



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

November 18, 2013

5:30 p.m. CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

7:30 p.m. CITY COUNCIL MEETING

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

**Meeting of November 18, 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

5:30 p.m.

A.

WORK SESSION:

Multi-Unit Property Tax Exemption (MUPTE) Program Revisions

**CITY COUNCIL PUBLIC HEARING AND WORK SESSION
Harris Hall**

1. PUBLIC HEARING:

Ordinance 1 - An Ordinance Concerning Single Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings; Amending Sections 9.0500, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.3125, 9.3626, 9.6105, 9.6410, 9.6505, 9.6745, 9.6775, 9.6870, 9.8030, and 9.8405 of the Eugene Code, 1971; Adding Sections 9.1245, 9.2737 and 9.2779 to that Code; and Providing an Effective Date

Ordinance 2 - An Ordinance Concerning Single Family Code Amendment Protection Measures Specific to the University Area; Amending Sections 9.1245, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2761, 9.6410, 9.6745, 9.8030, and 9.8415 of the Eugene Code, 1971; and Providing an Effective Date (City File CA 13-3)

2. ACTION:

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*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Multi-Unit Property Tax Exemption (MUPTE) Program Revisions

Meeting Date: November 18, 2013
 Department: Planning & Development
www.eugene-or.gov

Agenda Item: A
 Staff Contact: Denny Braud
 Telephone Number: 541-682-5536

ISSUE STATEMENT

This work session is a continuation of the discussion on potential MUPTE program reforms.

BACKGROUND

The MUPTE program is enabled by state legislation and designed to encourage higher density housing and redevelopment in the core area and along transit corridors. The program provides a tax exemption for up to 10 years on qualified new multi-unit housing investments that occur within a specific targeted area, meet program requirements, and are reviewed and approved by the council. The MUPTE program is currently suspended through July 31, 2014.

The council has thus far met to discuss the MUPTE program at work sessions on April 22, May 13, June 24, and at a meeting on July 24. The council received input from key stakeholders at a workshop on May 22. At the last work session on July 24, the council took action to extend the MUPTE suspension in order to continue reviewing the program criteria to insure that community benefits are achieved, and to provide an opportunity to engage the community and stakeholders in the process of reforming the program. Additionally, the council highlighted the importance of:

- Aligning the MUPTE tool and availability of the tool with the goals of Envision Eugene
- Consideration of affordable housing needs and the role that MUPTE can play in advancing this goal
- Local hiring and the need to support local businesses and talent
- Identifying community benefits and the need for MUPTE projects to advance community goals
- Thoughtful and timely reforms that can be implemented to support redevelopment opportunities

Based on the feedback to date, staff has included some new revisions to the draft MUPTE criteria for the council to consider (see Attachment A). The primary changes are:

- Elimination of student housing projects (as defined in the Attachment A criteria) from MUPTE program eligibility
- Increased and revised affordable housing fee structure (paid in lieu of providing affordable units) to require an annual fee on 20 percent of the project units
- New Minimum Threshold Criteria related to project design
- Recommendation that MUPTE-eligible areas initially be focused within the Downtown Plan Boundary, Mid-Town, South Willamette, and Trainsong areas

In order to meet the council's goal for a thorough and timely program reform process, staff will lead a discussion that will support the council in developing revised draft MUPTE criteria, identifying potential program boundary areas, identifying opportunities for community and stakeholder input, and establishing an adoption timeline. The following process steps have been identified:

- Council provides direction on the recommended program criteria, boundary options, and public involvement
- Stakeholders and the community provide input particularly focused on the draft revisions and boundary considerations
- Council consideration of revised criteria based on input received from stakeholders and the community
- Hold a public hearing on a new MUPTE program ordinance
- Council consideration and adoption of new MUPTE ordinance
- Designation of a MUPTE Review Panel charged with reviewing and making recommendations on individual applications, and monitoring ongoing program performance
- New MUPTE program implemented

COUNCIL OPTIONS

1. Direct the City Manager to move forward with a MUPTE process agreed on during this work session based on the draft criteria included in Attachment A.
2. Amend the draft criteria included in Attachment A, and direct the City Manager to move forward with a MUPTE process agreed on during this work session.
3. Take no action and continue the discussion on MUPTE program reform at another work session.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends moving forward with the MUPTE process agreed on during this work session based on the draft criteria included in Attachment A.

SUGGESTED MOTION

Move to direct the City Manager to move forward with the MUPTE process agreed to by the council at this work session based on the draft criteria included in Attachment A, and bring back a

final recommendation for council consideration prior to scheduling a public hearing on an ordinance to adopt MUPTE program revisions.

ATTACHMENTS

A. Revised Draft - MUPTE Program Criteria

FOR MORE INFORMATION

Staff Contact: Denny Braud
Telephone: 541-682-5536
Staff E-Mail: denny.braud@ci.eugene.or.us

ATTACHMENT A

Multi-Unit Property Tax Exemption (MUPTE) Program Criteria**MINIMUM THRESHOLD CRITERIA**

To be considered for MUPTE approval, projects must meet the following minimum threshold requirements. Terms and conditions not fully defined herein will be further defined in an updated administrative rule:

- **Eligible Boundary** – Projects must be located within the boundary illustrated on the map attached as Exhibit A.



- **Eligible Project Types** - Multi-unit housing projects (excluding “student housing”)* that are newly constructed, additions to existing multi-unit housing, or structures converted in whole or in part from other use to dwelling units.

* “Student housing” is defined as housing specifically built for living space for undergraduate and graduate students where the leasing unit is often by room or bed (not an entire residential unit), and unit configurations typically take the form of several bedrooms with individual bathrooms and sparse common space. Project amenities and location are often selected to appeal only to students and offer limited viability as potential housing for the general population, particularly families. .

- **Density** – For mixed-use projects (housing above commercial), the structure must have five or more dwelling units. For housing-only projects, the project density must exceed the minimum allowed in the Eugene code.
- **Project Need** – Analysis of the project pro forma must establish that the project would not be built but for the benefit of the tax exemption. The applicant must submit documentation, including a pro forma and an analysis of the projected rate of return (as measured by the Cash on Cash return) for the proposed project demonstrating that the anticipated overall rate of return for the project (with MUPTE) for the maximum period of exemption (10 years) will not exceed 10 percent. The pro forma and assumptions will be analyzed by the MUPTE review panel.

If the projected overall rate of return for the maximum exemption period is:

- Below 10 percent and the Minimum Threshold Criteria is met, then the project would be eligible to receive the maximum 10-year exemption.
- Above 10 percent, then:
 - The term of the exemption will be decreased by the number of years necessary to bring the rate of return down to 10 percent, or

- The applicant can add project elements included in the Additional Public Benefit Criteria to increase the term of the exemption up to 10 years



- **Project Design** - Application must include a detailed description of the proposed project and graphic information including site plans and elevations containing sufficient detail to demonstrate that the scale, scope, size, quality and mix of project elements addresses design guidelines (to be developed based on specific boundary area identification and public/stakeholder input).

As a condition of application approval, the project will be required to adhere to the project design elements that were reviewed at the time of council approval.

- **Green Building** - The project must be built to meet a minimum green building standard of Leadership in Energy and Environmental Design (LEED) Silver or an equivalent standard acceptable to City.
- **Neighborhood Contact** - Although neighborhood association support is not required for MUPTE approval, the applicant must make an effort to contact the appropriate neighborhood association to share project information and seek input. Evidence of such effort must be included in the application and shall include a copy of the comments received from the neighborhood association or documentation of the applicant's attempt to solicit comments.
- **Affordable Housing** - For rental projects, one of the following must be met:
 - Provision of affordable units within the project - During the period of exemption, a minimum of 20% of dwelling units must be affordable to households earning between 80% and 100% of the area median family income upon initial occupancy of the unit by that family; or
 - Payment of an annual affordable housing fee for each year of exemption calculated as follows: 20% of the total units in the project x per unit fee

(Example: 50 units x 20% = 10 units x \$1,000 = \$10,000)
- **Local Hiring Goals** - Applicants must provide a plan to meet the Local Hiring goals included in the Additional Public Benefit Criteria (see below).
- **Financial Reporting** - During the exemption period, the project's owner must submit annual accountant-prepared financial information sufficient to evaluate a to-date rate of return for the project. The financial information will be used by the City Manager to analyze the overall effectiveness of the MUPTE program, and may be used in the aggregate to prepare an annual MUPTE report to council.



ADDITIONAL PUBLIC BENEFIT CRITERIA

The following Additional Public Benefit Criteria (to be further defined in an updated administrative rule) shall be used to determine eligibility for extending the tax exemption for up to, but no longer than, 10 years:

- **Local Hiring** – The extent to which the project meets the following local hiring goals:
 - Greater than __ percent of the dollar volume of the combined professional services and construction contracts include local (based in Oregon) firms.
 - Greater than __ percent of the on-site construction jobs performed by local (reside in Oregon) residents. Exceptions for specialty work not available in the local market will be reviewed on a case by case basis.
 - Project demonstrates that it has made a good faith effort to solicit bids for professional services and construction contracts from qualified women and minority business enterprises.

- **Location** – Projects located within the Downtown Plan Area, within a HUD Low-Mod Income Area, on a brownfield site, or includes the redevelopment of a valuable historic resource.

- **Project Features** – The extent to which the project incorporates the following features:
 - Exceeds the affordable housing Minimum Threshold Criteria through:
 - Provision of a greater number of qualified units;
 - Provision of units with a lower income threshold (to be occupied by residents with incomes between 60% to 80% median family income);
 - or
 - Payment of an increased affordable housing fee.
 - Exceed the energy efficiency standards in the Oregon Energy Code
 - Provision of Americans with Disabilities Act (ADA) accessible dwelling units
 - Provision of dwelling units available for home ownership
 - Inclusion of open space, community gardens, or gathering space that is accessible to the community
 - Inclusion of ground floor commercial/retail that addresses a neighborhood need
 - Design excellence and neighborhood compatibility
 - Provision of embedded or structured parking
 - Encourage alternative transportation options, including bus passes, car share, bike share, bus shelter, and minimum parking where appropriate

OTHER PROGRAM FEATURES

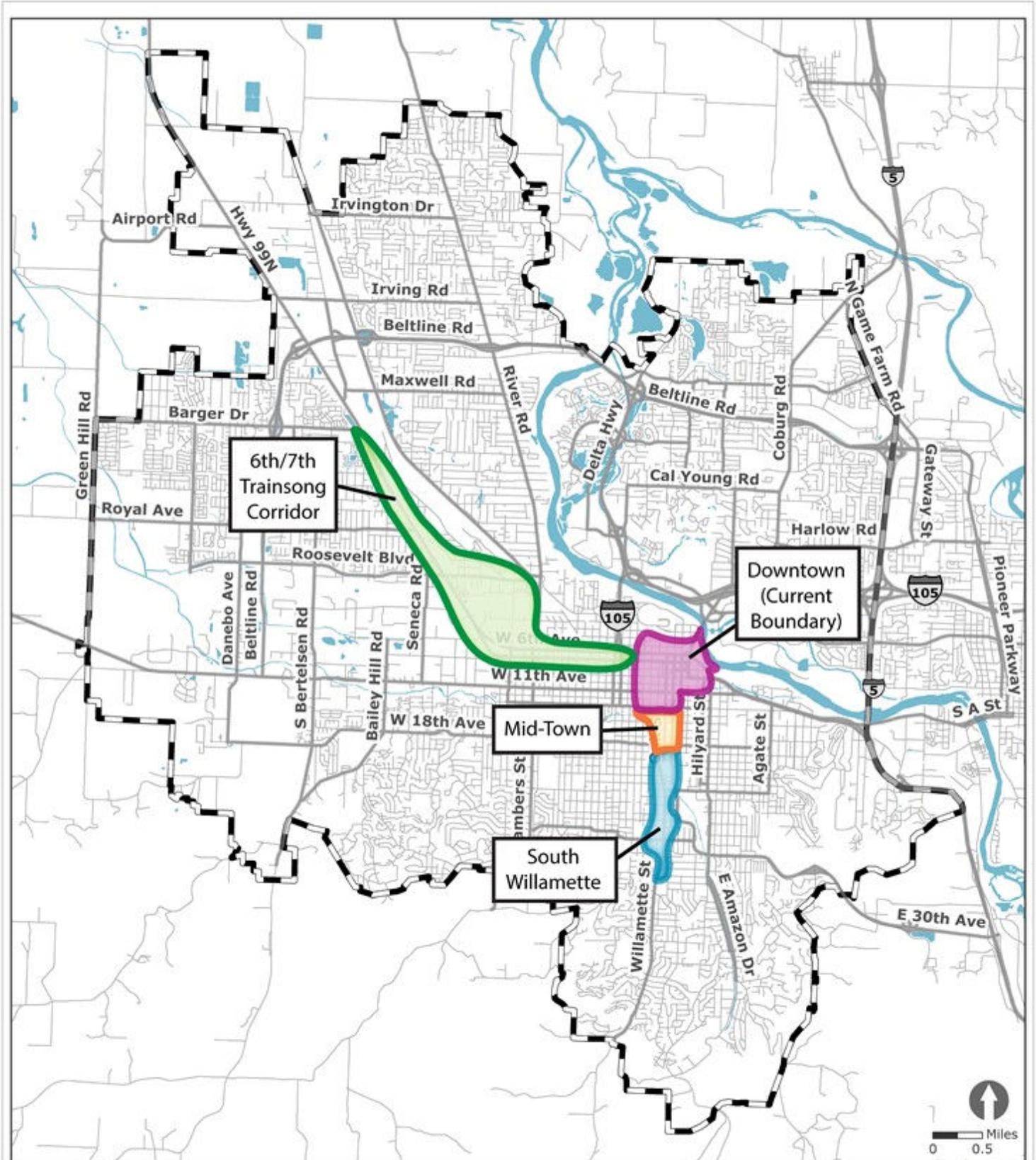
- **MUPTE Review Panel** – A newly formed MUPTE review panel appointed to provide a third-party review of the MUPTE program including:
 - Review of project applications, with emphasis on analyzing the project's financial projections.
 - Review applicant's conformance with the Minimum Threshold Criteria and Additional Public Benefit Criteria and make recommendations regarding approval/denial of the tax exemption to the City Manager.
 - Assist the City Manager in preparing an Annual Report on the MUPTE program.

- **Program Volume Cap** – The MUPTE program goal is to assist in the creation of 1,600 new, multi-family housing units after adoption of the 2014 ordinance. At such time, that the MUPTE-assisted number of dwelling units constructed reaches this goal, council shall conduct a comprehensive review to determine if continuation of the program is desired.

- **Application Fee** – The City Manager shall establish an updated application fee by Administrative Rule.

