions for their review. Either of the two referral ~~jurisdictions~~ governing bodies may determine that an amendment to the *Metro Plan* is required.

~~14-12.~~ Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.

**Metro Plan Chapter IV: Metro Plan Review, Amendments, and Refinements
Summary of Proposed Changes**

Topic		Current Metro Plan	Proposed Change	Rationale
Amendment Types: Process		<ul style="list-style-type: none"> Amendments are classified as Type I or Type II (See below under amendment types: decision makers) Decision making process does not follow amendment types (i.e. Some Type I amendments require participation of all three governing bodies, some only require participation of two). 	<ul style="list-style-type: none"> Expand to three Amendment Types (I, II and III) Align Amendment Types with the number of jurisdictions requires to approve the amendment (i.e. all Type I amendments require participation of all three governing bodies) 	<ul style="list-style-type: none"> Makes <i>Metro Plan</i> consistent with HB 3337. Amendment types are defined by the participants required for decision making. Responds to the establishment of separate UGBs. Defines when jurisdictions may act alone as a home city and when the County and or the non-home city may participate.
Amendment Types: Decision Maker	Any change to the UGB or Metro Plan boundary; (currently Type I)	<ul style="list-style-type: none"> All three governing bodies must approve a site specific UGB or <i>Metro Plan</i> Boundary adjustments that cross the Willamette or McKenzie Rivers or that crosses over a ridge into a new basin. The home city and Lane County must approve a site specific UGB expansion or Plan boundary adjustment between city limits and plan boundary. Non-home city receives referral and may participate as decision make if determine regional impact (see below). 	<ul style="list-style-type: none"> All three governing bodies must approve amendments of the common UGB along I-5 and for UGB or <i>Metro Plan</i> Boundary changes that cross I-5. The home city and Lane County participate in a UGB or plan boundary amendment east or west I-5 that is not described above. 	<ul style="list-style-type: none"> Narrows the opportunity of the none-home city to participate in UGB decisions by the home city and the County.
	Any change that requires a goal exception to be taken under Statewide Planning Goal 2 that is not related to the UGB expansion (Currently Type I)	All three governing bodies must approve amendments that involve a goal exception not related to a UGB expansion.	This section is removed.	<p>Actions requiring an exemption to Statewide Planning Goals that are not related to a UGB expansion are very rare. The goal exception to Statewide Planning Goal 15—Willamette River Greenway to for construction of the new I-5 Bridges and adjoining bike viaduct is the only one requested in recent memory.</p> <p>Virtually all goal exceptions are sought for UGB expansions or for the development of resource lands in rural areas.</p>
	Any amendment to the <i>Metro Plan</i> text that is not site specific or any change to a Fundamental Principle in Chapter II (Currently Type I)	All three governing bodies must approve.	Add changes to the Metro Plan’s Fundamental Principles to list of Type I non site specific text amendments requiring the approval of all three jurisdictions.	The Fundamental Principles found in Chapter II of the <i>Metro Plan</i> set forth the basic concepts of the <i>Plan</i> . The Principles are not site specific. Changing one or more of them fit the definition of a Type I amendment.
	Any change to the <i>Metro Plan</i> Diagram or <i>Metro Plan</i> text that is site specific and not otherwise a Type I amendment (Currently Type II)	Home City must approve	No change	Changes to the <i>Metro Plan</i> that are not site specific would affect all jurisdictions. Participation of all jurisdictions is appropriate for such amendments.
	Amendments to a regional transportation system plan, or a regional public facilities	Adoption or amendment of some refinement plans, functional plans, or special area plans may, in some circumstances, be	Either all three governing bodies, the home city and Lane County, or the home city, shall approve changes to	Consistent with the establishment of Type I, II, and III amendments, changes to TransPlan, functional plans

