



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

November 27, 2013

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

Meeting of November 27, 2013;
Her Honor Mayor Kitty Piercy Presiding

Councilors

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

CITY COUNCIL WORK SESSION

Harris Hall

**12:00 p.m. A. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM
MAYOR, CITY COUNCIL, AND CITY MANAGER**

**12:30 p.m. B. WORK SESSION:
Envision Eugene Implementation - An Ordinance Concerning Single-
Family Code Amendments for Accessory Buildings, Alley Access Lots
and Secondary Dwellings, and for Protection Measures Specific to the
University Area**

**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.

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EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Envision Eugene Implementation - An Ordinance Concerning Single-Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings, and for Protection Measures Specific to the University Area; Amending Sections 9.0500, 9.2735, 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, 9.8405 and 9.8415 of the Eugene Code, 1971; Adding Sections 9.1245, 9.2737 and 9.2779 to that Code; and Providing an Effective Date (City File CA 13-3)

Meeting Date: November 27, 2013
 Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

The City Council will hold a work session to deliberate on the land use code amendments related to single-family housing in the R-1 Low Density Residential zone. The proposed amendments would:

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

BACKGROUND

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

- Implement the goals of the Infill Compatibility Standards (ICS) project to prevent negative impacts and promote positive impacts of residential infill by integrating compatibility and design standards. These code amendments also directly support the recommendations developed by the Single-Family Dwelling Infill Committee of ICS pertaining to secondary dwelling units and alley access lots.
- Address housing affordability by expanding housing choice and variety by facilitating smaller housing types.

- Serve as land use efficiency strategies to help accommodate a portion of the city's 20-year need for single-family housing inside the current urban growth boundary (UGB). It is estimated that approximately 125 additional single-family homes (approximately 40 alley access lots and 85 additional secondary dwellings) over 20 years could be accommodated within the current UGB through these strategies.

City Council Process

Following a unanimous recommendation for approval by the Eugene Planning Commission last month, the City Council held one work session and a public hearing on the package of land use code amendments.

At the November 18, 2013, Public Hearing, testimony was received from 12 individuals. The vast majority of that testimony was focused on the interim protection measures for the University neighborhoods. Nine of the 12 individuals who provided testimony are residents of Amazon, Fairmount and South University neighborhoods (the neighborhoods where the University area interim protection measures are proposed to apply). Eight of the nine speakers voiced support for the interim protection measures and recommended that these amendments be adopted immediately. They also raised concerns regarding the proposed secondary dwelling and alley access lot standards that would apply to the remainder of the city. One of the nine speakers expressed opposition to having the interim measures applied to the Amazon neighborhood.

The remaining three speakers included the Planning Commission chair, who confirmed the Planning Commission's recommendation as provided in the meeting materials was accurate; a representative from the Friendly neighborhood board, who conveyed the board's request to the City Council to delay action on the amendments; and a representative from 1,000 Friends of Oregon who suggested that the amendments do not go far enough to protect neighborhoods or to gain enough additional housing units.

Following the public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. Written testimony received at the public hearing and during the open record period will be provided to the City Council under separate cover. Staff response to topics raised at the public hearing is provided in a memo (Attachment A).

A summary of the proposed amendments is provided as Attachment B. The draft ordinance and exhibits are included as Attachment C and contain minor revisions from the ordinances originally posted for public hearing. The ordinance and exhibits generally contain the following revisions:

- Reference corrections
- Updated figures (graphics enlarged and labels moved for clarify)
- Updated findings to address issues raised in testimony

Also, as noted in the agenda item summary for the public hearing, the ordinances have been combined into one ordinance, given the interdependence of the interim protection measures with the code amendments pertaining to alley access lots, secondary dwelling units, and accessory units.

RELATED CITY POLICIES

Findings addressing the applicable approval criteria, including Statewide Planning Goals, the Metro Plan, and applicable refinement plans, are provided as an exhibit to the draft ordinance in Attachment C.

COUNCIL OPTIONS

Options will be provided in the council packet for action, scheduled for December 9, 2013.

CITY MANAGER'S RECOMMENDATION

The City Manager will make a recommendation to be included in the council packet for action, scheduled for December 9, 2013.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Staff Response to Testimony
- B. Summary of Single Family Code Amendments
- C. Draft Ordinance and Findings

FOR MORE INFORMATION

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



Memorandum

Date: November 20, 2013
 To: Mayor and City Council
 From: Alissa Hansen, Planning Division
 Subject: Staff Response to Testimony/City Council - Single Family Code Amendments

This memo addresses major themes that have been raised in public testimony as part of the single family code amendments process, as well as those raised by the City Council. The issues are identified in bold below, followed by staff response.

SECONDARY DWELLING UNITS

1. Density

Testimony raised the issue that the existing provisions for secondary dwellings units do not comply with the density requirements. Secondary dwellings are currently permitted outright in the R-1 Low Density Residential zone, and are subject to minimal development standards. The City has had a long practice of not counting secondary dwelling units (whether attached or detached) when calculating density. As detailed in the findings attached to the draft ordinance, the City's practice is supported by the Metro Plan. To provide more clarity in the land use code regarding the City's long-standing practice that secondary dwellings are not counted in density calculations, staff and legal counsel recommend inclusion of the proposed code language provided in Exhibit A.

2. Development Standards

As noted above, secondary dwellings are permitted outright in the R-1 zone, subject to minimal development standards. The proposed code amendments are intended to improve the compatibility of secondary dwellings, and address such concerns as looming walls, solar access and privacy. Testimony suggested that the proposed amendments do not provide enough protections.

Because of the broad applicability of these standards (they would apply in all R-1 neighborhoods with the exception of Amazon, Fairmount and South University), and the diverse nature and character of our neighborhoods (including but not limited to lot size, layout and patterns, topography, vegetation, natural resources, and home size, style and architectural characteristics), it is necessary that the proposed standards provide enough flexibility to ensure they work citywide in a variety of situations. In addition, care was taken to ensure that the proposed standards were not so restrictive that they would unduly discourage the construction of this housing type.

The standards, as proposed, reduce allowed building heights (from two stories to one); apply a sloped setback; limit the number of bedrooms to two; substantially strengthen ownership/occupancy requirements while also providing allowance for a temporary leave of absence in certain circumstances; and provide an opportunity to seek an adjustment review under limited circumstances.