Exhibit A

Potential MUPTe Areas

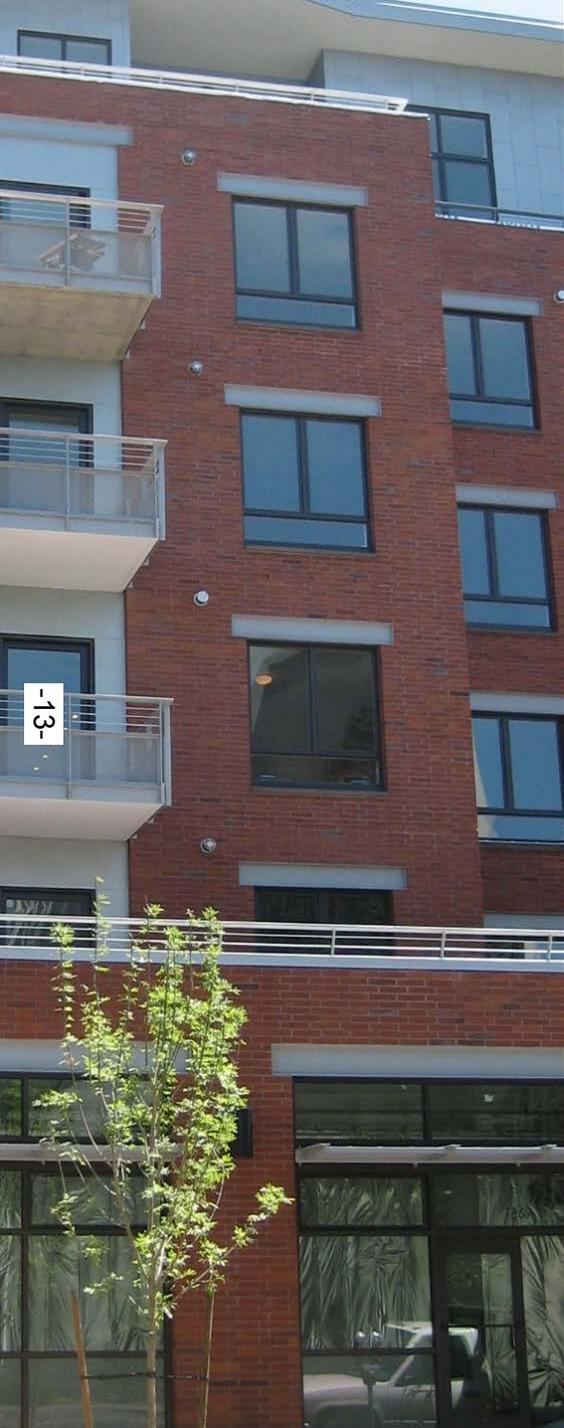


Eugene UGB

Caution: This map is based on imprecise source data, subject to change, and for general reference only.

City of Eugene
Planning and Development
November 13, 2013

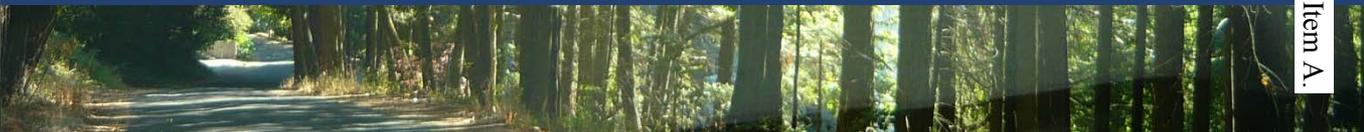




MUPT

(Multi-Unit Property Tax Exemption)

Council Work Session 18 Nov 2013



Council direction requested:

- Criteria
- Boundary
- Public process and timeline





MUPTÉ Criteria

Minimum Threshold Criteria

- Eligible Boundary
- Project Types
- Density
- Project Need
- Project Design
- Green Building
- Neighborhood Contact
- Affordable Housing
- Local Hiring
- Financial Reporting

Additional Public Benefit Criteria

- Local Hiring
- Location
- Project Features

Other Program Features

- Review Panel
- Program Volume Cap
- Application Fee

MUPTE Criteria

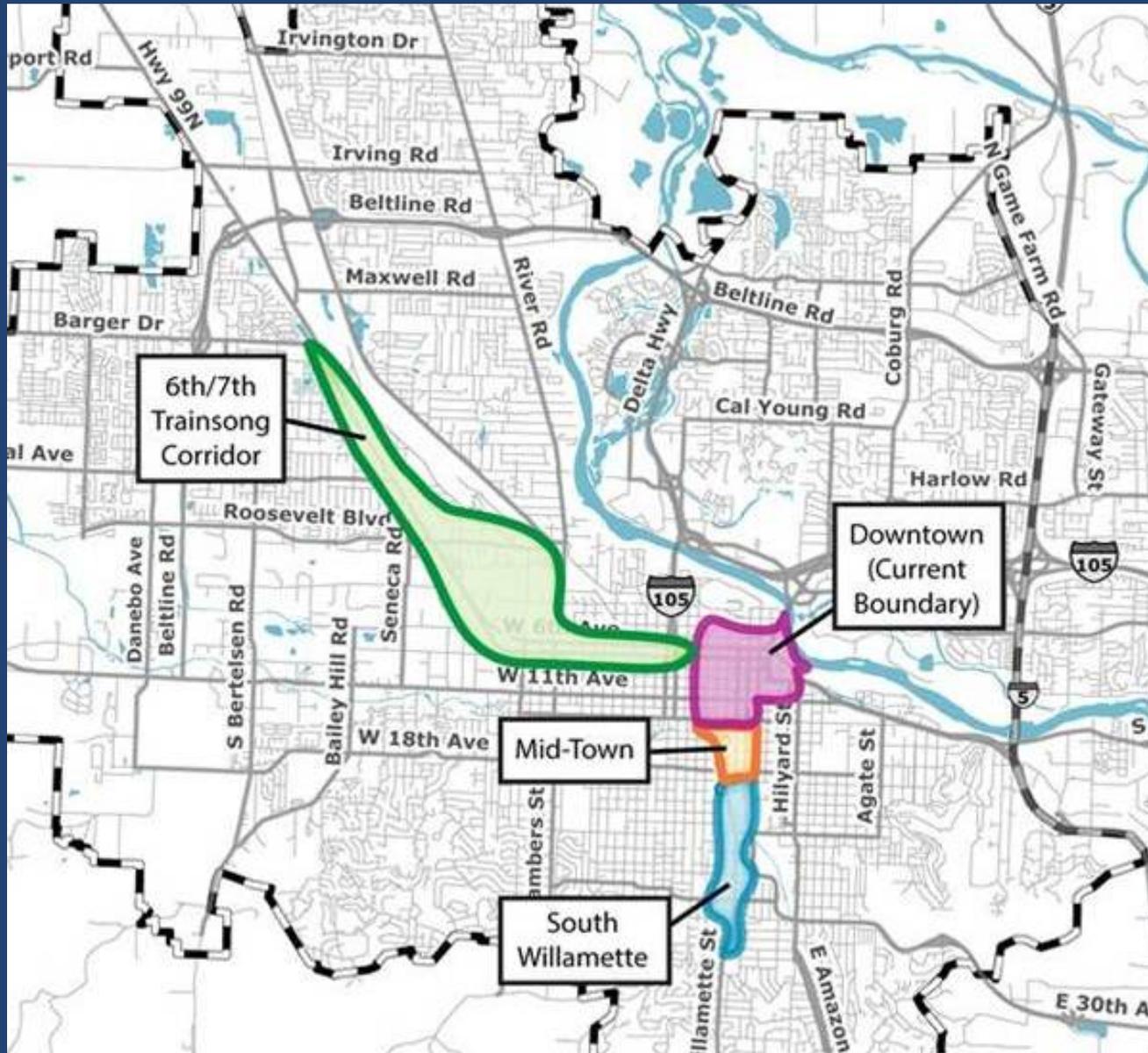
Revisions



- Eligible project type (excludes student housing)
- Project design
- Affordable housing fee changes



MUPTE Boundary



Technical Resource Group (TRG) Findings:

- Target for multi-family redevelopment essentially unchanged
- No past multi-unit redevelopment identified
- Some combination of investment tools will be needed to achieve redevelopment target
 - Alternative: significantly increase density in existing neighborhoods (not supported)





MUPTE Process

- Council direction on criteria, boundary, public involvement
- Community and stakeholder input on draft criteria and boundary areas
- Council consideration of revisions
- Public hearing
- Council consideration – New MUPTE ordinance
- Designation of MUPTE Review Panel
- Revised MUPTE program

Council direction requested:

- Criteria
- Boundary
- Public process and timeline



EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing:

Ordinance 1 - An Ordinance Concerning Single Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings; Amending Sections 9.0500, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.3125, 9.3626, 9.6105, 9.6410, 9.6505, 9.6745, 9.6775, 9.6870, 9.8030, and 9.8405 of the Eugene Code, 1971; Adding Sections 9.1245, 9.2737 and 9.2779 to that Code; and Providing an Effective Date

Ordinance 2 - An Ordinance Concerning Single Family Code Amendment Protection Measures Specific to the University Area; Amending Sections 9.1245, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2761, 9.6410, 9.6745, 9.8030, and 9.8415 of the Eugene Code, 1971; and Providing an Effective Date
(City File CA 13-3)

Meeting Date: November 18, 2013
Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

The City Council will hold a public hearing to consider a package of land use code amendments related to single-family housing in the R-1 Low Density Residential zone. The proposed amendments would:

- Add citywide compatibility standards for structures that are currently allowed, including secondary dwellings, existing alley access lots and accessory buildings;
- Allow for new alley access lots in certain areas, including compatibility standards; and
- 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.

A summary of the amendments is provided in Attachment A, and the proposed ordinances are provided as Attachment B and C. The amendments were split into two ordinances for the purposes of the public hearing; however, because the second ordinance is dependent upon changes in the first ordinance, they will be recombined into one ordinance prior to City Council action.

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. The Planning Commission's recommendation, including a vote count for each recommended modification and brief summary of the discussion where the vote was not unanimous, is provided as Attachment D.

The Planning Commission recommendation includes a number of refinements to the proposed code that have been incorporated into the draft ordinances for the council's consideration, with the exception of interim standards pertaining to secondary dwellings in the University area. While the Planning Commission recommended adding development standards to allow for secondary dwellings (rather than prohibit them as originally proposed), the draft code language was not complete in time to meet the City Charter requirement for the posting of the ordinance. The proposed interim development standards for secondary dwellings in the University area, based on the Planning Commission's recommendation, are provided as Attachment E for the public and council's consideration.

The City Council held a work session on October 30, 2013, to receive an overview of the amendments. Following the public hearing, the City Council is scheduled to hold another work session, on November 27, 2013, to begin deliberations. A recommendation will be included in the City Council packet for action, scheduled for December 9, 2013.

A complete set of record materials, are available for review in a binder located at the City Council Office, and via <http://www.eugene-or.gov/index.aspx?NID=2088>.

RELATED CITY POLICIES

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

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 December 9, 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 December 9, 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 December 9, 2013.

ATTACHMENTS

- A. Summary of Single Family Code Amendments
- B. Proposed Ordinance #1: Accessory Buildings, Alley Access Lots and Secondary Dwellings
- C. Proposed Ordinance #2: University Area Protection Measures
- D. Planning Commission Recommendation
- E. Proposed Code Language for University Area Interim Secondary Dwellings Standards

As noted above, a complete set of record materials is available for review in a binder located at the City Council Office. This information is also available via <http://www.eugene-or.gov/index.aspx?NID=2088>

FOR MORE INFORMATION

Staff Contact: Alissa Hansen
Telephone: 541-682-5508
Staff E-Mail: alissa.h.hansen@ci.eugene.or.us

Proposed Code Language for University Area Interim Secondary Dwelling Standards

November 12, 2013

Red italic text = Proposed Interim Secondary Dwelling Standards

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

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.***

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
Secondary Dwelling Units (16)					
General Standards	See (16)(a)-(b)	--	--	--	--
Area-Specific	See (16)(c)	--	--	--	--

(16) **Secondary Dwelling.**

- (a) **General Standards for 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.** To allow for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.
 2. **Building Size.** The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. 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.
 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.
 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 principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who 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. The principal 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.*
 7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal 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 principal 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 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 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:*
 - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of 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 principal 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 principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for 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.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
 - 2. **Building Size.** *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. **Pedestrian Access.** *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.*
 - 4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
 - 5. **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.*
 - 6. **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 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).*
- (c) **Area-specific Standards.** *The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood:*
1. **Lot Area.** *To allow for secondary dwelling, the lot shall contain at least 7,500 square feet.*
 2. **Lot Dimension.** *The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.*
 3. **Lot Coverage.** *The lot 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.*
 4. **Vehicle Use Area.** *The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, is 20 percent of the total lot area.*
 5. **Building Size.** *For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. 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.*
 6. **Minimum Attachment.** *The standards at EC 9.2751(16)(a)3. are applicable.*
 7. **Maximum Bedrooms.** *For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.*

8. **Maximum Occupancy.** For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
 9. **Building Height/Interior Sloped Setback.** For detached secondary dwellings:
 - a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from vertical) away from the lot line until a point not to exceed a maximum building height of 18 feet.
 - b. 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.
 10. **Dog Keeping.** The standards at EC 9.2751(16)(a)5. are applicable.
 11. **Ownership/Occupancy Requirements.** The standards at EC EC 9.2751(16)(a)6. are applicable.
 12. **Temporary Leave.** The standards at EC 9.275(16)(a)7. are applicable.
 13. **Deed Restriction.** The standards at EC 9.2751(16)(a)8. are applicable. In addition, the applicable occupancy limitation at EC 9.2751(16)(c)8. above must be included in the deed restriction.
 14. **Verification.** The standards at EC 9.2751(16)(a)9. are applicable.
 15. **Parking.** For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
 16. **Alley Access Parking and Driveway.** The standards EC 9.2779(4)(k) are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
 17. **Pedestrian Access.** The standards at EC 9.2751(16)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.
 18. **Primary Entrance.** The standards at EC 9.2751(16)(b)3. are applicable to detached secondary dwellings only.
 19. **Outdoor Storage/Trash.** The standards at EC 9.2751(16)(b)4. are applicable to detached secondary dwellings only.
 20. **Maximum Wall Length.** The standards at EC 9.2751(16)(b)7. are applicable for detached secondary dwellings only.
- (d) **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. **These standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood.***
- (e) **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.*
- (f) **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.*

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 principal 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 subject to relevant criteria

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). Proposed code amendments include:

- For residential accessory buildings on lots less than 13,500 square feet, limiting building size; for lots between 13,500 and 43,560 square feet, limiting building size, requiring greater setback and sloped setback; and for lots over 43,600 square feet, requiring greater setback and sloped setback.
- 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
- Limiting height, yet 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; maximum lot size of 5,000 square feet
- Alley access lot dimensions: minimum 50 feet frontage/lot width and a minimum lot depth of 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 rowhouses, duplexes and other forms of attached housing
- Prohibiting new rezonings to R-1.5 Rowhouse zone
- Prohibiting the creation of new flag lots and new alley access lots, but apply compatibility standards for existing alley access lots (as part of citywide standards addressed above)
- Adding area specific development standards for secondary dwellings
- 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

NOTE: Two Ordinances proposing Single Family Code amendments are being presented concurrently. Ordinance #1 (the Ordinance set out below) concerns accessory buildings, secondary dwelling units and alley access lots in R-1. Ordinance #2 concerns protection measures that are specific to the University area.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS; AMENDING SECTIONS 9.0500, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.3125, 9.3626, 9.6105, 9.6410, 9.6505, 9.6745, 9.6775, 9.6870, 9.8030, AND 9.8405 OF THE EUGENE CODE, 1971; ADDING SECTIONS 9.1245, 9.2737 AND 9.2779 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following definitions in Section 9.0500 of the Eugene Code, 1971, are amended to provide as follows:

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

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.***

kennel. An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and a secondary dwelling unit, the “premises” means the lot. **(See EC [9.2741(2)(a)5.] 9.2751(16)(a)5.).**

Section 2. Section 9.1245 of the Eugene Code, 1971, is added to provide as follows:

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.*

Table 9.1245 Legal Pre-Existing Structures		
R-1 Low Density Residential	Secondary Dwelling	Limited to those in existence on _____ [effective date of ordinance]
R-1 Low Density Residential	Accessory Building	Limited to those in existence on _____ [effective date of ordinance]
R-1 Low Density Residential	Alley Access Lot Dwelling	Limited to those in existence on _____ [effective date of ordinance]

Section 3. Section 9.2737 of the Eugene Code, 1971, is added to provide as follows:

9.2737 Residential Occupancy Requirements. *Occupancy of a dwelling is limited by the definition of family at EC 9.0500. The city manager may require a property owner to provide copies of lease or rental agreements documenting compliance with occupancy limits.*

Section 4. The text of Section 9.2740 of the Eugene Code, 1971, (excluding Table 9.2740) is amended to provide as follows:

- 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.

Section 5. Subsection (2) of Section 9.2741 of the Eugene Code, 1971, is amended to provide as follows, and by moving the provisions of (2)(a) and (b) to Section 9.2751(16) as shown in Section 8 of this Ordinance:

[*Comment: Subsection (2)(a) shown in strikethrough below is being moved to EC 9.2751(16) and amended.*]

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.**
- ~~[(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 feet 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.]~~

Section 6. Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

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

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

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, but does not include main building on an Alley Access Lot.	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot	See EC 9.2779(4)	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] See (15)	20 feet	25 feet	30 feet	30 feet
Secondary Dwelling Detached from Main Building	See (16)	--	--	--	--
Minimum Building Setbacks (2), (4), (6), (9), (10), (11)					

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
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)](11)	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
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	--	--	--	--
Interior Yard Setback for Alley Access Lots in R-1	See EC 9.2779(4)	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
Maximum Lot Coverage					
All Lots, Excluding Alley Access Lots in R-1 and Rowhouse Lots	50% of Lot	--	50% of Lot	--	--
Alley Access Lots in R-1	See EC 9.2779(4)	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area [(13)](12)					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
Fences [(14)](13)					
[(1)]Maximum Height Within Interior Yard Setbacks[(1)]	6 feet	42 inches	6 feet	6 feet	6 feet
[(1)]Maximum Height within Front Yard Setbacks[(1)]	42 inches	42 inches	42 inches	42 inches	42 inches
Driveways and Parking Areas [(15)](14)					
General Standards	--	--	--	See [(15)](14)	See [(15)](14)
Accessory Buildings in R-1 (15)					
General Standards	See (15)(a)	--	--	--	--
Secondary Dwelling Units (16)					
General Standards	See (16)	--	--	--	--

Section 7. Figure 9.2751(14)(b)1. is relabeled as Figure 9.2751(13)(b)1. as shown on Exhibit A attached hereto; Figure 9.2751(15) is relabeled as Figure 9.2751(14) as shown on Exhibit B attached hereto; Figure 9.2751(15)(a)2.a. is added as shown on Exhibit C attached hereto; Figure 9.2751(16)(b)5.a. is added as shown on Exhibit D attached hereto.

Section 8. Subsections (3) and (8) of Section 9.2751 of the Eugene Code, 1971, are amended; subsection (11) is deleted and subsections (12) – (15) are renumbered as (11) - (14) respectively; renumbered subsections (13) and (14) are amended; and new subsections (15) and (16) are added to provide as follows:

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[(44)](13)(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 in R-3 and R-4. 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) Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
- (b) Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.

- (c) Except for a driveway and associated parking area shared by two adjoining lots (“shared driveway”), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
- (d) Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
- (e) When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
- (f) Except for shared driveways and as provided in (h) below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.
- (g) Except as provided in (h) below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.
- (h) When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.
- (i) All portions of required front yard setbacks not otherwise covered by a legal driveway 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) No parking shall occur in the landscaped portion of the required front yard setback.
- (k) Adjustments to the standards in subsection (i) may be made, based on the criteria at EC 9.8030(30).

(See Figure 9.2751[(15)](14))

(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 (with a dwelling) that are 13,500 square feet or less in area, the maximum square footage of all accessory buildings shall not exceed 1,000 square feet.**
- b. For accessory buildings on development sites (with a dwelling) that are greater than 13,500 square feet and less than 43,560 square feet, the maximum square footage of all accessory buildings shall be 10 percent of**

the area of the development site but in no case shall the total square footage of all accessory buildings exceed 3,000 square feet.

- c. 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.*

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

2. Building Height/Setback.

- a. For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, 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 greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 pitch horizontally away from the property line to a maximum building height of 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 that 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:

- a. The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
- 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, 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 _____ [effective date of ordinance] 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.

(16) Secondary Dwelling. [Comment: This subsection (16) has been moved from EC 9.2741(2)(a) and amended. See endnote for amendments shown in legislative format.]ⁱ

(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. To allow for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.**
2. **Building Size. The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. 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.**
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.**
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 principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who 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. The principal 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.**
7. **Temporary Leave. Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal 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 principal 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 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 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:*
 - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of 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 principal 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 principal 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.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
 2. **Building Size.** *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. **Pedestrian Access.** *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.
4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
 5. **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.*
 6. **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 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).*
- (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.*

Section 9. Section 9.2760 of the Eugene Code, 1971, is amended to provide as follows:

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	--	--	--	--
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 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
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
Alley Access Lot (11) (Existing lot or lots shall be at least 9,000 square feet)	2,250 square feet	--	--	--	--
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
Alley Access Lot (11)	0 feet	--	--	--	--
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
Alley Access Lot (11)	50 feet	--	--	--	--
Lot Area Maximum (5)					
{{[New subdivisions and partitions only]}, except for Alley Access Lots	13,500 square feet	--	--	--	--
Alley Access Lot	5,000 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)	-	-	-	-

Section 10. Subsections (2) and (8) of Section 9.2761 of the Eugene Code, 1971, are amended, and a new subsection (11) is added, to provide as follows:

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.)

- (8) ***Duplex Division Lots.*** Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)
- (11) ***Alley Access Lots. Alley access lots shall comply with other alley access lot standards. (See EC 9.2779 Alley Access Lot Standards.)***

Section 11. Figure 9.2779(4)(e)1. is added as shown on Exhibit E attached hereto;

Figure 9.2779(4)(k) is added as shown on Exhibit F attached hereto; and Section 9.2779 of the Eugene Code, 1971, is added to provide as follows:

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. 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, a maximum of 5,000 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 corner of the alley access lot closest to the street shall be a maximum of 125 feet from the centerline of the alley where it intersects with the curb of the street.
 - (g) ***Alley Improvement.*** The minimum improvement width for the alley shall be 12 feet.
- (3) ***Use Regulations.*** 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 _____ [effective date of ordinance] 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.*
 4. *Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.*
- (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) **Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.**
- (m) **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.**
- (n) **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) regarding building height/setback, may be adjusted in accordance with EC 9.8030(36). For alley access lots, this is the only standard that may be adjusted.**

Section 12. The following entries in Table 9.3125(3)(g) of Section 9.3125 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)			
	C	HDR/MU	HDR
Fences - Maximum Height			
Front Yard	(See EC 9.2170(6))	42 inches (See EC 9.2751[(44)] (13))	42 inches (See EC 9.2751[(44)] (13))
Interior Yard	(See EC 9.2170(6))	6' (See EC 9.2751[(44)] (13))	6' (See EC 9.2751[(44)] (13))

Section 13. Subsection (8) of Section 9.3626 of the Eugene Code, 1971, is amended to provide as follows:

9.3626 Special Development Standards for Table 9.3625.

(8) Fences.

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
 - 1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751[(44)](13)(b)1.)**
 - 2. Fences up to 6 feet in height are permitted within the required interior yard setback.
 - 3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
 - 4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.

Section 14. The following entry in Table 9.6105(5) of Section 9.6105 of the Eugene Code, 1971, is amended to provide as follows:

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 [bed]rooms.	75% long term 25% short term

Section 15. Subsection (1) of Section 9.6410 of the Eugene Code, 1971, and the following entry in Table 9.6410 of Section 9.6410 are amended to provide as follows:

9.6410 Motor Vehicle Parking Standards.

(1) Location of Required Off-Street Parking Spaces. Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.

(a) All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. The off-street parking space requirement for a multi-family dwelling may be satisfied through an agreement that provides parking located on another multi-family dwelling's development site only if the party requesting approval demonstrates that, after the agreement is executed, both development sites will meet the current code's minimum off-street parking space requirement. Each parking space provided through a city approved agreement must have a permanent sign of at least 1 square foot that indicates the name or address of the multi-family dwelling for which the parking is reserved.

(b) Except as provided in EC 9.2751[(15)](14)(c) Driveways and Parking Areas in R-3 and R-4, parking areas may be located in required setbacks only as permitted in EC 9.6745 Setbacks - Intrusions Permitted.

(c) Tandem parking spaces may be utilized to meet off-street parking requirements for multi-family dwellings in the R-3 and R-4 zones within the boundaries of the [C]city recognized West University Neighbors and South University Neighborhood Association. Those tandem spaces may only be located in an underground parking area or at least 30 feet from a public street within a parking area that can be accessed only from an alley. **(For tandem parking on alleys, see Figure 9.6410(1)(c)).** Tandem parking spaces may not be utilized to meet off-street parking requirements for other types of development in any area.

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 [bed]room.

Section 16. Subsection (3) of Section 9.6505 of the Eugene Code, 1971, is amended to provide as follows:

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 [C]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.***

Section 17. Subsections (6) and (7) of Section 9.6745 of the Eugene Code, 1971, are amended to provide as follows:

9.6745 Setbacks-Intrusions Permitted.

- (6) **Driveways.** Except as provided in EC 9.2751[(45)](14)(c) 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[(45)](14) 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.
- (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

Section 18. Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

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) ***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 temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ 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.

Section 19. Table 9.6870 in Section 9.6870 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.6870 Right-of-Way and Paving Widths		
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</i> access to an alley access lot in R-1) [entry]	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		

Section 20. Subsection (30) of Section 9.8030 of the Eugene Code, 1971, is amended, and subsections (34), (35) and (36) are added, to provide as follows:

- 9.8030** **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.
- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751[(15)](14)(i) 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. Building Height/Setback or Building Size.** *Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the building height/setback or building size standards may be adjusted upon demonstration of all of the following:*
- (a) 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.*
 - (b) The exterior design of the building maintains the scale of the*

- neighborhood.*
- (c) *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 _____ [effective date of ordinance] 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.** **Building Height/Interior Setback.** *Where this land use code provides that the development standards for alley access lots*

in R-1 may be adjusted, the building height/interior setback may be adjusted upon demonstration of all of the following:

- (a) The exterior design of the dwelling maintains the scale of the neighborhood.*
- (b) 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.*
- (c) 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.*
- (d) The design of the dwelling does not visually dominate the surrounding properties.*

Section 21. Subsection (3) of Section 9.8405 of the Eugene Code, 1971, is amended to provide as follows:

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.**

Section 22. The findings set forth in Exhibit G attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 23. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 24. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 25. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

Approved by the Mayor this

____ day of _____, 2013

____ day of _____, 2013

City Recorder

Mayor

i

9.2751 Special Development Standards for Table 9.2750.

(16) Secondary Dwelling. *[Comment: This subsection has been moved from EC 9.2741(2)(a) and amended as shown in legislative format.]*

(a) **Attached Secondary Dwellings.** Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:

- [4]1. Lot Area.** *[Except for flag lots,] To allow for a secondary dwelling, the lot shall [be] contain at least 4,500 square feet[.–F] except that flag lots shall contain at least 13,500 square feet [to permit a secondary dwelling].*
- [4]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.*
- 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.*
- 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.*
- [2]6. Ownership/Occupancy Requirements.** *Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied [by the property owner] for a minimum of 6 months of each calendar year by a property owner who 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. The principal 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.

~~[3. There shall be at least 1 off-street parking space on the property.]~~

7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal 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 principal 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 a ~~[final occupancy]~~ 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 ~~[that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied]~~. 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:*
- a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of 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 principal 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. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.]~~
 2. **Building Size.** *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. **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.*
 4. **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.*
 5. **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.*
 6. **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 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**
- (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 _____ [effective date of ordinance] 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.**

Figure 9.2751(13)(b)1.