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	<p>plan,</p>	<p>classified as Type I or Type II amendments. Amendments to the <i>Metro Plan</i> that result from state mandated Periodic Review or <i>Metro Plan</i> updates also shall be classified as Type I or Type II amendments depending upon the specific changes that would result from these actions.</p> <p>Chapter VI of the <i>Eugene Springfield Metropolitan Area Public Facilities and Services Plan (Public Facilities Plan)</i> contains amendment provisions which are specific to that plan. Those provisions are not changed by these amendments.</p>	<p>the <i>Metro Plan</i> as required by the amendment type (Type I, II, or III). Plans with their own amendment provisions shall be governed by those provisions.</p> <p>The <i>Public Facilities Plan</i>, for example, contains its own amendment provisions which are not affected by the proposed changes to Chapter IV.</p>	<p>or special area plans shall follow the amendment process dictated by the amendment type.</p> <p>Plans which have their own amendment provisions are not affected by these changes.</p>
<p>Regional Impact</p>	<p>Creation of new <i>Metro Plan</i> designations and amendment of existing designation descriptions that apply only within the city limits of the home city.</p>	<p>All three jurisdictions must approve text amendments which are non-site specific. Creation of a new <i>Metro Plan</i> designation is a text amendment which is non-site specific.</p>	<p>Home city.</p>	<p>The proposed change amendments will allow a home city to independently approve new <i>Metro Plan</i> designations which apply only within its city limits.</p>
		<p>An amendment will be considered to have Regional Impact if:</p> <ul style="list-style-type: none"> • It will require an amendment to a jointly adopted functional plan [<i>Eugene- Springfield Metropolitan Area Transportation Plan (TransPlan)</i>, <i>Eugene- Springfield Metropolitan Area Public Facilities and Services Plan (Public Facilities Plan)</i>, etc.] in order to provide the subject property with an adequate level of urban services and facilities; or • It has a demonstrable impact on the water, storm drainage, wastewater, or transportation facilities of the non-home city; or • It affects the buildable land inventory by significantly adding to Low Density Residential (LDR), Campus Industrial (CI), Light-Medium Industrial (LMI), or Heavy Industrial (HI) designations or significantly reducing the Medium Density Residential (MDR), High Density Residential (HDR), or Community Commercial (CC) designations. 	<p>Language referencing “Regional Impact” is removed from Chapter IV.</p>	<p>Removal of the regional impact language does not change Chapter VI of the <i>Public Facilities Plan</i> which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. A <i>Metro Plan</i> amendment which causes a significant impact on public facilities will be subject to the provisions of Chapter VI.</p> <p>Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the <i>Public Facilities Plan</i>.</p> <p>The establishment of separate UGBs has prompted each city to establish their own inventories of residential, commercial and industrial Lands. The proposed change allows cities to act independently to add or subtract land from their inventories so long as these amendments do not significantly impact public facilities outside of their jurisdiction.</p>
<p>Conflict Resolution</p>		<p>When there is no consensus on an amendment (such as when one jurisdiction approves and the other does not), the amendment is referred to the Metropolitan Policy Committee (MPC) for additional study, conflict resolution and recommendation back to the governing bodies.</p>	<p>For a Type I amendment where there is no consensus, the amendment shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for examination of the issue(s) in dispute and recommendation back to the governing bodies.</p> <p>For Type II amendments, the amendments shall be</p>	<p>The MPC is comprised of two elected officials each from Eugene, Springfield, and Lane County. When the MPC is considering metropolitan transportation matters, the two members of the Lane Transit District (LTD) Board serve as voting members.</p> <p>The change provides more flexibility for decision</p>

			referred to the Chair of the Board and the Mayor of the home city.	makers to determine a conflict resolution method that is tailored to the specific situation.
Timelines		Public hearings by the governing bodies for <i>Metro Plan</i> amendments requiring participation from one or two jurisdictions shall be held within 120 days of the initiation date. <i>Metro Plan</i> amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date.	The timelines for processing amendments are dropped from Chapter IV.	Current Plan amendments take longer than this 120 day limit because of challenges in scheduling meetings involving multiple jurisdictions and continued hearings or deliberations.