The following table (Table 1) provides a summary comparison of the current code provisions and the proposed changes for secondary dwellings. Only the most significant changes are shown below.

Table 1

Secondary Dwellings		
Development Standard	Current Code	Proposed Change
Building Height	<p><i>Attached SDUs:</i> Same as main house (30 feet or 37 feet for roof slopes 6:12 or steeper)</p> <p><i>Detached SDUs:</i> If located within 20 feet of a property line, 15 feet or 22 feet for roof slopes 6:12 or steeper (Allows for 2 story)</p> <p>If located greater than 20 feet from a property line, 20 feet or 27 feet for roof slopes 6:12 or steeper</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> If located within 20 feet of a property line, 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper. (Allows for 1 story)</p> <p>If located greater than 20 feet from a property line, 24 feet</p>
Sloped Interior Yard Setbacks	None	<p>Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.</p> <p>For example, for a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required would slope away from the interior property lines at a maximum roof slope of 6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.</p>
Building Size	800 square feet	No changes to size. Clarifies how to measure
Bedroom Count	No limits	Maximum of 3 allowed
Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. These changes will assist in enforcement. Provides allowance for temporary leave under certain circumstances.
Parking	1 space required for secondary dwelling	No changes
Adjustment Review	None	Allows for adjustment review in limited situations: temporary leave, to allow a secondary dwelling over an accessory building, and to allow conversion of existing accessory building into secondary dwelling.

ALLEY ACCESS LOTS**1. Allowance for New Alley Access Lots**

The testimony regarding alley access lots has been diverse. Some have suggested that new alley access lots should not be allowed, while other have indicated that the proposed standards for such lots do not provide adequate compatibility protections, and others have expressed concern that not enough new dwellings would be allowed or created, or that the standards are too restrictive.

The City Council directed that code amendments to allow for alley access lots be initiated through Envision Eugene, to accommodate more single family homes within the urban growth boundary. The proposed amendments to allow for new alley access lots with compatibility standards are an outcome of that directive. Under the proposed amendments, new alley access lots could be created in all neighborhoods with alleys, except that new alley access lots would be prohibited in Amazon, Fairmount and South University as part of the University Area interim protection measures.

Prior to the land use code update in 2001, alley access lots were allowed in all residential zones, without specific design or development standards addressing compatibility. City Council removed the allowance for such lots until design standards could be created. Through the Infill Compatibility Standards project, alley access lots were specifically identified as a desirable type of infill, if accompanied by design standards. Alley access lots are currently allowed in the S-C Chambers Special Area Zone and the S-JW Jefferson Westside Special Area Zone subject to standards that address design and compatibility. Two alley access lots have been created within these two areas since the adoption of those standards in 2006 and 2010 respectively.

Because of the proposed limitation of where new alley lots can occur (125 feet from where the alley intersects with the street), we only expect to see approximately 40 lots created over the next 20 years (or an average of 2 per year). Due to this limitation, which is based on fire access requirements, all lots along an alley (especially those in the middle of a block) will not be eligible to create such lots. Rather, it will be limited to typically the second lot in from the alley/street intersection. Given these limitations, which would limit the overall number and impact of such lots within a neighborhood, the development is unlikely to overwhelm the alley or result in a significant increase in traffic.

In addition to the limitation on where alley access lots can be located, other proposed standards are intended to address looming walls, privacy concerns, incompatible building heights, excessive paving and lot coverage, and excessive bedrooms numbers, while ensuring that the proposed standards are not so restrictive or costly that they would unduly discourage alley access lot creation and home construction. The proposed standards are further addressed later in this memo.

The proposed compatibility standards are also intended to apply to existing alley access lots in the R-1 zone (including within the neighborhoods proposed for the University area protection measures), as well as any newly created lots. There are approximately 90 existing alley access lot in the R-1 zone. Currently these lots are subject to the standard R-1 development standards (including height, lot coverage and parking). See Table 2 below for a comparison of the existing development standards and the proposed development standards.

2. Density/Lot Size Minimums

Testimony raised the issue that the proposed minimum lot size for new alley access lots (2,250 square feet) does not comply with the density requirements, and is not compatible with single family neighborhoods. As addressed in the findings attached to the draft ordinance, the proposed lot size is found to be consistent with density requirements. In short, the maximum density of a proposed alley

access development site would be 9.68 units per acre, which is consistent with the Eugene Code and the Metro Plan.

While density requirements are not an issue, Council could choose to increase the minimum lot size for compatibility reasons. In that case, staff would be supportive of a revision that changes the minimum lot size to somewhere in the range of 3,100 square feet to 3,600 square feet.

3. Compliance with ADA

Testimony raised the issue that the provisions to allow for new alley access lots are in violation of the American with Disabilities Act (ADA). The City Attorney’s Office has prepared a memo addressing this issue, which will be provided under separate cover.

4. Development Standards

Testimony raised the issue that the proposed development standards for alley access lots should be changed to be similar, if not identical, to those proposed for secondary dwellings, which include a smaller home size, lower building height and different sloped setback. These issues were also raised at the Planning Commission public hearing; however, the Planning Commission did not propose any changes except with regard to dormers and balconies.

The intent of the proposed alley access lot development standards is to ensure compatibility while allowing for some flexibility, in an effort to promote owner-occupancy of these houses. While secondary dwellings are intended to be subordinate to the main home on the property, and typically used as a rental property, a dwelling on an alley access lot is the main (and only) home on the property.

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on existing alley lots and the proposed changes (that would apply to existing and new lots). Only the most significant changes are shown below.

Table 2

Dwellings on Alley Access Lots		
Development Standard	Current Code (applies to existing lots)	Proposed Change (to apply to existing and newly created lots)
Building Size	No limits	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.
Bedroom Limit	No limits	3 maximum
Building Height	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet maximum
Sloped setback	No limits	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade. For example, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required would slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.