Fences

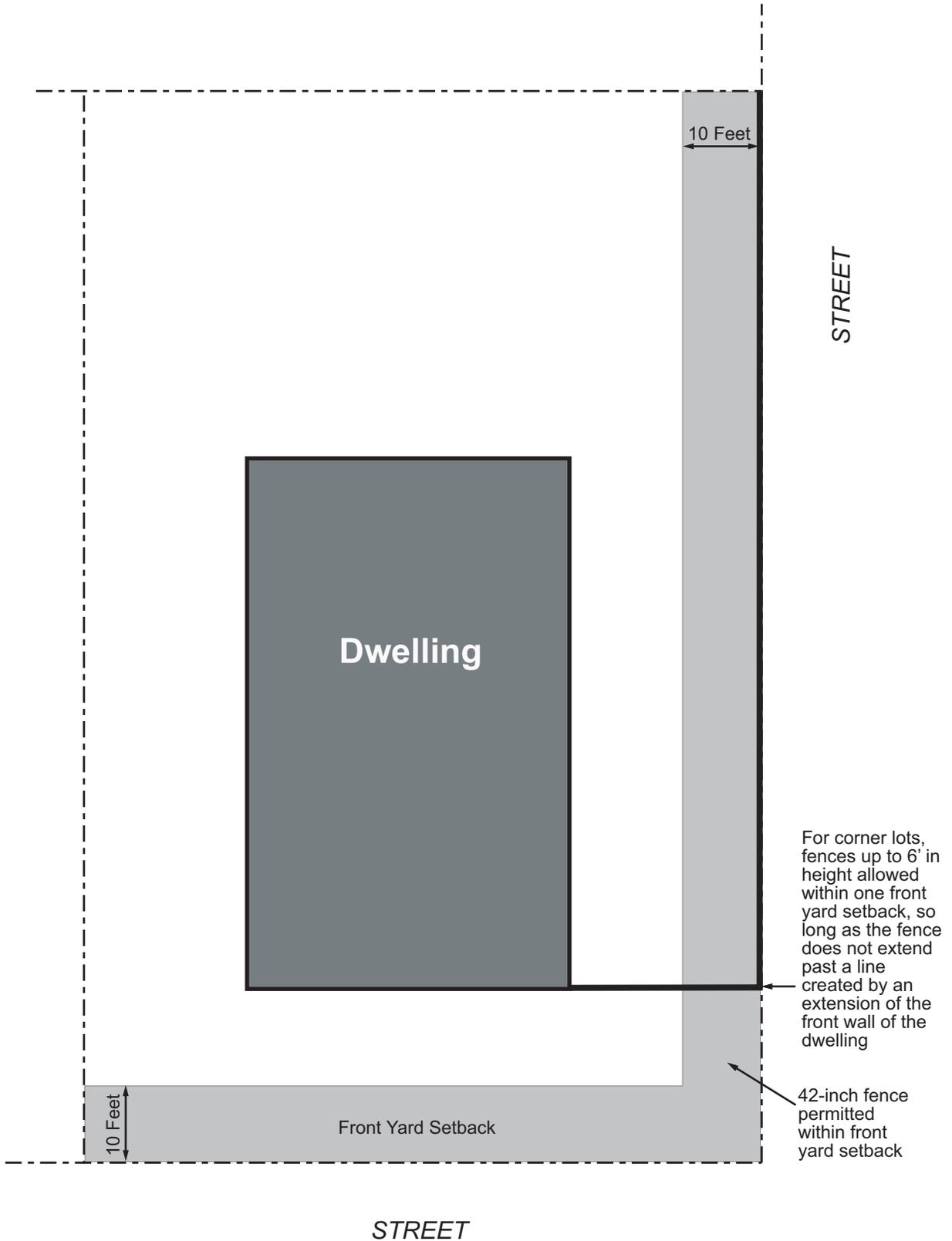


Figure 9.2751(14)

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

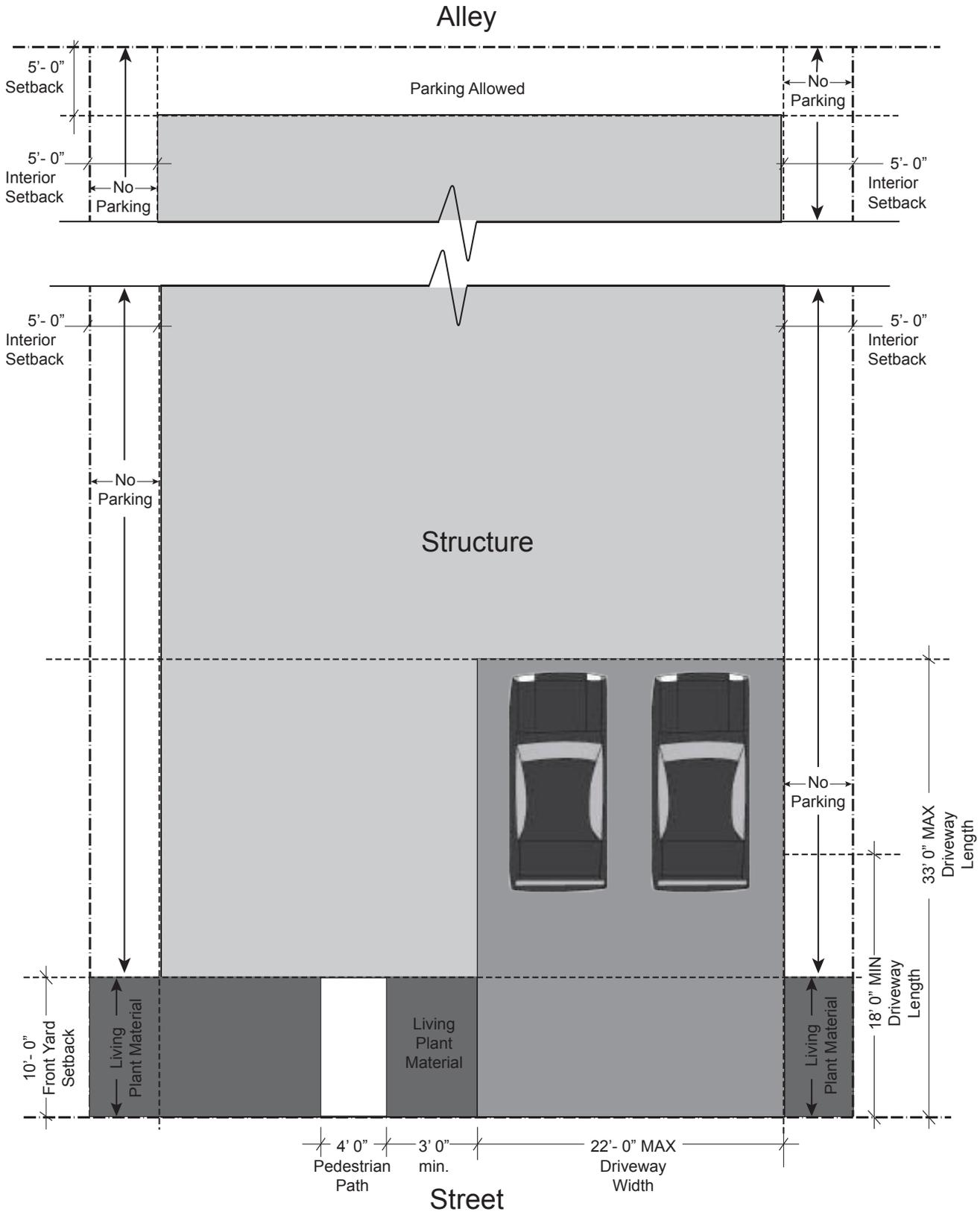


Figure
9.2751(15)(a)2.a

Accessory Buildings - Interior Yard Setbacks

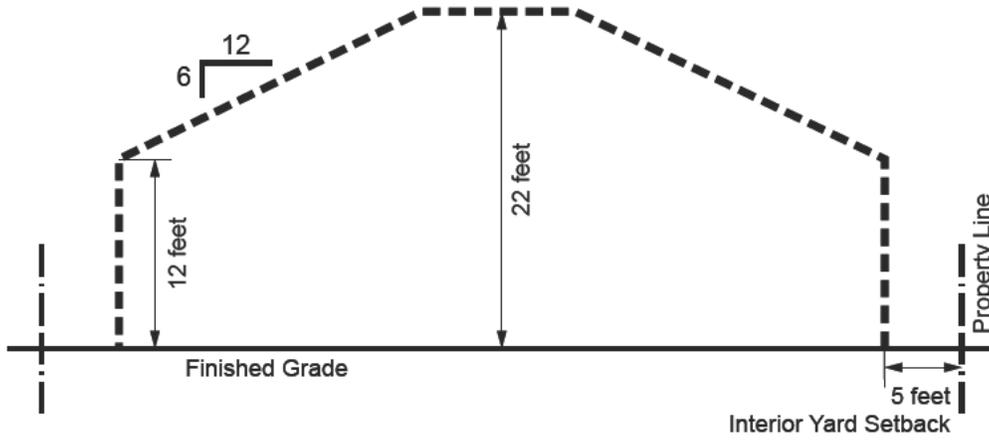


Figure 9.2751(16)(b)5.a

Detached Secondary Dwellings - Interior Yard Setbacks

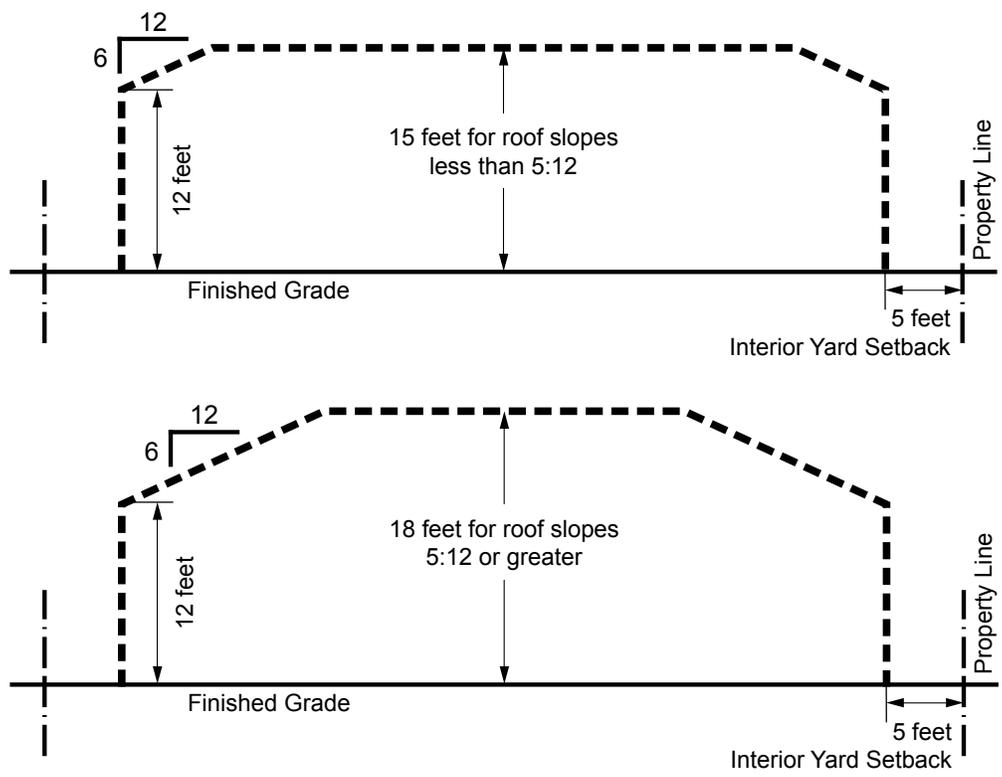


Figure
9.2779(4)(e)1

Interior Yard Setbacks for Alley Access Lots

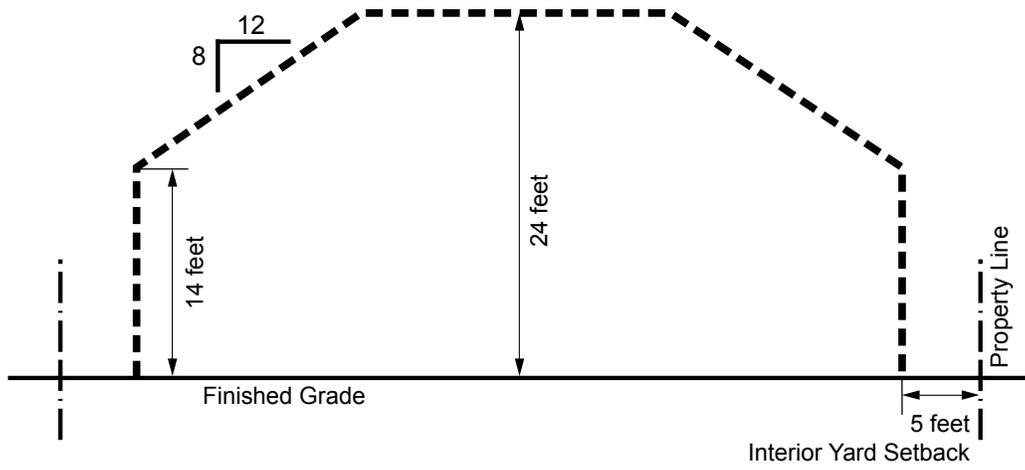
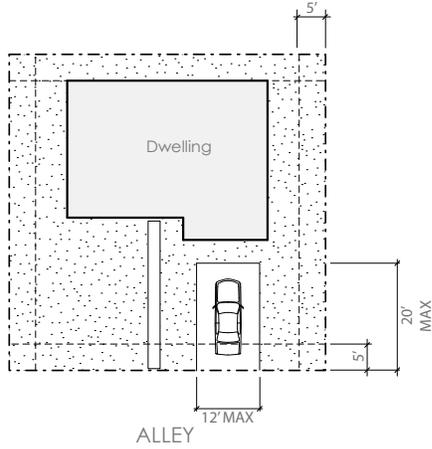


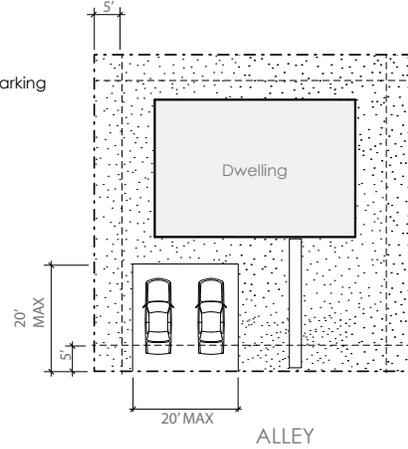
Figure 9.2779(4)(k)

Parking and Driveway for Alley Access Lots

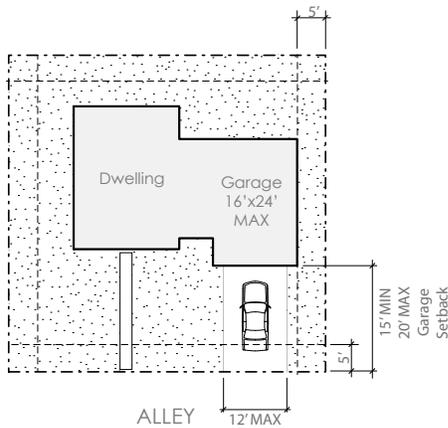
OPTION A:
Single Perpendicular Parking
400 SF MAX



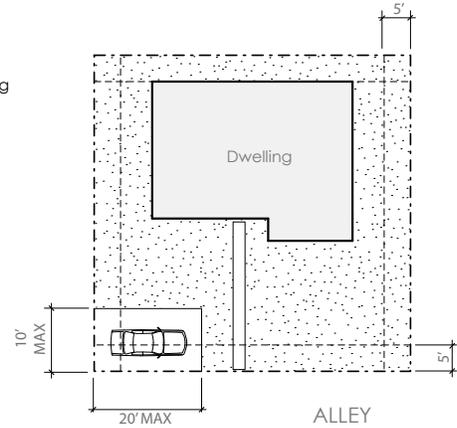
OPTION B:
Side by Side Parking
400 SF MAX



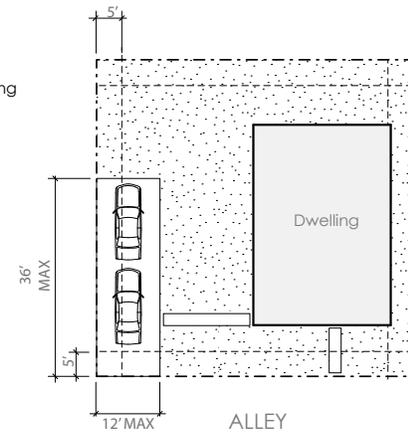
OPTION C:
Attached Parking and
Single Parking Combination
400 SF MAX



OPTION D:
Parallel Parking
400 SF MAX



OPTION E:
Tandem Parking
400 SF MAX



--- Property Line
- - - - - Setbacks

Exhibit G

Preliminary Findings

Single Family Land Use Code Amendments Secondary Dwellings, Accessory Buildings and Alley Access Lots (City File CA 13-3)

Overview

The goal of these amendments is to implement several Envision Eugene strategies under the housing affordability and neighborhood livability pillars. These amendments are also necessary as part of the city's strategy to accommodate more of the city's 20 year need for single-family housing (low density residential) inside the current urban growth boundary (UGB). Specifically, these amendments are part of a package of land use efficiency strategies the city is relying on to accommodate approximately 125 additional single-family homes inside the UGB.