Planning Commission Recommendations and Proposed Changes to Metro Plan Chapter IV Amendments

The Planning Commissions of Eugene, Springfield, and Lane County deliberated and voted to recommend that their respective elected officials approve the Metro Plan Chapter IV amendments with certain changes. Each Commission listed their changes as reflected in the notes shown below. The themes immediately below are those expressed by more than one Commission:

1. Recommendations to clarify elements of Policy 7 were listed by Eugene and Lane County. The recommendations are minor text insertions to establish that “any one” of the governing bodies or “any governing body” may...
2. Eugene and Springfield recommended some form of time line be added back into Chapter IV.
3. Recommendations to require “notice” or “referral” of all Metro Plan amendments to the other governing bodies were listed by Eugene and Lane County.

Eugene Planning Commission:

The Eugene Planning Commission voted 7-0 to recommend to the Eugene City Council the adoption of the proposed Amendments to the Metro Plan Chapter IV with the following changes:

- At 7a, add "by **any one** of the three governing bodies..."
- At 7b and 7c, Staff to correct wording to clarify.
- At 7e, change wording to "Metro Plan, although ~~the~~ **any governing bodies body** may initiate..."
- At 8, add wording that timelines in Type I and Type II amendments be established, at one to two years, and all participating governing bodies must agree to any extension. *(Passed 4-3 in concept and 5-2 as worded. The 4-3 vote reflects reluctance by 3 commissioners to have any timelines.)*
- At 8 generally, add a requirement that in all proposed Metro Plan Amendments, the governing body or bodies initiating an amendment shall notify all other governing bodies of the intended amendment and Type of amendment proposed. In the event there is not consensus regarding such Type determination, the same referral process outlined in 8c through 8e shall be undertaken.
- At 11, change wording to "Refinement plans ~~developed~~ **adopted** by one..."
- **General:** recommend changing Type I to mean only requiring one governing body Type II, two governing bodies and Type III all three governing bodies.

Lane County Planning Commission:

The Lane County Planning Commission recommended Approval of Ordinance No. PA 1300 with the following changes:

- Modify Policy 7 (a) “A Type I amendment may be initiated by **any of** the three governing bodies.
- Modify Policy 7 (e) “Metro Plan updates shall be initiated no less frequently than during the state required Periodic Review of the Metro Plan, although **any of** the governing bodies may initiate an update of the Metro Plan.
- Replace policy 11 with new notification language something like this: “The initiating body of any Type 1, II, or III metro plan amendment shall send notice to the other two governing bodies.”
- Add more detail to the findings (10, 11, and 12) associated with Criterion #1, Goal 1 Citizen Involvement.

Springfield Planning Commission

The Springfield Planning Commission recommended that the City Council approve with the following specific recommendations:

- Keep some form of a timeline for the process in place;
- Revisit the conflict resolution to include not only the Mayor and the Chair of the BCC, or a designee by the Mayor and Chair of the BCC; or, that they as a body, vote on who to send to resolve the conflict.