Windows	No limits	10 foot setback from property line for upper story windows
Dormers, balconies	No limits	Not allowed on side or rear property line unless neighboring property owner agrees in writing
Parking	Minimum 1 space, no paving limits	Minimum 1, maximum 2 spaces, limits paving to 400 square feet and limits garage size
Accessory Buildings	No limits	Limit to 400 square feet total

5. Alley Infrastructure

Testimony suggested that the impact on unimproved alleys needs to be further studied before new alley access lots should be allowed. As noted above, as proposed, the location of new alley access lots will be limited (125 feet from the alley/street intersection), which means such lots will be located towards the ends, rather than the middle, of alleys. As such, at most, there could only be a few alley access lots per block.

At the time a new alley access lot is created, if the alley does not meet the city's width or improvement standards (which are generally intended to ensure safe and serviceable streets and alleys), it would typically be required to meet such standards prior to development of the lots (through conditions of approval of the land division). In the case of alley access lots, many, if not most, of the alleys adjacent to potential alley access lots are currently unimproved.

The amendments propose a minimum 14-foot wide right-of-way width for the alley with a minimum improvement width of 12 feet. The alley could be improved with concrete, asphalt or gravel, depending on the existing conditions. The intent is that the alley would be improved from the street to the driveway/parking area of the alley access lot to provide safe and serviceable access to the newly created lot. This cost would be entirely the responsibility of the developer of the alley access lot.

The intent of these requirements is to ensure functional access to the alley access lot, not to require the entire alley to be fully improved. If the city and community desires that all alleys be fully improved, then a programmatic approach would need to be established.

UNIVERSITY AREA INTERIM PROTECTION MEASURES

1. Interim Standards to allow Secondary Dwellings

Based on public testimony, the Planning Commission recommended adding development standards to allow for secondary dwellings in the University area (rather than prohibit them as originally proposed). Staff supports this proposal; however, the draft code language was not complete in time to meet the City Charter requirement for the posting of the ordinance for the public hearing. Proposed interim development standards for secondary dwellings in the University area were provided as part of the public hearing materials, and are provided again as Exhibit B to this memo. Testimony has indicated strong support for these standards. Unless City Council directs otherwise, these standards will be incorporated into the ordinance provided for council action.

2. Allowance for Duplexes

Testimony from one individual recommended that the interim protection measures be revised to allow for duplexes, subject to a maximum bedroom count of 3 per unit. This issue was not raised during the Planning Commission proceedings. If the City Council finds that allowing duplexes, with a maximum of 3 bedrooms per unit, appropriate in the interim, the ordinance can be revised as such.

OTHER

1. Adjustment Review

Testimony raised concern that the proposed adjustment review criteria are too vague and could serve as a potential loophole to allow property owners to circumvent the intentions of the proposed new compatibility standards for secondary dwellings, alley access lots and accessory buildings.

The purpose of the adjustment review process is to encourage design proposals that respond to the intent of the code and creatively meet or exceed specific development standards. This process recognizes that while the land use code is typically one-sized fits all, individual lots and development sites are all different.

The adjustment review process, which was added as part of the land use code update in 2001, follows a Type II land use review, meaning there is public notice, including a comment period, Planning Director decision, and opportunity to appeal. Because it is a land use application process, a certain amount of subjectivity is expected. Only certain standards within the code are allowed to be adjusted. Each year approximately 11 adjustment review applications are submitted citywide (in most every zone).

During the early development of the single family code amendments, the notion of flexibility was raised as an important issue, given the variety of circumstances across the city. Based on past experience in applying other adjustment review criteria which are too vague (such as “is compatible with adjacent development”) and not always relevant to the development standard being adjusted, we knew it was important to established parameters within that flexibility. To that end, we used the downtown adjustment review criteria, as well as criteria from the City of Santa Cruz, California as inspiration to create relevant and robust criteria that describe the type of development we would want to see. Additionally, only a very limited number of development standards are proposed to be adjusted.

2. Public Engagement Process

The public engagement process for these amendments has spanned multiple years and is grounded in the goals and recommendations of the Infill Compatibility Standards project. There has been considerable community input on these topics from a broad cross-section of neighborhood leaders and advocates, developers, architects and designers, property owners and other interested parties. Below is a high-level overview of the events that have occurred.

2007-2009 In response to City Council direction to address residential infill compatibility, the Infill Compatibility Standards Task Team was formed and met monthly from November 2007 to September 2009. The Task Team was comprised of 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.

In 2008, the ICS Task Team provided an interim report to the Planning Commission that included an update on the work of the committees, including the Single Family Dwelling Infill Committee. At that time, the Committee focused on secondary dwelling units, alley access lots, flag lots and remodels, additions and conversions in South University, Fairmount and Amazon Neighborhoods.

As a result of their almost two years of research, public outreach, proposal development and refinement, the Task Team ultimately passed 16 sets of recommendations. In 2009, the Task Team passed motions recommending implementation of the recommendations outlined in the Single-Family Development Committee issue papers titled “Infill in R-1 Neighborhoods” and

“Single-Family Dwelling Infill Committee Report on Flag Lot Development.” These issue papers include recommendations related to secondary dwellings, accessory buildings, and alley access lots that informed the development of the code concepts.

- 2010 A working group of ICS, the R-1 Infill/Flag Lot Implementation Team (RIFLIT), met and developed recommendations related to the issues raised by ICS pertaining to flag lots, lot coverage, sloped setbacks, secondary dwellings and alley access lots. This team was composed of individuals selected by the ICS Steering Committee who work closely with or live near and have carefully considered the kinds of development under discussion. Members include:
- Steve Gab (Former ICS co-chair, Rainbow Valley Design & Construction)
 - Sue Prichard (Former ICS co-chair, Amazon Neighbors, CRG/TRG member)
 - Michael Fifield (University of Oregon Architecture Professor)
 - Bill Randall (Planning Commissioner, Architect)
 - Mike Butler (Future B Homes)
 - Marilyn Mohr (Former River Road board member)
- 2010-2013 On-going Envision Eugene public engagement, including multiple public open houses and workshops, mailings, public hearings, on-line surveys, e-newsletters, Facebook updates and frequent updates to the Planning Commission and City Council. The topic of single family housing, including strategies to provide for more single family homes within the existing urban growth boundary, was included in numerous outreach events.
- March 2011 Draft Envision Eugene Proposal published. Includes strategies to allow for and promote secondary dwelling units and alley access lots.
- March 2012 Envision Eugene Recommendation published. Includes strategies to allow for and promote secondary dwelling units and alley access lots.
- June 2012 City Council initiated code amendments to allow and promote secondary dwellings units and alley access lots, as part of Envision Eugene strategies to accommodate single family homes within the existing urban growth boundary.
- 2012-2013 Single Family Advisory Group formed to review and vet code concepts and provide recommendations. The advisory group met seven times between October 2012 and February 2013. The majority of the members were part of the original ICS/RIFLIT group. Members include:
- Steve Gab (Former ICS co-chair, Rainbow Valley Design & Construction)
 - Sue Prichard (Former ICS co-chair, Amazon Neighbors, CRG/TRG member)
 - Michael Fifield (University of Oregon Architecture Professor)
 - Bill Randall (Planning Commissioner, Architect)
 - Mike/Dane Butler (Future B Homes)
 - Jon Belcher (Planning Commissioner, River Road Community Organization Chair, former chair of Amazon and Jefferson-Westside)
 - Chris Stebbins (owner of design/build company, resident of Fairmount)
 - Andrew Fisher (Friendly Neighborhood Association board member, Historic Review Board)