This package of land use code amendments of the R-1 Low Density Residential zone achieves the following:

- Improves compatibility standards for secondary dwellings, alley access lots and accessory buildings
- Allows for new alley access lots in limited areas

Land Use Code Amendments (CA 13-1)

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

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

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

The early concepts for these amendments 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

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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/RIFLT team.

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

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

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

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

Goal 4 - Forest Lands. To conserve forest lands.

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

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

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

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

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

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

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

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

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

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. As the amendments are specific to residential development standards in the R-1 Low Density Residential zone, which implements the low density residential Metro Plan designation, the amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The proposed amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Rather, the amendments increase the capacity of existing residential land, increasing the number of dwelling units without adversely impacting the residential land inventory. Accordingly, the amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

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

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

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- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will remain essentially the same as a result of these amendments. The relatively small number of homes that are expected to be developed as a result of the secondary dwelling unit and alley access lot provisions will have a negligible impact on any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

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

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

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

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

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

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

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

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Residential Land Use and Housing Element

Residential Density Policies:

A.9 *Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.*

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

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

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

This policy was raised in public testimony. The proposed code amendments apply to the city's R-1 Low Density Residential Zone, which implements the Metro Plan's low density residential land use plan designation. The Eugene Code density provisions for the R-1 zone, which are not proposed to be changed as part of these amendments, are consistent with the above policy in that they allow for a maximum of 14 units per net acre. Consistent with this policy, the proposed single-family code amendments do not change or conflict with the density range for low density residential.

Testimony identified the proposed lot size for new alley access lots as being in conflict with the above density range for low density residential. When applying the Eugene Code density provisions to a land divisions (partitions and subdivisions), they are applied to the development site being divided. In the case of a 9,000 square foot development site (the minimum proposed size for the original lot

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prior to creation of an alley access lot) being divided into two lots, the resulting density is 9.68 or 10 (rounded) units per net acre. A net density of 10 units per acre is consistent with Eugene Code density provisions for the R-1 zone, and falls within the appropriate range above.

Testimony also identified that the existing provisions for secondary dwellings units do not comply with the density requirements for R-1 zoning in the land use code or with the low density residential designation in the Metro Plan. Secondary dwellings are currently permitted outright in the R-1 zone, subject to certain development standards. These include minimum lot area, which require a minimum lot size of 4,500 square feet to allow for an attached secondary dwelling and 6,000 square feet to allow for a detached secondary dwelling unit. Testimony states that allowing two units on the specific minimum lot area exceeds maximum allowable density in the R-1 zone and low density residential plan designation (14 units per net acre). These minimum lot area requirements, which were adopted in 2002 (Ordinance No. 20270) are not proposed to be changed as part of these code amendments.

Secondary dwellings (previously called accessory dwellings prior to the 2001 land use code update) have long been permitted within the City of Eugene's R-1 zone as a means to promote opportunities for small scale infill, to make efficient use of land, and to fulfill the Metro Plan's overall goals and policies to increase overall residential density. The City of Eugene typically approves building permits for an average of 9 secondary dwellings per year. Historically, these dwellings have not counted toward residential density provisions. This approach is consistent with how many communities across the state treat secondary dwellings (including City of Springfield) and is supported by Department of Land Conservation and Development (DLCD) staff.

Regarding consistency with the Metro Plan, the above policy provides a density range that depends on "dwelling units" for its density calculation. However, it does not dictate how that calculation is done and what dwelling units are counted in that calculation. The city has had a long practice of not counting secondary dwelling units (whether attached or detached) in the density "dwelling per net acre" calculation. The City of Springfield, which also does not count secondary dwellings towards density requirements, calculates density the same way and therefore interprets the Metro Plan density language in the same way the City of Eugene has historically interpreted it. While the historical practice alone is not enough to justify the city's policy not to count secondary dwelling units, it goes a long way in explaining the rationale behind the practice.

This approach is further supported by other text and policies in the Metro Plan, including text that calls for an overall average of about six units per gross acres for new construction (page II-G-3), and policy A.13 that calls for increasing overall residential density by creating more opportunities for effectively designed infill (see full text of policy below). Allowing for secondary dwellings without counting them towards residential density provisions is an effective means of gradually increasing overall average density on a city wide scale. The proposed code amendments strengthen the current design standards (including lowering building heights and adding sloped setbacks) and address neighborhood compatibility.

Additionally, Policy A.16, which allows for the development of zoning districts which overlap the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts, lends support to the City's practice regarding secondary

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dwelling and density. While not entirely germane to the City's current allowance for secondary dwellings in the current R-1 Low Density Residential zone, this policy acknowledges that the City of Eugene (and Springfield) can develop zoning that overlaps with the above density ranges.

The provisions related to minimum lot area were adopted in 2002 as part of a package of amendments concerning secondary dwellings and flag lots. This approach was found to be consistent with the applicable Metro Plan policies and Statewide Planning Goals, and was acknowledged by the state. The city is entitled to interpret the Metro Plan and to determine how those calculations are done.

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.

This policy was raised in public testimony. To the extent that allowing for alley access lots in limited areas in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the provision of adequate infrastructure and services will be reviewed through the land division process for each individual proposal for the creation of an alley access lot. The approval criteria for partitions and subdivisions, as provided for in the Eugene Code, require compliance with the City's standards for streets, alleys and other public ways and for public improvement.

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

The intent of the amendments pertaining to secondary dwellings and alley access lots is to allow for compatible infill, consistent with this policy. The addition of standards addressing building height and sloped setbacks for secondary dwellings and alley access lots is to ensure that such has minimal impact on surrounding properties in existing neighborhoods.

Housing Type and Tenure Policies

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.

A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.

A.20 Encourage home ownership of all housing types, particularly for low-income households.

Consistent with these policies, the amendments provide for more opportunities for smaller housing types for both rental (secondary dwelling units) and homeownership (alley access lots) within existing single family neighborhoods.

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Design and Mixed Use Policies

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

This policy was raised in public testimony. To the extent that allowing for alley access lots in limited areas in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the amendments are consistent with this policy in that they add design standards to address building height, setbacks, upper story windows, dormers and balconies, parking area and building size. These standards will also apply to existing alley access lots (created when such lots were previously allowed in the R-1 zone), which are currently subject to the development standards that apply to typical R-1 lots.

- A.24 Considering adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space and other community concerns.*

Consistent with this policy direction, the amendments related to secondary dwellings, accessory buildings and alley access lots all include clear and objective design standards that address compatibility and aesthetics, and also include a discretionary path (adjustment review) to allow for flexibility, while maintaining compatibility, under certain circumstances.

Transportation Element*Land Use Policies*

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

This policy was raised in public testimony. This policy is not applicable to the proposed code amendments because the amendments do not involve or affect commercial, public, mixed use or multi-unit residential development.

Transportation System Improvements: Roadway Policies

- F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.*

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. This policy is not applicable to alleys, because, as stated in TransPlan, this policy is relevant to the region's roadway system, which is comprised of arterial and collector streets.

Transportation System Improvements: Bicycle Policies

- F.22 Construct and improve the region's bikeway system and provide bicycle system support*

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facilities for both new development and redevelopment/expansion.

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. As stated in TransPlan, the bicycle policies are focused on directing bicycle *system improvements*, such as expansion of the existing regional network, the provision of safety improvements and the addition of adequate support facilities. This policy is not applicable to the proposed amendments for alley access lots, as it applies to system improvements at the regional level rather than individual sites.

Transportation System Improvements: Pedestrian Policies

F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance safety, comfort, and convenience of walking.

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. This policy is not applicable to the proposed amendments for alley access lots as it is intended to apply on a broader scale (system improvements) than an individual single family lot.

Applicable Refinement Plans

Given the broad applicability of these amendments (R-1 Low Density Residential zoning applies throughout the city), all adopted refinement plans were reviewed for consistency. It is noted that the secondary dwelling unit and accessory buildings amendments apply citywide. Areas with existing alley access lots or where new alley access lots could potentially be created, given the existence of alleys, include areas covered by the Fairmount/U of O Special Area Study, Jefferson/Far West Refinement Plan, South Hills Study and the Whitaker Plan. Additionally, new alleys could be created through a subdivision process citywide.

No relevant policies were found in the following adopted refinement plans:

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Central Area Transportation Study (2004)
- Comprehensive Stormwater Management Plan (1993)
- Eugene Commercial Lands Study (1992)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- TransPlan (2002)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)
- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the

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- Eugene-Springfield Metropolitan Area General Plan (1984)
- o Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

Findings addressing relevant provisions of applicable refinement plans are provided below.

Fairmount/U of O Special Area Study (1982)

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the below text from the Land Use Diagram Text of the plan is relevant. As these amendments apply within the Low Density Residential area, and are intended to preserve and maintain the existing single family character, they are consistent with, and supported by this text.

Low Density Residential

This area generally encompasses the south and east portions of the special study area. This area is to remain in low-density residential use with emphasis on preserving and maintaining the single-family character which currently exists.

Jefferson Far West Refinement Plan (1983)

The following residential policies in the Land Use Element of the plan lend general support for the amendments:

2.0 Increase the opportunity for home ownership in the area.

3.0 Encourage a mixture of housing densities and types to allow a diverse population group to live in the area.

The amendments related to secondary dwelling units and alley access lots are consistent with these policies in that they provide the opportunity for smaller single family housing types, and the alley access lot provisions provide the opportunity for home ownership.

Additionally, the following policies in Land Use Element (following the land use diagram) are relevant:

2. Central Low-Density Residential Area

The low-density designation recognizes existing residential development and land uses. The City shall continue to recognize the residential character of the area and provide incentives for public and private rehabilitation of rundown structures. In addition, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

4. South Low-Density Residential Area

This area shall be recognized as appropriate for low-density residential use. The City shall encourage the rehabilitation of rundown structures, block planning, infilling, and shared housing.

15. Low Density Residential Area

This area shall be recognized as appropriate for low-density residential use. The City shall explore

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methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

Within all three of these low density residential subareas of the plan, the City is directed to encourage infilling. Consistent with this policy direction, the amendments related to secondary dwellings and alley access lots are intended to encourage compatible infill housing. Additionally, the amendments to allow for alley access lots and the associated compatibility standards are consistent with the policy direction to accommodate access to housing units off alleys when not in conflict with other policies and goals.

River Road-Santa Clara Urban Facilities Plan (1987)

The following policies from the Residential Land Use section are relevant:

- 1.0 Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.*
- 2.0 Provide a diversity of housing types in the area. Available techniques include encouraging reinvestment and rehabilitation of existing housing stock and the use of development standards that provide for clustering or planned unit development.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing a diversity of housing types in the area, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this small single-family housing type, they also include standards to improve the compatibility of these dwellings.

Willakenzie Area Plan (1992)

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following land use policy lends general support for the amendments:

Residential Policies

- 1. Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*
- 4. Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing housing for all income levels, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this housing type, they also include standards to improve the compatibility of these dwellings.

TransPlan (2002)

Several policies from TransPlan were raised in public testimony as applying to the proposed

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amendments. Those policies are addressed above under the Metro Plan, as identical policies are included in the Metro Plan. Those findings are incorporated herein by reference as demonstration of compliance with these policies.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

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

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

NOTE:

Two Ordinances proposing Single Family Code amendments are being presented concurrently. Ordinance #1 concerns accessory buildings, secondary dwelling units and alley access lots in R-1. Ordinance #2 (the Ordinance set out below) concerns protection measures that are specific to the University area.

The Code amendments proposed in this Ordinance (Ordinance #2) are shown with ***double underline*** for additions, and ~~double strikethrough~~ for deletions. The amendments shown in normal legislative format (i.e., additions in ***bold italics***, and deletions in ~~[strikethrough]~~), are proposed amendments being processed in Ordinance #1 and have not yet been adopted.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENT PROTECTION MEASURES SPECIFIC TO THE UNIVERSITY AREA; AMENDING SECTIONS 9.1245, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2761, 9.6410, 9.6745, 9.8030, AND 9.8415 OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. 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 addresses impacts from proximity to the University of Oregon. 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 code amendments are intended to limit further negative impacts until the area planning process is completed.

B. The interim measures would focus on the R-1 Low Density Residential 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 and the proximity of the University of Oregon. It is anticipated that these measures would remain in place until the area planning process is complete, at which time these measures would be replaced by a more comprehensive set of development and design standards established as part of the area planning effort. Although the timelines for the area planning have not been fully determined, it is estimated that it will be completed in approximately three years. This means the protection measures are expected to be in place for approximately three years, until they are replaced with more permanent measures. No later than 30 months from effective date of this ordinance, the City Manager or designee will bring to the Planning Commission amendments to the Land Use Code referenced in this recital to replace the amendments in this Ordinance that are intended to be interim.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.1245 of the Eugene Code, 1971, is amended to provide as follows:

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.*

Table 9.1245 Legal Pre-Existing Structures		
<i>R-1 Low Density Residential</i>	<i>Secondary Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Accessory Building</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Alley Access Lot Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<u><i>R-1 Low Density Residential within the within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association</i></u>	<u><i>Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building</i></u>	<u><i>Limited to those in existence on _____ [effective date of ordinance]</i></u>

Section 2. Section 9.2735 of the Eugene Code, 1971, is amended to provide as follows:

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.**

Section 3. The following entry in Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
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.)					