Metro Plan

Chapter IV Amendments



METRO PLAN

EUGENE-SPRINGFIELD
METROPOLITAN AREA GENERAL PLAN
2004 UPDATE



City Council Work Session
October 30, 2013

METRO PLAN

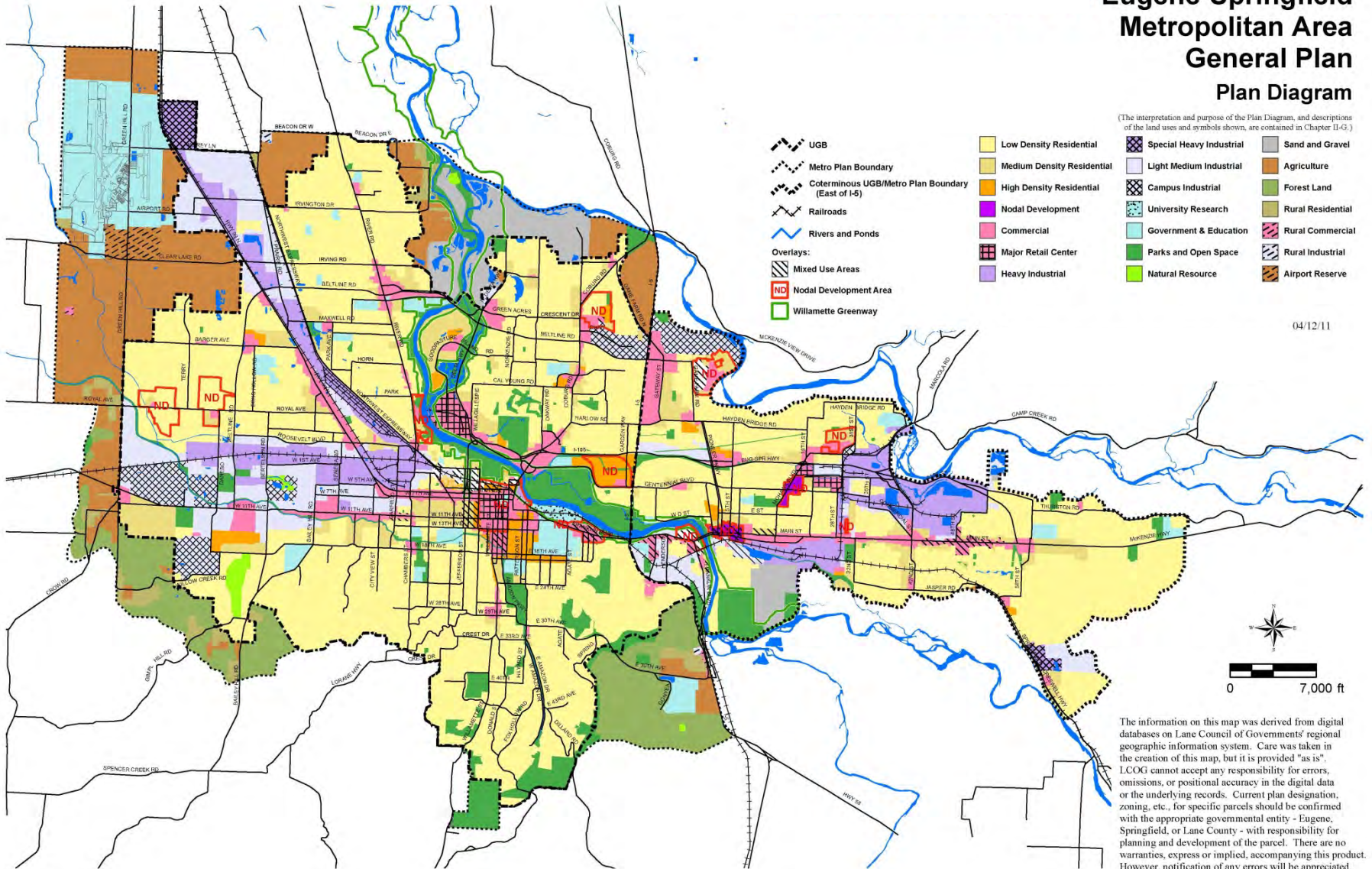
- Overview of Metro Plan History & Purpose
- Past & Current Conditions & Context
- Proposed Amendments

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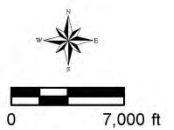


Eugene-Springfield Metropolitan Area General Plan Plan Diagram

(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter II-G.)