- Marilyn Mohr (Former River Road board member; invited, but did not attend)

November 2012	Planning Commission Work Session on progress of Single Family Code Amendments
December 2012	Project included in the Envision Eugene Implementation Update sent to Envision Eugene mailing list (525 email addresses)
May 2013	<ul style="list-style-type: none"> -Email to all neighborhood leaders asking for input on code concepts and invitation to meet -Project highlighted in Envision Eugene Newsletter sent to Envision Eugene mailing list -Meeting with members of Friendly Area Neighborhood and board to review Code concepts -Meeting with members of South University Neighborhood Association board to review code concepts -Meeting with members of Fairmount Neighbors board to review code concepts
June 2013	<ul style="list-style-type: none"> -Emails to interested parties regarding open house (distributed to 120+ emails including people 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) -Meeting with members of South University Neighborhood Association board -Meeting with members of Fairmount Neighbors board -Public Open House
July 2013	<ul style="list-style-type: none"> -Email to interested parties list to update and request feedback on concepts -Planning Commission Work Session -Meeting with members of Jefferson-Westside Neighborhood board
August 2013	<ul style="list-style-type: none"> -Email to interested parties list requesting review of draft code -Notice of public hearing mailed to neighborhood associations and others requesting notice -Measure 56 Notice mailed to property owners in Amazon, Fairmount and South University neighborhoods regarding interim protection measures -Legal Notice in Register Guard
September 2013	<ul style="list-style-type: none"> -Emails to interested parties list regarding public hearing -Planning Commission public hearing on proposed code amendments -Email to interested parties list regarding public record left open
October 2013	<ul style="list-style-type: none"> -Planning Commission Deliberations -Email to interested parties list regarding Planning Commission's recommendation -City Council Work Session
November 2013	<ul style="list-style-type: none"> -Email to interested parties list regarding City Council Public Hearing -City Council Public Hearing -Email to interested parties list regarding public record left open

3. Enforcement

The issue of adequate enforcement of existing code provisions was raised in public testimony. Staff consulted with Code Compliance staff during the process of crafting the code amendments to ensure that the new provisions could be enforced and to identify and improve existing code language that can be difficult to enforce. Several of the amendments were crafted to specifically strengthen existing code provisions that can be difficult to enforce, including the ownership/occupancy provisions for secondary dwellings and the deed restriction provisions for accessory buildings.

Code Compliance staff provided the following information about the city's compliance program: Due to limited resources, enforcement is entirely complaint driven. There are two ways in which the City encourages people to assist Code Compliance efforts; one allows people to submit confidential complaints and the other anonymous. For land use and nuisance complaints the City asks that people submit confidential. For building code complaints the City will respond to anonymous complaints. This includes the creation of illegal units, garage conversions and additions done without the required permits.

The City has rules in place that allow staff to impose civil penalties, charge investigation fees and disconnect power should it become necessary. In most cases staff is able to achieve compliance without the use of these tools. In addition if staff determines the violator was aware of code requirements and the violation was intentional the rules provide for immediate penalty without issuance of an Order to Correct. While these tools are available and are used if necessary the Code Compliance team continues to focus on educating and working toward voluntary compliance.

4. Number of Units Estimated Per Year

One individual provided testimony that additional units should be targeted through these measures to avoid an urban growth boundary expansion for single-family homes. The estimate of how many additional single family dwellings can be expected through these strategies over the next 20 years was based in part on historic building permit activity and in part on a nationwide trend towards a desire for smaller housing types. In coordination with ECO Northwest, staff has made an optimistic, yet realistic estimate that a 50 percent increase in secondary dwelling units could be realized, for a total of 265 units during the 20 year period.

The estimates for alley access lots are more conservative given the geographic restrictions on where they can apply (only a small portion of the city's R-1 neighborhoods have existing alleys). Additionally, due to the Fire Marshal requirement that an alley access lot must be within 125 feet of an intersection with a street, the number of potential alley access lots is further reduced. ECO Northwest and staff have estimated that approximately 40 alley access lots can be expected over the next 20 years. This is based on an assumption that approximately 25 percent of the eligible lots with development potential will be subdivided under these provisions.

Both housing unit types (secondary dwelling units and alley access lots) will be monitored as part of the Envision Eugene monitoring program. This information will be reported on and evaluated at least every five years and if necessary, adjustments can be made.

Attachments

Exhibit A	Proposed Code Language to Clarify Density Requirements for Secondary Dwellings
Exhibit B	Proposed University Area Development Standards for Secondary Dwellings

Proposed Code Language to Clarify Density Requirements for Secondary Dwellings

November 20, 2013

Bold italic = Text to be inserted

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential					
<p>Dwellings. (All dwellings, <i>except secondary dwellings</i>, 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.)</p>					

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 secondary dwellings 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.*
- (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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS, AND FOR PROTECTION MEASURES SPECIFIC TO THE UNIVERSITY AREA; AMENDING SECTIONS 9.0500, 9.2735, 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, 9.8405 AND 9.8415 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.*

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

Section 3. 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 4. 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 5. The text of Section 9.2740 of the Eugene Code, 1971, and the following entry in Table 9.2740, are 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.