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	<u>P(3)</u>	P(3)	P	P	P

Section 4. Subsections (2), (3), (4), (5), and (6) of Section 9.2741 of the Eugene Code, 1971, are amended to provide as follows:

[Comment: Subsection (2)(a) shown in strikethrough below is being moved to EC 9.2751(16) and amended under a separate Ordinance.]

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.***

- ~~[(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 feet 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 fourplex shall be on a lot that was identified as a four[-]plex lot in a subdivision, *except that new fourplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

Section 5. Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

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

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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
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, but does not include main building on an Alley Access Lot.	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot	See EC 9.2779(4)	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] See (15)	20 feet	25 feet	30 feet	30 feet
Secondary Dwelling Detached from Main Building	See (16)	--	--	--	--
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)](11)	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
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	--	--	--	--
Interior Yard Setback for Alley Access Lots in R-1	See EC 9.2779(4)	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
Maximum Lot Coverage					
All Lots, Excluding Alley Access Lots in R-1 and Rowhouse Lots	50% of Lot	--	50% of Lot	--	--
Alley Access Lots in R-1	See EC 9.2779(4)	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area [(13)](12)					

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
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
Fences [(14)](13)					
[(})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 [(15)](14)					
General Standards	--	--	--	See [(15)] (14)(b)	See [(15)] (14)(b)
<u>Area-Specific</u>	<u>See (14)(a)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
Accessory Buildings in R-1 (15)					
<u>General Standards</u>	<u>See (15)(a)</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
<u>Area-Specific</u>	<u>See (15)(b)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
Secondary Dwelling Units (16)					
<u>General Standards</u>	<u>See (16)</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
Maximum Bedroom Count (17)					
<u>Area-specific</u>	<u>See (17)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>

Section 6. Figure 9.2751(14) is relabeled as Figure 9.2751(14)(b) as shown on Exhibit A attached hereto.

Section 7. Subsections (14) and (15) of Section 9.2751 of the Eugene Code, 1971, are amended, and a new subsection (17) is added to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(154) Driveways and Parking Areas in R-3 and R-4.

(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.

~~(10)~~ 10. No parking shall occur in the landscaped portion of the required front yard setback.

~~(11)~~ 11. Adjustments to the standards in subsection ~~(9)~~ 9 may be made, based on the criteria at EC 9.8030(30).

(See Figure 9.2751[~~(15)~~](14)(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 (with a dwelling) that are 13,500 square feet or less in area, the maximum square footage of all accessory buildings shall not exceed 1,000 square feet.*
- b. *For accessory buildings on development sites (with a dwelling) that are greater than 13,500 square feet and less than 43,560 square feet, the maximum square footage of all accessory buildings shall be 10 percent of the area of the development site but in no case shall the total square footage of all accessory buildings exceed 3,000 square feet.*
- c. *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.*

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

2. **Building Height/Setback.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, 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 greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 pitch horizontally away from the property line to a maximum building height of 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 that 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:

- a. *The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
 - 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, 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 _____ [effective date of ordinance] 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 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 _____ [effective date of ordinance], 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.

(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, the maximum allowable number of bedrooms in a dwelling shall be as follows:

- a. New dwellings approved after _____ [effective date of ordinance] shall be limited to 3 bedrooms; or
- b. Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on [date of ordinance adoption] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for the addition, expansion or alteration that adds bedroom(s), 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 maximum number of unrelated individuals living in dwelling shall be limited to 3.
 - 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, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.

Section 8. Subsections (3), (4), and (11) of Section 9.2761 of the Eugene Code, 1971,

are amended to provide as follows:

9.2761 Special Standards for Table 9.2760.

(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) ~~Minimum lot area excludes the pole portion of the lot.~~ **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.**
- (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.)
- (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.)**

Section 9. Subsection (1) of Section 9.6410 of the Eugene Code, 1971, is amended to provide as follows:

9.6410 Motor Vehicle Parking Standards.

- (1) **Location of Required Off-Street Parking Spaces.** Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.
- (a) All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. The off-street parking space requirement for a multi-family dwelling may be satisfied through an agreement that provides parking located on another multi-family dwelling's development site only if the party requesting approval demonstrates that, after the agreement is executed, both development sites will meet the current code's minimum off-street parking space requirement. Each parking space provided through a city approved agreement must have a permanent sign of at least 1 square foot that indicates the name or address of the multi-family dwelling for which the parking is reserved.
- (b) Except as provided in EC 9.2751[(15)](14)(e)(b)3, **Driveways and Parking Areas in R-3 and R-4**, parking areas may be located in required setbacks only as permitted in EC 9.6745 **Setbacks - Intrusions Permitted.**
- (c) Tandem parking spaces may be utilized to meet off-street parking requirements for multi-family dwellings in the R-3 and R-4 zones within the boundaries of the [C]city recognized West University Neighbors and South University Neighborhood Association. Those tandem spaces may only be located in an underground parking area or at least 30 feet from

a public street within a parking area that can be accessed only from an alley. **(For tandem parking on alleys, see Figure 9.6410(1)(c)).**
Tandem parking spaces may not be utilized to meet off-street parking requirements for other types of development in any area.

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

9.6745 Setbacks-Intrusions Permitted.

- (6) **Driveways.** Except as provided in EC 9.2751[(45)](14)(e)(b)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[(45)](14) 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.
- (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

Section 11. Subsection (30) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or

conditional approval shall be based on compliance with the following applicable criteria.

- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751~~[(15)](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.

Section 12. Subsection (6) of Section 9.8415 of the Eugene Code, 1971, is added to provide as follows:

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 _____ [effective date of ordinance].**

Section 13. The findings set forth in Exhibit B attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 14. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 15. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 16. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

___ day of _____, 2013

City Recorder

Approved by the Mayor this

___ day of _____, 2013

Mayor

Figure 9.2751(14)(b) Driveways and Parking Areas in R-3 and R-4

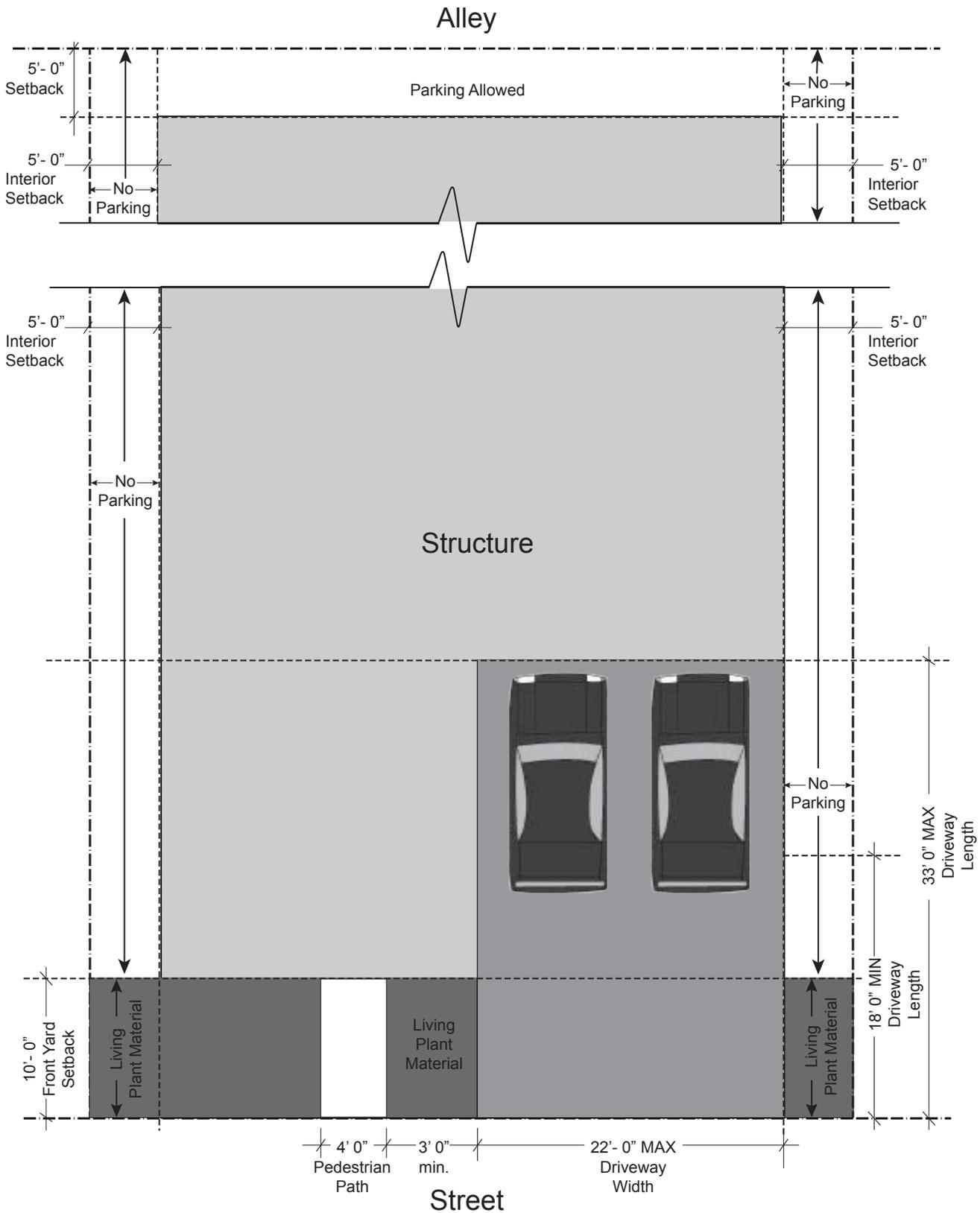


Exhibit B

Preliminary Findings

Single Family Land Use Code Amendments University Area Protection Measures (City File CA 13-3)

Overview

This package of land use code amendments of the R-1 Low Density Residential zone provides 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.

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 following the local adoption of Envision Eugene, meaning that an adopted University Area Plan is likely two to three years away. Protection measures in the form of code amendments are intended to limit further negative impacts until the area planning process is completed. These measures 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 interim measures are intended to be replaced by a more comprehensive set of development and design standards established as part of the area planning effort.

Land Use Code Amendments (CA 13-1)

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

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

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

The concepts for these protection measures are a result of numerous conversations and processes held over the past several years, including Envision Eugene, the Neighborhood Livability Working Group, Infill Compatibility Standards project and other code amendment processes, relating to the intense development pressures currently experienced in the single family neighborhoods surrounding the university.

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Prior to the start of the formal adoption process, the code 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, an open invitation to neighborhood leaders and other interested parties to meet about the amendments, and the establishment of a project web page for the Single Family Code Amendments.

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

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

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

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

Goal 4 - Forest Lands. To conserve forest lands.

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

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

OR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration

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of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

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

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

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

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

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

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

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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

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Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. As the amendments are specific to residential development standards in the R-1 Low Density Residential zone, which implements the low density residential Metro Plan designation, the amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The proposed amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. The proposed changes could potentially decrease the number of residential units that can be accommodated on certain parcels of residentially designated land. However, it is projected that the changes could result in only 22 fewer homes being built. The existing surplus of residential land, based on various actions Eugene and Springfield have taken to decrease the amount of acreage (approximately 1250 to 178 acres, considering a low or high demand assumption), is sufficient to accommodate the possible 22 displaced dwellings.

Based on the above, the amendments do not impact the supply or availability of residential lands included in the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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

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

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it*

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would:

- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will be reduced by up to 22 dwellings as a result of these amendments, and thus will not result in the degradation of any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

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

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

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

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

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

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

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

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Existing Housing Supply and Neighborhoods Policies

- A.25 *Conserve the metropolitan area's supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support planned densities in these areas.*
- A.26 *Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.*

Consistent with these policies, the intent of the University area interim protection measures is to conserve the supply of existing affordable housing in the Amazon, Fairmount and South University neighborhoods, as well as increase the stability in these three neighborhoods, which have experienced an increase in unintended housing associated with the demand for student housing and the proximity of the University of Oregon. The type of development experienced recently in these areas, including remodels to increase the number of bedrooms in single-family homes, as well as the construction of single family homes with five or more bedrooms, is geared towards students. As such, these homes are no longer viable options in terms of affordability or functionality for other populations. The proliferation of high-occupancy student housing and loss of a variety of housing types is causing instability. The interim protection measures are intended to limit this type of development and stabilize the neighborhoods until more comprehensive planning can be completed.

Applicable Refinement Plans

The University area protection measures fall within the areas covered by the Fairmount/U of O Special Area Study (1982), the 19th and Agate Special Area Study (1988) and the South Hills Study (1974). No relevant policies were found in the 19th and Agate Special Area Study or the South Hills Study. Findings addressing relevant provisions of applicable refinement plans are provided below.

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Fairmount/U of O Special Area Study (1982)

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the below text from the Land Use Diagram Text of the plan is relevant to the University area interim protection measures, as they relate to the Fairmount neighborhood. As these amendments apply within the Low Density Residential area, and are intended to preserve and maintain the existing single family character, they are consistent with, and supported by this text.

Low Density Residential

This area generally encompasses the south and east portions of the special study area. This area is to remain in low-density residential use with emphasis on preserving and maintaining the single-family character which currently exists.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

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

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

**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 *[General agreement, no vote taken]*
- Ownership/Occupancy: Use majority ownership instead of percentage when determining ownership *[General agreement, no vote taken]*
- 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). *[Straw vote 6-0-1 with Steve Baker indicating he was neutral]*

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 *[Straw vote 7 to 0]*
- Lot Standards: Establish maximum lot size for new alley access lot size as 5,000 square feet *[General agreement, no vote taken]*
- 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. *[Straw vote 7 to 0]*

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. *[Straw vote 7 to 0]*

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. *[Straw vote 7 to 0]*
- 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. *[Straw vote 7 to 0]*
- 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) *[Straw vote 6 to 0]*
- 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. *[Straw vote 6 to 1 with John Jaworski voting in opposition due to preference for shorter sunset date.]*

Other Deliberation Topics

The Planning Commission discussed additional topics during their deliberations. However, the motions related to these topics did not pass, and as such are not included in their recommendation.