04/12/11



The information on this map was derived from digital databases on Lane Council of Governments' regional geographic information system. Care was taken in the creation of this map, but it is provided "as is". LCOG cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate governmental entity - Eugene, Springfield, or Lane County - with responsibility for planning and development of the parcel. There are no warranties, express or implied, accompanying this product. However, notification of any errors will be appreciated.

METRO PLAN

Future of the Metro Plan:



METRO PLAN

Regional Planning:

- Long history of regional planning
- State requirements
- Mutual benefit/ coordination

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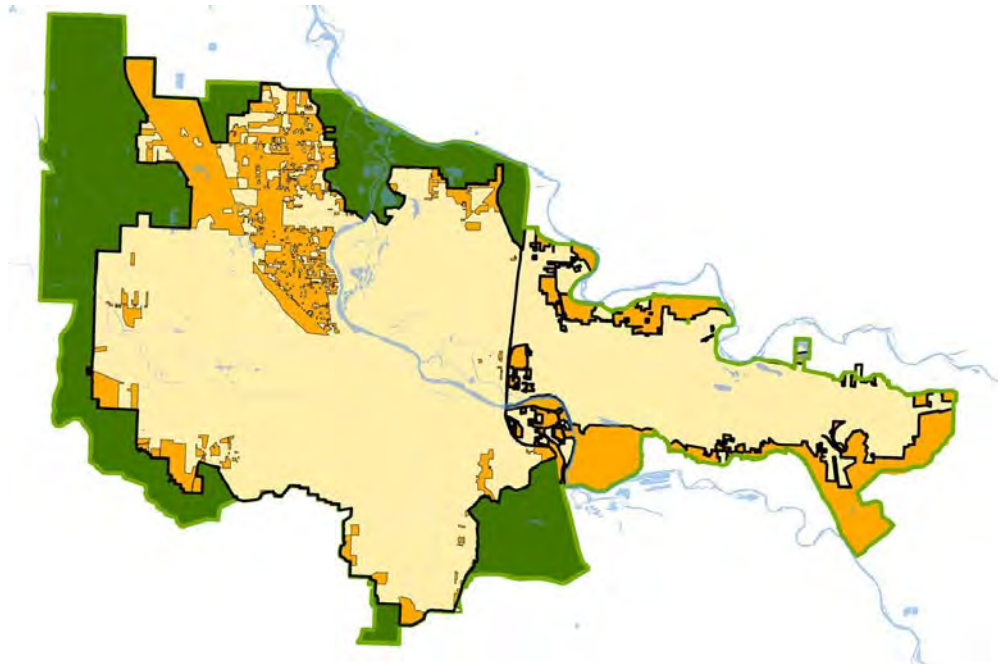


Item B.