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.)					
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(3)	P(3)	P	P	P

Section 6. Subsections (2), (3), (4), (5), and (6) of Section 9.2741 of the Eugene Code, 1971, are amended to provide as follows, and by moving the provisions of (2)(a) and (b) to Section 9.2751(16) as shown in Section 9 of this 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 7. 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

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 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)					
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)

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
<i>Area-Specific</i>	See (14)(a)	--	--	--	--
Accessory Buildings in R-1 (15)					
<i>General Standards</i>	See (15)(a)	--	--	--	--
<i>Area-Specific</i>	See (15)(b)	≡	≡	≡	≡
Secondary Dwelling Units (16)					
<i>General Standards</i>	See (16)	--	--	--	--
Maximum Bedroom Count (17)					
<i>Area-specific</i>	See (17)	--	--	--	--

Section 8. 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)(b) 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 9. 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), (16) and (17) 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[(14)](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].**
- (a) *R-1 Zone. Within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:***
- 1. *A lot shall have no more than one driveway accessed from a street.***
 - 2. *The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.***
 - 3. *The driveway and associated parking shall be perpendicular to the street.***
 - 4. *A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.***
 - 5. *Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.***
- (b) *R-3 and R-4 Zones.*** Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.
- ~~(a)~~ **1.** Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
 - ~~(b)~~ **2.** Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.
 - ~~(c)~~ **3.** Except for a driveway and associated parking area shared by two adjoining lots ("shared driveway"), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
 - ~~(d)~~ **4.** Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
 - ~~(e)~~ **5.** When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
 - ~~(f)~~ **6.** Except for shared driveways and as provided in [~~(h)~~] **8.** below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.

- ~~(g)~~7. Except as provided in [~~(h)~~] 8. below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.
- ~~(h)~~8. When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.
- ~~(i)~~9. All portions of required front yard setbacks not otherwise covered by a legal driveway or by projecting building features as allowed per EC 9.6745(3) shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the street to the entrance of a dwelling. The pedestrian path shall be separated from any vehicle use areas by a minimum of 3 feet. The area between the vehicle use area and the pedestrian path shall be landscaped and maintained with living plant material.
- ~~(j)~~10. No parking shall occur in the landscaped portion of the required front yard setback.
- ~~(k)~~11. Adjustments to the standards in subsection [~~(i)~~] 9. may be made, based on the criteria at EC 9.8030(30).

(See Figure 9.2751[~~(45)~~](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(15)(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.**
- (16) **Secondary Dwelling.**
- (a) **Attached Secondary Dwellings. Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:**
 1. **Lot Area. 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(16)(a)7. regarding temporary leave and in EC 9.2751(16)(b)6. 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 secondary dwellings 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.*
- (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 _____ [effective date of ordinance] 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 10. 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	--	--	--	--

Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	--	6,000 square feet	6,000 square feet	6,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet	--	3,600 square feet	3,600 square feet	3,600 square feet
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 11. Subsections (2), (3), (4) 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.)
- (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.)
- (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.**
 - (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 12. 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 original 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 13. 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 14. 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[(14)](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 15. 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 16. 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[(45)(e)](14)(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 [G]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 17. 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 18. 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[(15)(e)](14)(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[(15)](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 19. 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 20. 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 or access to an alley access lot in R-1) [only]	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'

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
Cul-de-sac Bulb Radius:		
Residential	48.5'	35'
Non-residential	62'	50'
*Measured from face to face of curbs		

Section 21. 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)(i)](14)(b)9. may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.
- (34) Accessory Buildings in R-1. 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 make 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 22. 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 23. 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 24. The findings set forth in Exhibit G attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 25. 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 26. 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 27. 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