Secondary Dwelling Units

- Limit occupancy to 3 to 4 people and limit to 2 bedrooms *[general agreement to not add occupancy limit and to leave proposed bedroom limit]*
- Increase minimum lot size for detached secondary dwellings from 6,000 square feet to 6,225 square feet *[Straw vote 2 to 5 with Steve Baker and John Jaworski voting in favor. Those in favor indicated consistency with density requirements and concerns about compatibility, while those in opposition noted that new standards will improve compatibility, the interim standards will address pressures around the university, and satisfaction that existing requirement is consistent with density.]*

Alley Access Lots

- Lot Standards: Increase proposed minimum lot size from 2,250 to 3,600 square feet *[Straw vote 3 to 4 with Steve Baker, John Barofsky and John Jaworski voting in favor. Those in favor mentioned concerns about lot coverage, compatibility and density, while those in opposition noted that the proposed development standards, including building size and paving limitations would limit lot coverage, and that advisory committee looked at these issues extensively.]*
- Setbacks: Increase building setbacks from 5 feet to 10 feet from the two property lines perpendicular to alley *[Straw vote 3 to 4 with Steve Baker, John Barofsky and John Jaworski voting in favor. Those in favor indicated concerns about privacy, compatibility and transition, and noted that Portland requires 10 foot setbacks. Those in opposition noted that the proposed 5 foot setback works with the proposed sloped setbacks and other development standards to ensure compatibility, and that changing one standard in isolation may result in unintended consequences, including more two story buildings.]*

University Area Interim Protection Measures

- Sunset date: Set a date certain of July 31, 2017 for interim measures to automatically sunset *[Straw vote 3 to 4 with Steve Baker, Rick Duncan and John Jaworski voting in favor. Those in favor expressed support for certainty and specificity, while those in opposition noted that if the timing of the ordinance adoption changes or if the effective date changes, then the 42 month timeline provides more flexibility.]*

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: 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: November 18, 2013
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
 Staff Contact: Alissa Hansen
 Contact Telephone Number: 541-682-5508

ISSUE STATEMENT

The topic of these deliberations is a City of Springfield-initiated amendment to Chapter IV of the Metro Plan.

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 may be enacted by the home city alone; Type II requires the participation of the home city and Lane County; and Type III amendments require the participation of all three jurisdictions. 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. This only applies in the areas between the city limits and the Metro Plan boundary, see Attachment A. These provisions allow for the non-home city elect to become a decision-maker if the city council determines the amendment has regional impact. Regional impact can be triggered in three ways:
 - If an amendment to TransPlan or the regional Public Facility and Services Plan (PFSP) would be required to serve the property that is subject to the amendment.
 - If there would be a demonstrable impact on the non-home city's services (water, stormwater, wastewater and transportation)
 - If there would be a significant change to the shared buildable lands inventory

Even with the removal of the Regional Impact provision from the Metro Plan, each jurisdiction retains the ability to weigh in on decisions that significantly affect water, stormwater, wastewater and transportation services. This ability is provided through the existing Public Facility and Services Plan and TransPlan. Staff and legal counsel have carefully considered the removal of the regional impact provision from Chapter IV and can think of no scenario where Eugene decision-makers would be giving up control that they currently have.

- ***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 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 B provides a compilation of recommended changes identified by the three commissions. All of the planning commission recommendations have been incorporated into the draft ordinance with the exception of a recommendation to include timelines for processing Metro Plan amendments.

A work session and public hearing of the Joint Elected Officials was held on November 4, 2013. No individuals provided testimony and no written testimony was received on this topic. The Joint Elected Officials discussed whether to include a timeline in the ordinance, as recommended by the Eugene and Springfield planning commissions. It was generally agreed upon that a timeline would not be included in the ordinance, but code language (to be developed at a later date) would address target timelines for the processing of Metro Plan amendments and a mechanism for providing updates if those timelines are not met.

The draft ordinance is included as Attachment C and is revised from the ordinance originally posted for public hearing. These changes can be seen in Attachment D which shows the changes in legislative format. Revisions to the ordinance generally include the following:

- Textual clarifications
- Aligning the type of amendment with the number of jurisdictions involved (i.e. changing Type I to mean only requiring one governing body Type II, two governing bodies and Type III all three governing bodies)
- Provision for sending notice to the other jurisdictions when a Metro Plan amendment is initiated

RELATED CITY POLICIES

Findings addressing consistency with related City policies, including provisions of the Metro Plan, are included as an exhibit to the proposed ordinance (Exhibit A of Attachment C).

COUNCIL OPTIONS

The City Council may consider the following options:

1. Approve the ordinance.
2. Approve the ordinance with specific modifications as determined by the City Council. (Note: All three jurisdictions must adopt substantively identical ordinances for the proposal to take effect. Any substantive changes to the ordinance by the Eugene City Council will require new action by the Springfield City Council and Board of County Commissioners.)
3. Deny the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council approve the proposed ordinance contained in Attachment C.

SUGGESTED MOTION

Move to adopt Council Bill 5101 amending the Eugene-Springfield Metropolitan Area General Plan text, Chapter IV; adopting a severability clause; and providing an effective date.

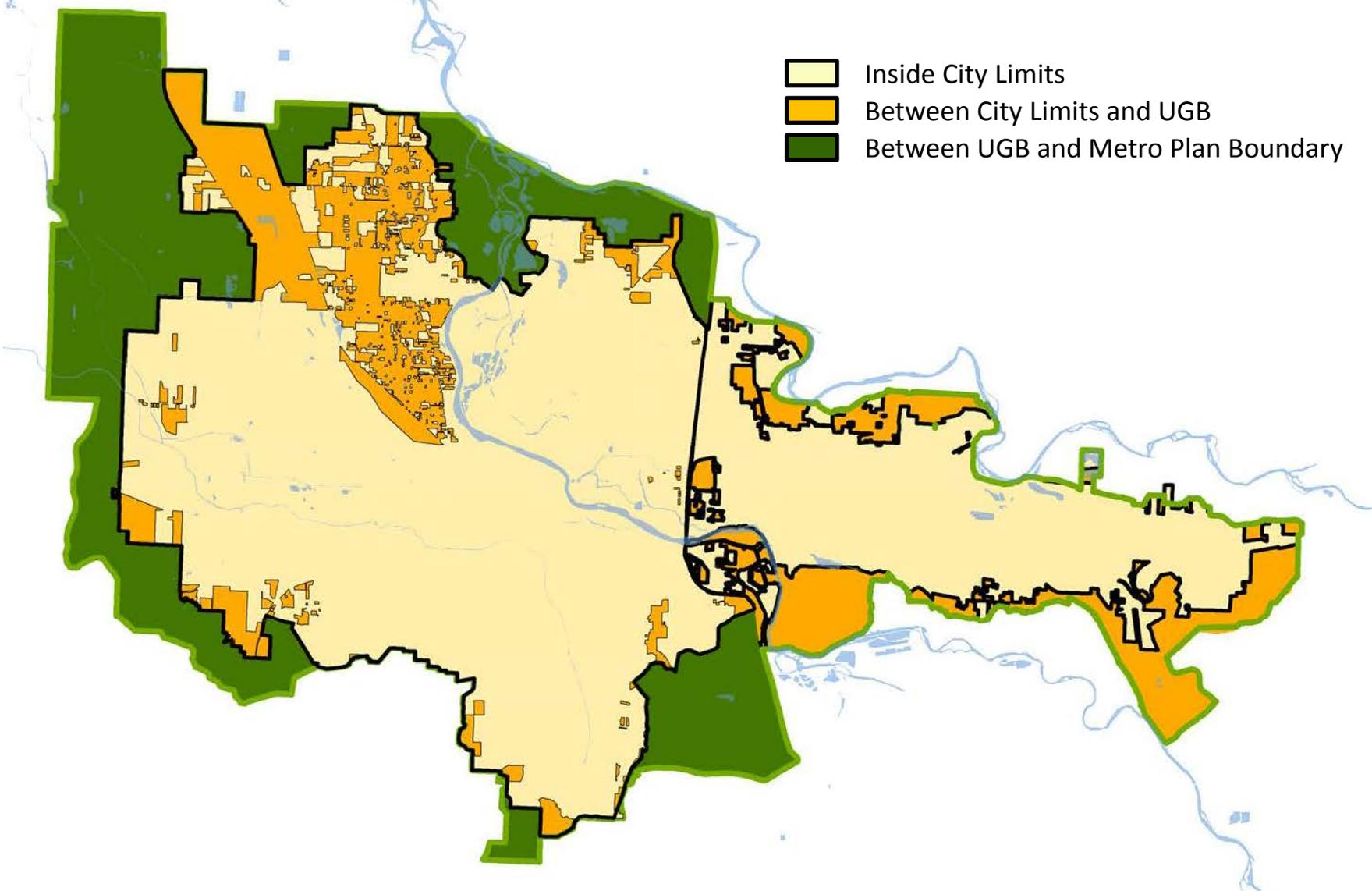
ATTACHMENTS

- A. Jurisdictional Boundaries Map
- B. Recommendations by Eugene, Springfield, and Lane County Planning Commissions
- C. Proposed Ordinance and Exhibits
- D. Legislative format showing changes to ordinance posted for public hearing

FOR MORE INFORMATION

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Jurisdictional Decision Making Authority



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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.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TEXT, CHAPTER IV; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. On March 18, 2013, the Springfield City Council approved a motion to initiate amendments to Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to reflect the establishment of separate Urban Growth Boundaries for Eugene and Springfield stemming from the enactment of ORS 197.304, also known as HB 3337.

B. Chapter IV of the Metro Plan sets forth procedures for amendment of the Metro Plan, which for Eugene are implemented by provisions of Sections 9.7700 through 9.7750 of the Eugene Code.

C. Following an October 15, 2013 joint public hearing with the Springfield and Lane County Planning Commissions, the Eugene Planning Commission voted to recommend amendments to Chapter IV of the Metro Plan to the Eugene City Council.

D. The City Council conducted a joint public hearing on this amendment on November 4, 2013, with the Springfield City Council and the Lane County Board of Commissioners, and is now ready to take action based on the above recommendations and evidence and testimony already in the record as well as the evidence and testimony presented at the joint elected officials public hearing.

E. Substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, Eugene Code and applicable state and local law as described in the findings attached as Exhibit A, and which are adopted in support of this Ordinance.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is amended to read as follows:

**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 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 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* 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 *Metro Plan* so it will remain current and valid.
2. Maintain a current land use and parcel information base for monitoring and updating the *Metro Plan*.
3. Prepare refinement and functional plans that supplement the *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. A proposed amendment to the *Metro Plan* shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision.
4. A Type I amendment requires approval by the home city.
 - a. Type I Diagram Amendments include amendments to the *Metro Plan* Diagram for land inside the city limits.
 - b. Type I 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.
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:
 - 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 III 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 all three governing bodies:

- a. Type III Diagram Amendments include:
 - i. Amendments of the Common UGB along I-5; and
 - ii. A UGB or *Metro Plan* Boundary change that crosses I-5.
 - b. Type III 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.
7. Initiation of *Metro Plan* amendments shall be as follows:
- a. A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development code of the home city.
 - b. A Type II amendment may be initiated by the home city or county at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development codes of the home city and Lane County.
 - c. A Type III amendment may be initiated by any one of the three governing bodies at any time.
 - 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 any governing body may initiate an update of the *Metro Plan* at any time.
8. The approval process for *Metro Plan* amendments shall be as follows:
- a. The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.
 - b. 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.

- c. If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. When an amendment is not approved, it may not be re-initiated, except by one of the three governing bodies, for one year.
- 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. A Type III 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.
- f. 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.
- g. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures.
- h. A different process, time line, or both, than the processes and timelines specified in 8.b. through 8.g. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated *Metro Plan* amendment.
- 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.
- 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.
- 11. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.

Section 2. The findings set forth in attached Exhibit A are adopted as findings in support of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor, or upon the date that the Springfield City Council and

the Lane County Board of Commissioners have adopted substantially identical ordinances containing provisions as described in Section 1 of this Ordinance, whichever is later.

Passed by the City Council this

_____ day of November, 2013.

Approved by the Mayor this

_____ day of November, 2013.

City Recorder

Mayor

**Metro Plan Chapter IV Amendments
Findings
October 15, 2013**

Applicants: City of Springfield (initiated the amendment) City of Eugene Lane County	Local File Numbers: Springfield File No. TYP411-0001 Eugene File No. MA 13-3 Lane County File No. 509-PA13-05171
Request: To amend Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (<i>Metro Plan</i>) to reflect the establishment of separate Urban Growth Boundaries as required by Oregon Revised Statute 197.304	Procedure Type: Type I <i>Metro Plan</i> Amendment

I. Executive Summary

The goal of *Metro Plan* Chapter IV (titled *Metro Plan* Review, Amendments and Refinements) is to “ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community.” ORS 197.304 (HB 3337) required the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are necessary to make the *Metro Plan* consistent with the statute and to clarify which governing bodies will participate in decision making. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

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

- Three types of *Metro Plan* amendments are established by 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.
- Currently, all three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross 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. The proposed amendments remove references to *Metro Plan* amendments with “regional impact.” Removal of the regional impact language does not impact similar language that is found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (*Public Facilities Plan*) 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. 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 *Public Facilities Plan*.

- 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 for further examination. The purpose of this proposed change to Ch. IV is to provide a conflict resolution mechanism that is flexible enough to apply to different types of situations and specifically involves the appropriate decision makers.

The proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

Conclusion and Recommendation of Staff

This report includes findings demonstrating conformance with the criteria for approving *Metro Plan* amendments found in Eugene Code 9.7730(3). Eugene Code 9.7730(3) states:

- “1. The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and
2. Adoption of the amendment must not make the *Metro Plan* internally inconsistent.”

The same criteria for approving a *Metro Plan* amendment are found in Section 5.14-135(C) of the Springfield Development Code and Section 12.225(2) (a&b) of the Lane Code. Based on the findings of staff with respect to the approval criteria cited above, staff find the proposed text amendments to Chapter IV the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

II. Procedural Requirements

Procedural requirements for *Metro Plan* amendments are described in Chapter IV. The amendment procedures are reflected in each jurisdiction’s local land use codes. Sections 5.2-115, 5.4-135 and 5.4-140 of the Springfield Development Code, and sections 9.7700 through 9.7750 of the Eugene Code, and Lane Code Chapter 12.220 through 12.225 and 12.240 contain the amendment procedures and policies found in Chapter IV of the *Metro Plan*.

Findings:

Finding #1. Section 5.14-115 of the Springfield Development Code (SDC), Eugene Code (EC) 9.7700, and Lane Code 12.205 includes definitions of two types of amendments to the *Metro Plan*. Section 5.14-115 (B.) and EC 9.7700(1) describes a Type I amendment as one which includes changes to the urban growth boundary or the jurisdictional boundary of the plan, requires a goal exception not related to a UGB expansion, or is a non-site specific amendment of the Plan text. This proposal is a non-site specific text amendment to the *Metro Plan*. By the definition found in SDC Section 5.14-115, EC 9.7700(1) and Lane Code 12.205, this proposal is a Type I amendment.

Exhibit A to Attachment C

Finding #2. SDC Section 5.14-120 (1) states that a Type I non-site specific text amendment to the *Metro Plan* may be initiated by any of the three governing bodies. This *Metro Plan* amendment was initiated by a motion of the Springfield City Council on March 18, 2013.