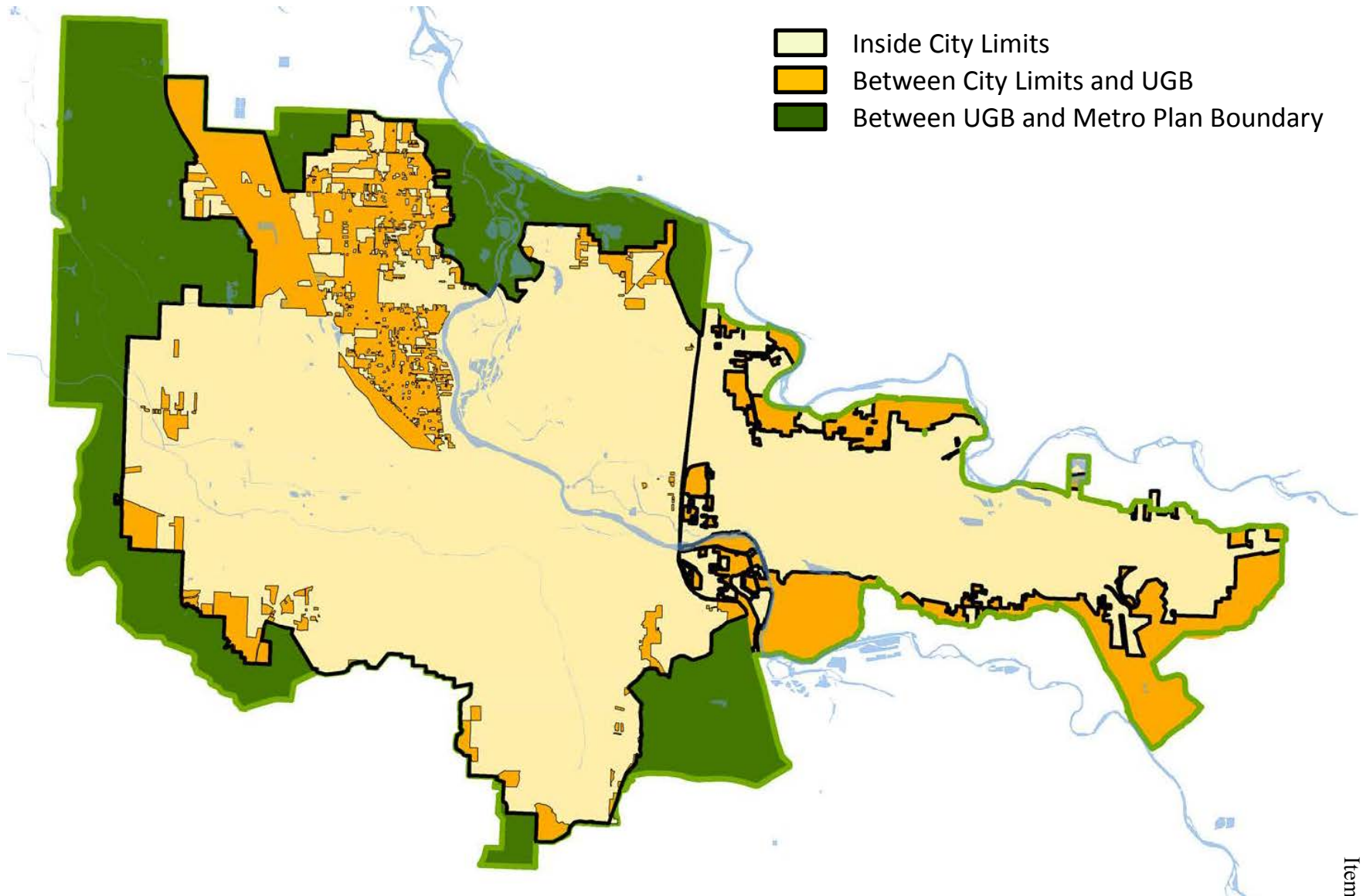
METRO PLAN

Chapter IV:

- Provides a review and approval process for amendments to the Metro Plan. The applicable process depends upon the nature and location of the proposed amendment.



Jurisdictional Decision Making Authority



METRO PLAN

Chapter IV Amendments:

- Initiated by Springfield City Council in recognition of HB 3337:
 - Separate urban growth boundaries
 - Separate land inventories
 - Separate local comprehensive plans
 - Desire for local autonomy