**Figure
9.2751(13)(b)1.**

Fences

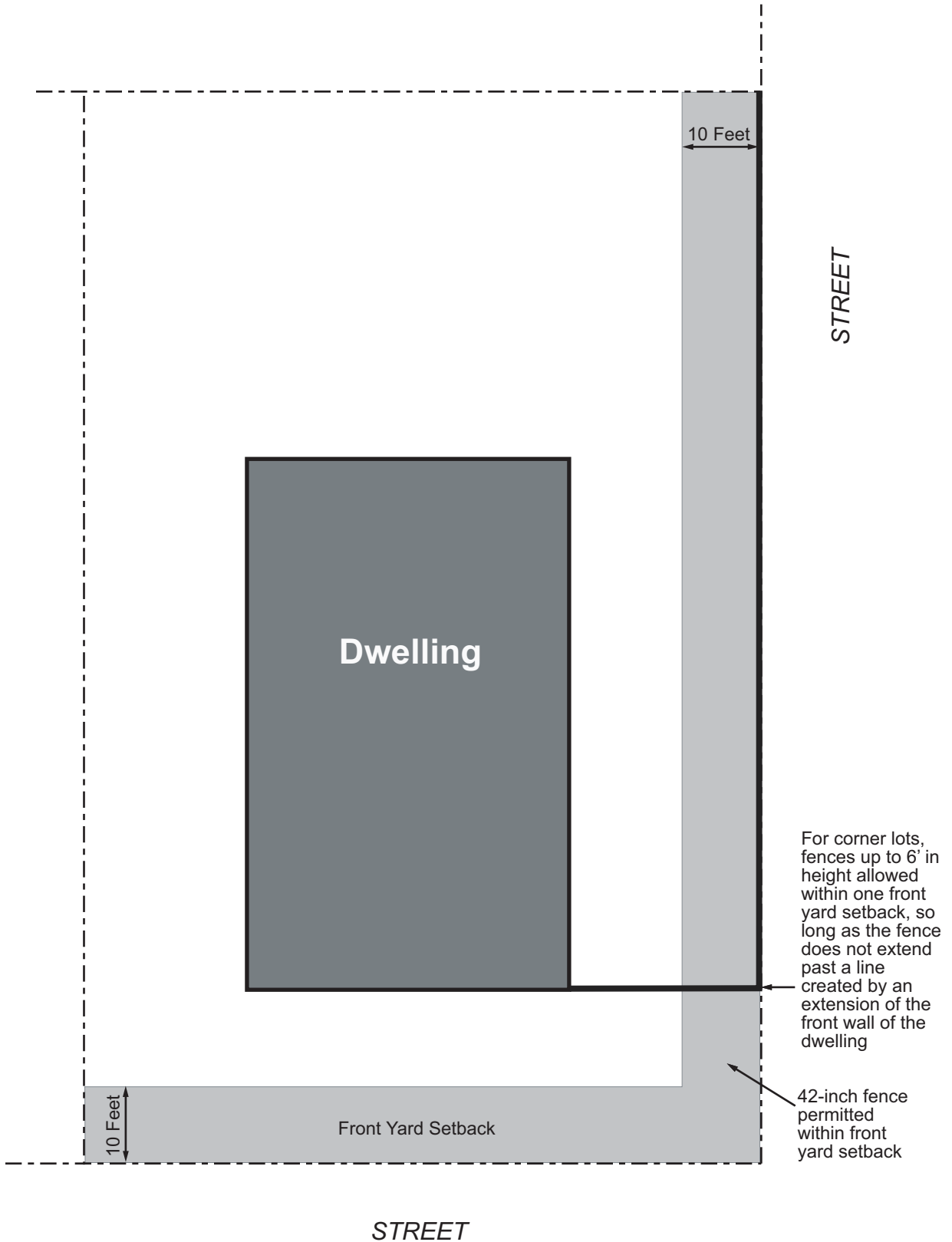


Figure 9.2751(14)(b) Driveways and Parking Areas in R-3 and R-4

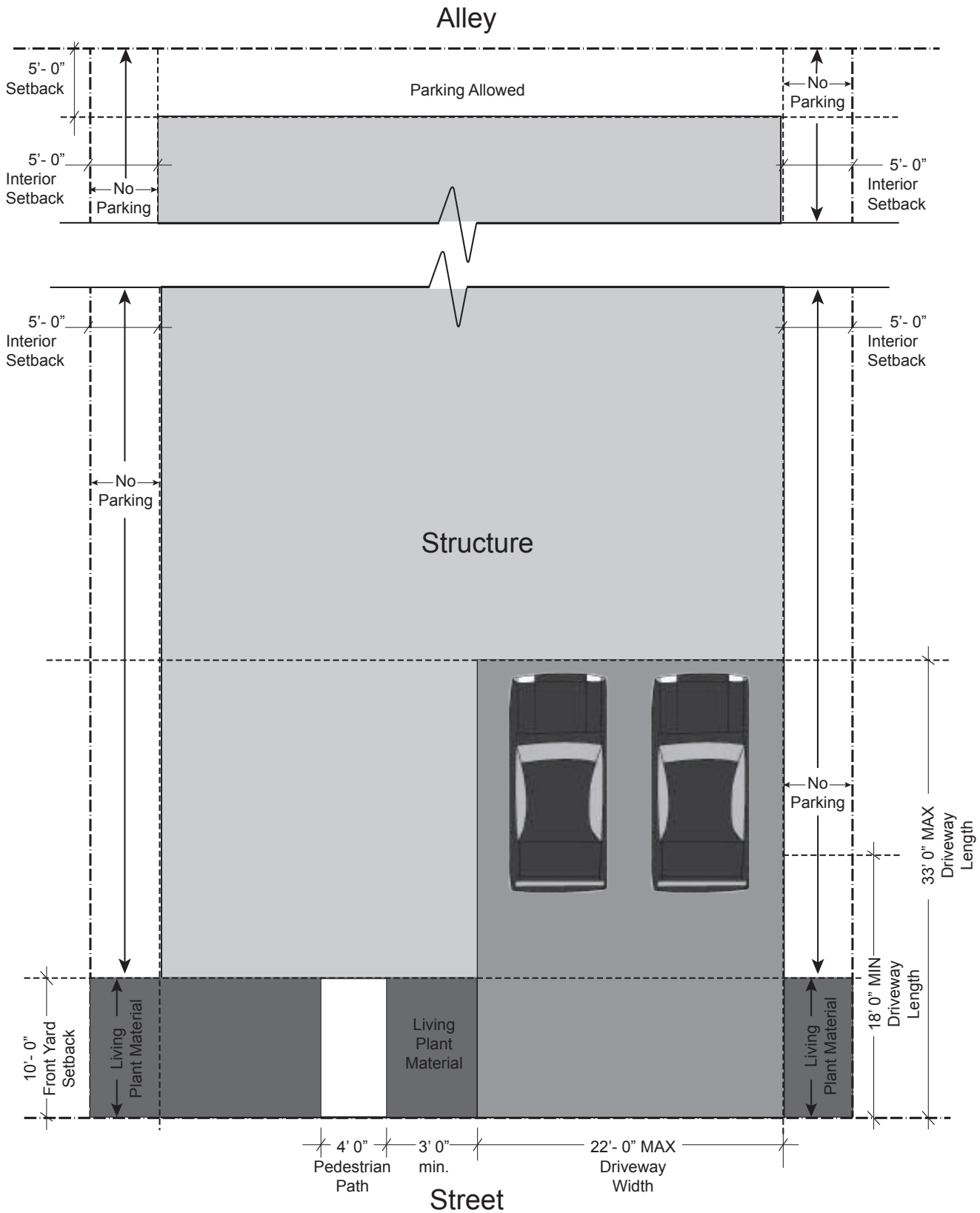


Figure
9.2751(15)(a)2.a