Finding #3. A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on August 30, 2013.

Finding #4. SDC 5.14-135, EC 9.7730(1) (b) and LC 12.225 (1) (a) (i) states that to become effective, “a non-site specific *Metro Plan* Type I amendment shall be approved by all three governing bodies.”

Finding #5. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013.

Finding #6. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #7. SDC Section 5.2-115 (B), EC 9.7745(3), LC 12.025(2) and LC 12.040(2) require that proposed land use actions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place and location of the hearing.

Finding #8. Notice of the public hearings concerning this matter was published in the Register Guard, advertising the hearing before the Joint Planning Commissions on October 15, 2013. A second notice was published in the Register Guard advertising the hearing before the Joint Elected Officials on November 4, 2013. The content of the Joint Planning Commission notice followed the direction given in SDC Section 5.2-115 B, EC 9.7745(3), LC 12.025(2) and LC 12.040(2).

Finding #9. Information concerning the proposed amendments to the *Metro Plan* Chapter IV and the dates of the public hearings were posted on the City of Springfield and the City of Eugene websites.

Conclusion:

The procedural requirements described in SDC Sections 5.2-115, 5.4-135 and 5.4-140, EC 9.7745 and EC 9.7735(3) and LC 12.210 through LC 12.245 have been followed. Notice requirements established by DLCD for amending the Development Code have also been followed.

III. Decision Criteria and Findings

SDC Section 5.14-135 C, EC 9.7730(3) and LC 12.225 (2) describe the criteria to be used in approving an amendment to the *Metro Plan*. In reaching a decision, the Planning Commissions and the City Councils and County Commissioners must adopt findings which demonstrate that the proposal meets certain approval criteria. These criteria and findings are shown below.

Criterion #1 “The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission.”

Findings:

Goal 1 – Citizen Involvement. Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."

Finding #10. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013.

Finding #11. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #12. Notice of the public hearings concerning this matter was published in the Register Guard, advertising both the hearing before the Joint Planning Commissions on October 15, 2013, and the Joint Elected Officials on November 4, 2013. The content of the notice followed the direction given in SDC Section 5.2-115 B, EC 9.7735(3), LC 12.025(2) and LC 12.040(2).

Goal 2 – Land Use Planning. Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted.

Finding #13. Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) is the acknowledged comprehensive plan that guides land use planning in Springfield, Eugene and Lane County.

Finding #14. 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."

Finding #15. ORS 197.304 (HB 3337) requires the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are needed to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

Finding #16. The proposed changes preserve the *Metro Plan* as the acknowledged comprehensive plan for the Eugene-Springfield area. The amendments Chapter IV implement changes stemming from ORS 197.304. The most significant changes to Chapter IV of the *Metro Plan* are summarized below.

- Three types of *Metro Plan* amendments are established by the amendments: Type I which requires the participation of all three jurisdictions; Type II which requires the participation of the home city and Lane County; and Type III amendments which may be enacted by the home city alone. The current policy defines only two types of amendments: Types I and II.
- Currently, all three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross over a ridge into a new basin. The proposed amendments would instead require all three governing bodies approve amendments of the common UGB along I-5 and for UGB or *Metro Plan* Boundary changes that cross I-5.

Exhibit A to Attachment C

- The proposed amendments remove references to *Metro Plan* amendments with “regional impact.” Removal of the regional impact language does not change similar language that is found in Chapter VI of 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. 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 *Public Facilities Plan*.
- 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 proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

Goal 3 – Agricultural Land. Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.

Finding #17. This goal generally does not apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes an Agriculture designation (*Metro Plan* II-G-9). The amendments do not change *Metro Plan* policies concerning the Agriculture designation. The amendments do not change the policies or standards regulating Eugene’s Agricultural Zone (EC 9.2000) or Lane County’s Exclusive Farm Use Zone (LC 16.212) within the *Metro Plan* Boundary. The City of Springfield does not have an agricultural zoning district.

Finding #18. The Environmental Resources Element includes policies addressing the use and preservation of agricultural lands (*Metro Plan* III-C-3). The proposed Chapter IV amendments do not change these policies.

Goal 4 – Forest Land. This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Finding #19. This goal does not generally apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes a Forest Lands designation. The proposed amendments do not change *Metro Plan* policies concerning the Forest lands designation. Neither Springfield nor Eugene has a forest zoning district. Lane County has Impacted and Non-Impacted Forest Zones (LC 16.211, LC 16.211). The proposed Chapter IV amendments do not change the County policies or standards governing these districts.

Finding #20. The Environmental Resources Element includes policies addressing the use and preservation of forest lands (*Metro Plan* III-C-5). The proposed Chapter IV amendments do not change these policies.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated.

Finding #21. The *Metro Plan* Environmental Resources and Historic Preservation Elements contain policies (*Metro Plan* pgs. III-C-3, III-I-2) addressing Goal 5 resource protection. Eugene and Springfield have policies regulating the inventory and protection of Goal 5 resources in their respective development codes. The proposed Chapter IV amendments do not change the resource policies or protections found in the *Metro Plan* or in the Eugene and Springfield development codes.

Finding #22. OAR 660-023-0250 (3) narrows the applicability of Statewide Planning Goal 5 to comprehensive plan amendments (PAPA):

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

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

Subsections (a) through (c) above are not applicable to this request as the proposed Chapter IV amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that conflict with Goal 5 and do not amend the acknowledged Urban Growth Boundary. Based on OAR 660-023-0250, Goal 5 is not applicable to the proposed amendments.

Goal 6 – Air, Water and Land Resources Quality. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Finding #23. The *Metro Plan* Environmental Resources Element (*Metro Plan* pg. III-C-14) contains policies addressing air, water and land resources quality. The proposed amendment to Chapter IV will not alter the metropolitan area's air, water quality or land resource policies. Eugene and Springfield have regulatory standards that protect air, water and land resources in their respective development codes. The proposed amendments do not change these standards.

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

Finding #24. The *Metro Plan* Environmental Resources Element contains policies addressing natural hazards (*Metro Plan* pg. III-C-15). The proposed Chapter IV amendments do not change these policies. All known sites within Eugene and Springfield that are subject to these hazards (floodplain, erosion, landslides, earthquakes, and weak foundation soils) are inventoried through a variety of sources. The proposed *Metro Plan* text amendment does not remove or exempt compliance with Code standards that apply to development within these hazard areas.

Goal 8 – Recreational Needs. This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.

Finding #25. The *Metro Plan* Park and Recreation Facilities Element contains policies addressing recreational needs (*Metro Plan* pg. III-H-4). The proposed Chapter IV amendments do not change these policies.

Finding #26. Parks and recreation facilities and programs are administered by park and recreation agencies in Eugene and Lane County and by two park and recreation districts (River Road Park and Recreation District and Willamalane Park and Recreation District). Willamalane serves the greater Springfield area. River Road serves the River Road neighborhood in the North Eugene. These amendments do not affect either city's provisions for recreation areas, facilities or recreational opportunities.

Goal 9 – Economic Development. Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Finding #27. The *Metro Plan* Economic Element contains policies (*Metro Plan* pg. III-B-4) addressing economic development. Eugene, Springfield and Lane County adopted the *Metropolitan Industrial Lands Inventory Report* and *Metropolitan Industrial Lands Policy Report* in 1993. These reports provided the jurisdictions with a database and policy recommendations needed to plan for an adequate and appropriate supply of industrial land. The proposed Chapter IV amendment does not change these policies.

Finding #28. The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 9 and its Administrative Rule. The Springfield Commercial Lands Study was adopted in February 2000 as a policy document to guide the provision of commercial land within its planning jurisdiction. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 – Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Finding #29. The *Metro Plan* Residential Land Use and Housing Element addresses the housing needs of current and future residents of the metropolitan area. The Element includes a projection of housing need based on a coordinated population projection and polices (*Metro Plan* pg. III-A-7) aimed at

meeting the calculated need. The proposed Chapter IV amendments will not reduce available housing capacity and will not impact needed housing.

Lane County has adopted a coordinated population projection for the Eugene and Springfield through the year 2030. Projections of needed housing are based in part of this projection. Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The proposed amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 11 – Public Facilities and Services. Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

Finding #30. The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the *Metro Plan* that guides the provision of public infrastructure, including water, sewer, storm water management, and electricity. The proposed Chapter IV amendments do not affect either city's provision of public facilities and services.

Goal 12 – Transportation. The goal aims to provide "a safe, convenient and economic transportation system."

TransPlan (2002) is Eugene-Springfield's local Transportation System Plan and is a functional plan of the *Metro Plan*. TransPlan provides policies addressing transportation facilities and policies for the Eugene-Springfield Metropolitan Area. The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

The proposed amendments do not change the functional classification of an existing or planned transportation facility, do not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access with are inconsistent

with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation. Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Finding #31. The *Metro Plan* Energy Element deals with the conservation and efficient use of energy in the metropolitan area and is meant to provide a long-range guide to energy-related decisions concerning physical development and land uses. The Element contains policies (*Metro Plan* pg. III-J-3) which support Goal 13. The proposed *Metro Plan* Chapter IV text amendments do not change these policies and will not have a direct impact on efforts to conserve energy.

Goal 14 – Urbanization. This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.

Finding #32. The *Metro Plan* "Fundamental Principles and Growth Management Policy" contains growth management and urbanization sections (Sections C and E, pgs. II-C-3 and II-E-1). The proposed Chapter IV amendments do not change the policies contained in these sections.

Goal 15 – Willamette River Greenway. Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Finding #33. The *Metro Plan* Willamette River Greenway, River Corridors and Waterways Element includes policies for administering the Willamette River corridor as it passes through the Eugene-Springfield area. The proposed Chapter IV amendments do not change these policies.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Finding #34. There are no coastal, ocean, estuarine, or beach and dune resources within the Eugene or Springfield Urban Growth Boundaries or the *Metro Plan* Boundary. These goals do not apply to this proposal.

Conclusion: The proposed amendments to Chapter IV of the *Metro Plan* are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission.

Criterion #2. "Adoption of the amendment must not make the Metro Plan internally inconsistent."

Findings:

Finding #35. The Introduction to the *Metro Plan* (*Metro Plan* pg. I-3) states that “Chapter IV of the *Metro Plan* establishes the procedures for ensuring that the *Metro Plan* retains its applicability to changing circumstances in the community. It includes procedures and time schedules for reviewing and updating the *Metro Plan*, provides procedures for amending it and resolving conflicts, and recognizes that refinement will be necessary where conflicts exist.”

Finding #36. *Metro Plan* Chapter II, “Fundamental Principles and Growth Management Policy Framework, lists various Metropolitan Goals. The goal for *Metro Plan* Review, Amendments, and Refinements states: “Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community (*Metro Plan* pg. II-B-3).

Finding #37. The proposed amendments support the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to change in the community. The proposed amendments to Chapter IV modify the procedures by which amendments to the *Metro Plan* are processed.

Conclusion: The proposed *Metro Plan* text amendments do not make the *Metro Plan* internally inconsistent.

V. Conclusion and Recommendation of Staff

Based on the findings of staff with respect to the criteria defined in Section 5.14-135 C of the Springfield Development Code and EC 9.7730(3) Lane Code 12.225 (2) for approving a *Metro Plan* amendment; staff find the proposed text amendment to Chapter IV of the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

VI. Attachments

Attachment 1: Proposed *Metro Plan* Chapter IV Amendments.

Attachment 2: Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV.

Revisions made after the November 4 Public Hearing to “Chapter IV Metro Plan Review, Amendments, and Refinements” in Section 1 of the Ordinance are shown in track changes (i.e., deletions in ~~strike through~~; additions in underline.)

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 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 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* 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 *Metro Plan* so it will remain current and valid.
2. Maintain a current land use and parcel information base for monitoring and updating the *Metro Plan*.
3. Prepare refinement and functional plans that supplement the *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. A proposed amendment to the *Metro Plan* shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision.
4. A Type I ~~Amendment~~amendment requires approval by ~~all three governing bodies;~~the home city.
 - a. ~~Type I Diagram Amendments include:~~
 - i. ~~Amendments of the Common UGB along I-5; and~~
 - a. ~~A UGB or amendments to the Metro Plan Boundary change that crosses I-5~~Diagram for land inside the city limits.
 - b. Type I Text Amendments include:
 - ii. ~~Amendments that change a Fundamental Principle as set forth in Chapter II A. of the Metro Plan;~~
 - i. ~~Non~~are non site specific and apply only to land inside the city limits of the home city;
 - ii. ~~Site specific~~ amendments that apply ~~to all three jurisdictions;~~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 the only participation of all three governing bodies 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.
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:
 - 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 ~~III~~ 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~~Amendment requires approval by ~~the home city;~~all three governing bodies;

- a. Type III Diagram Amendments include ~~amendments to:~~
- i. Amendments of the Common UGB along I-5; and
 - ~~ii. A UGB or Metro Plan Diagram for land inside the city limits~~
Boundary change that crosses I-5.
- b. Type III Text Amendments include:
- i. Amendments that ~~are non~~change a Fundamental Principle as set forth in Chapter II A. of the Metro Plan;
 - ~~ii. Non site specific and apply only to land inside the city limits of the home city;~~
 - ~~iii. Site specific amendments that apply only to land inside the city limits of the home city; and to all three jurisdictions;~~
 - ~~iv. Amendments to a regional transportation system plan, or a regional public facilities plan, when only the participation by the home city of all three governing bodies is required by the amendment provisions of those plans.~~
 - ~~v. 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.~~

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

- a. A Type I amendment may be initiated by the ~~three governing bodies at any time~~home city at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development code of the home city.
- b. A Type II amendment may be initiated by the home city or county at any time. A property owner ~~whose property is the subject of a proposed~~may initiate an amendment ~~may initiate a Type II amendment for property they own~~ at any time. Owner initiated amendments are subject to the limitations for such amendments 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~~any one of the three governing bodies at any time.~~
- 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 any~~ governing ~~bodies~~body may initiate an update of the *Metro Plan* at any time.

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

- a. The initiating governing body of any Type I, II, or III Metro Plan amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.
- b. 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.

- c. 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~~ When an amendment is not approved, it may not be re-initiated, except by one of the three governing bodies, for one year.

A Type I

- ~~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. A Type III 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.~~

- ~~e. 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.~~

- f. 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.

- g. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures.

- h. A different process, time line, or both, than the processes and timelines specified in ~~8a8b~~ through ~~8f8g~~ above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated *Metro Plan* amendment.

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.

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.

- ~~11. Refinement plans developed by one governing body shall be referred to the other two jurisdictions for their review. Either of the two referral governing bodies may determine that an amendment to the *Metro Plan* is required.~~

- ~~12~~11. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.