METRO PLAN

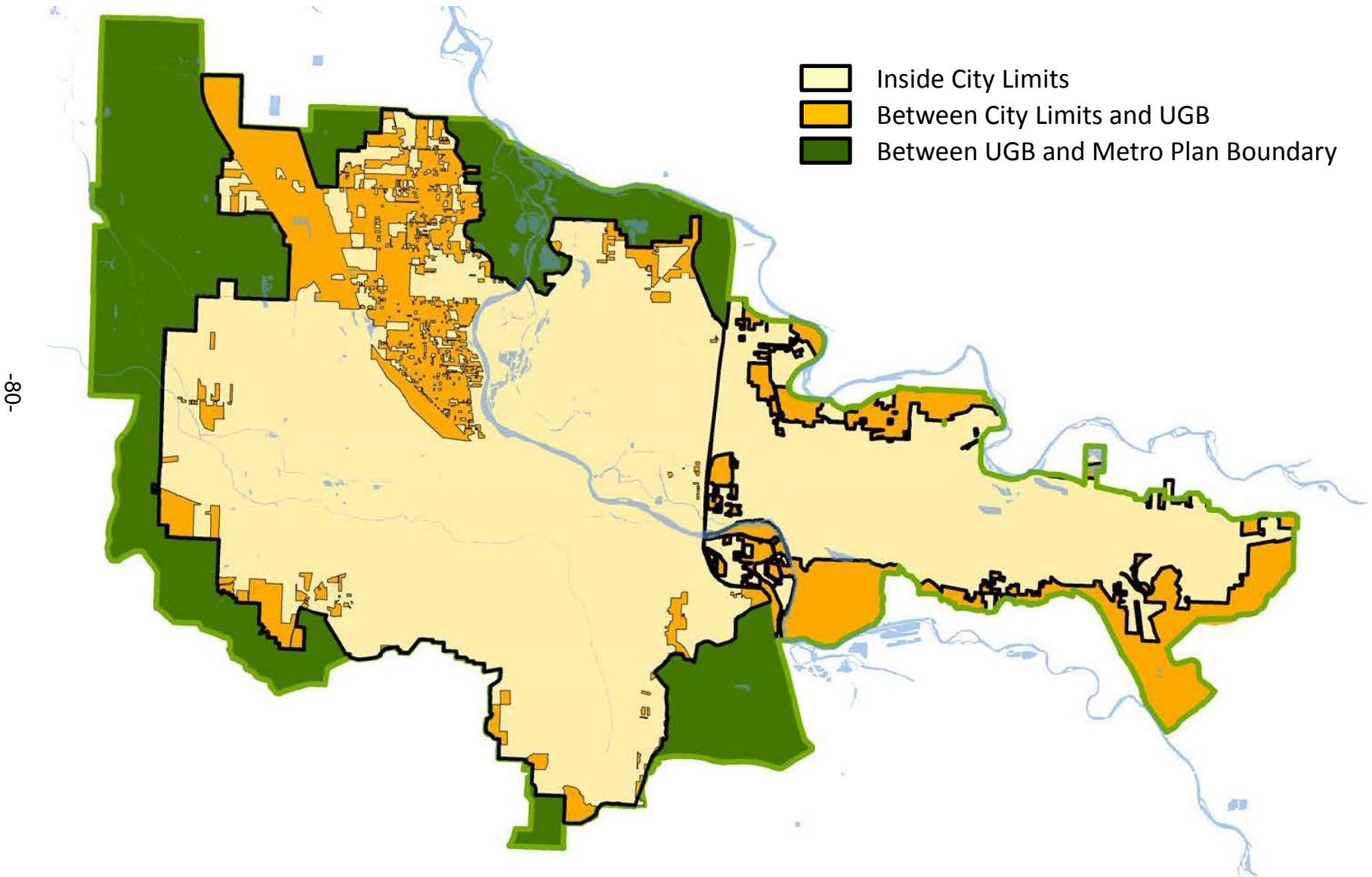
Chapter IV Amendments:

- Amendment Type/ Process
 - UGB and Boundary Amendment Process
- Regional Impact
- Conflict Resolution

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Jurisdictional Decision Making Authority



METRO PLAN

Planning Commission Recommendation:

- All 3 Jurisdictions voted to approve amendments with some modifications
 - Minor text clarifications
 - Align type of amendment with number of participating jurisdictions
 - Provide notice to other governing bodies
 - Timeline for processing amendments

METRO PLAN

Next Steps:

- Nov. 4: Joint Elected Official Public Hearing
- Nov. 18: Deliberations and possible action