Accessory Buildings - Interior Yard Setbacks

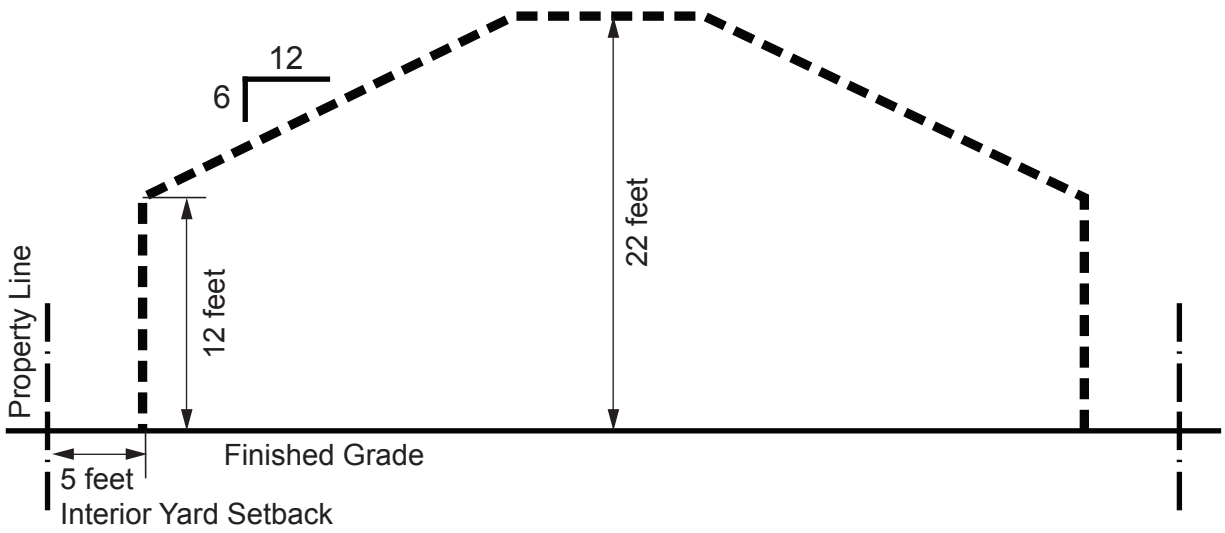


Figure 9.2751(16)(b)5.a **Detached Secondary Dwellings - Interior Yard Setbacks**

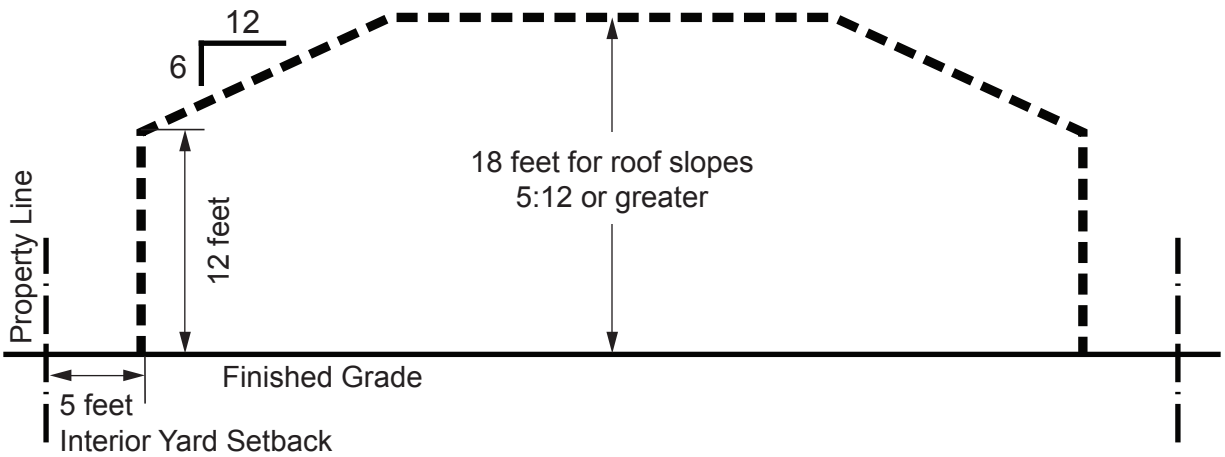
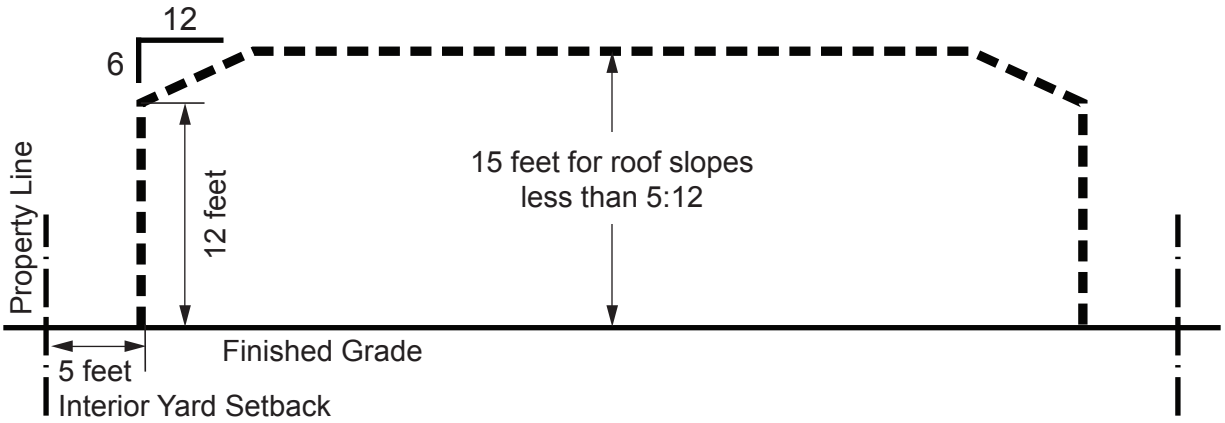


Figure
9.2779(4)(e)1

Interior Yard Setbacks for Alley Access Lots

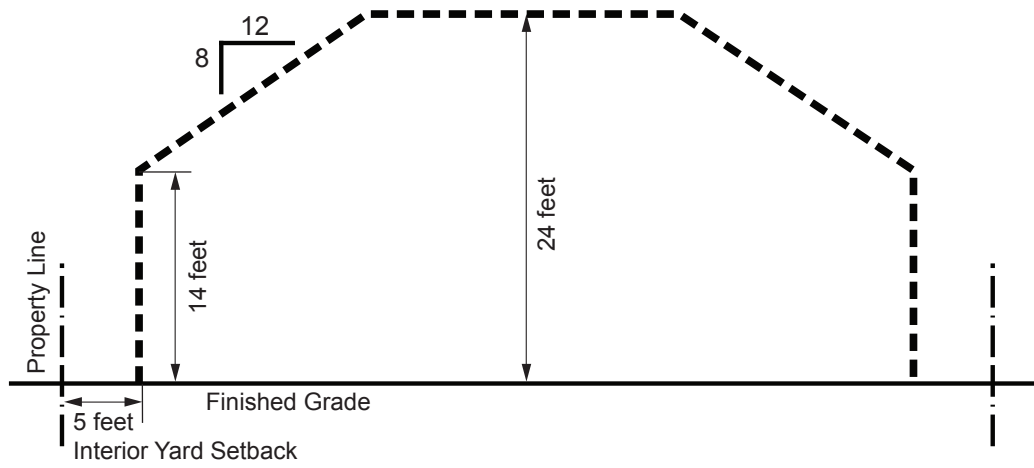
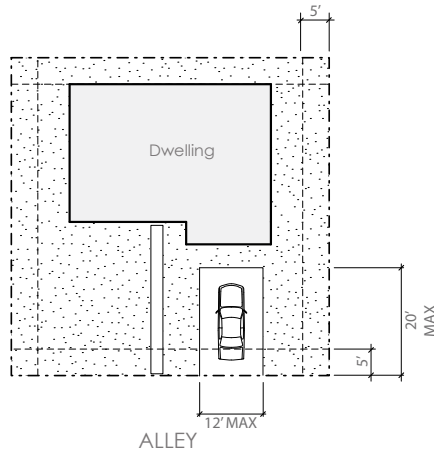


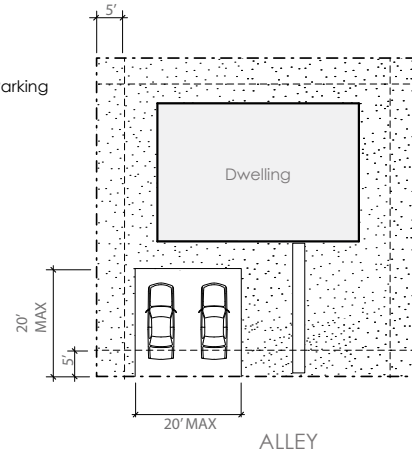
Figure 9.2779(4)(k)

Parking and Driveway for Alley Access Lots

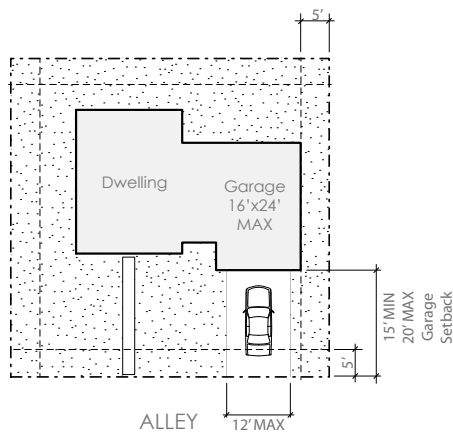
OPTION A:
Single Perpendicular Parking
400 SF MAX



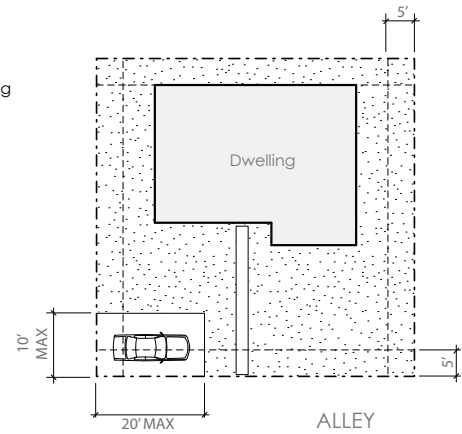
OPTION B:
Side by Side Parking
400 SF MAX



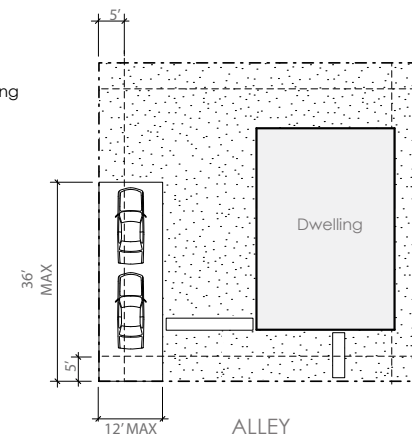
OPTION C:
Attached Parking and
Single Parking Combination
400 SF MAX



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 (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
- 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.

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

Exhibit G

well as the Neighborhood Livability Working Group, best practices from other cities, and a review of Eugene land use code. Once drafted, the code concepts were reviewed and vetted by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLT team.

The concepts for the 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.

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.

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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.*

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.

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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.*

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 related to accessory buildings, alley access lots and secondary dwellings 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.

The proposed amendments related to the University area protection measures 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.

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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:*
 - (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, with the exception of up to 22 dwellings as a result of the

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University are protection measures, and thus will not result in the degradation of any transportation facility. 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.

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.*

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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 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 been counted when calculating residential density. This approach is consistent with how many communities across the state treat secondary dwellings (including City of Springfield and Portland) and is supported by

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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 acre 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 dwellings 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.

In 2002, the City adopted a package of amendments concerning secondary dwellings and flag lots. As part of that package, the City Council adopted provisions related to minimum lot area. The provisions, with some exceptions, allowed attached secondary dwellings to be constructed on lots at least 4,500 square feet in area. For detached secondary dwellings, the minimum lot size was set at 6,000 square feet. The allowance of two dwelling units on 4,500 and 6,000 square foot lots exceeded the density range in the Metro Plan. However, the approach of not counting the secondary dwelling unit in the density calculation was found, at that time, to be consistent with the applicable Metro Plan policies and Statewide Planning Goals, and was subsequently acknowledged by the state.

The City Council is entitled to interpret the Metro Plan and to determine how density calculations are done. Given all of the above findings, the City Council finds that the density ranges set forth in Metro Plan Residential Density Policy A.9 do not dictate or preclude any particular method of calculating net density. The City’s past practice, other provisions of the Metro Plan (specifically those promoting small-scale infill), and assumptions made by the City Council in adopting previous code provisions, support the current practice. Accordingly, the City Council affirms the practice of not counting secondary dwelling units in the calculation of residential net density and finds the City’s practice, now clearly codified in the code, is consistent with Metro Plan Residential Density Policy A.9.

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- 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.

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

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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.

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.

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

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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 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. 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 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)

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- 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 Eugene-Springfield Metropolitan Area General Plan (1984)
- 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 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.

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.

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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 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

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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 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.

