



COUNCIL ORDINANCE NUMBER 20447

COUNCIL BILL NUMBER 5014

AN ORDINANCE CONCERNING PARKING REQUIREMENTS FOR MULTI-FAMILY HOUSING; AMENDING THE WEST UNIVERSITY REFINEMENT PLAN; AND AMENDING SECTIONS 9.0500, 9.6410 AND 9.6420 OF THE EUGENE CODE, 1971.

ADOPTED: December 14, 2009

SIGNED: December 16, 2009

PASSED: 7/1

REJECTED:

OPPOSED: Clark

ABSENT:

EFFECTIVE: January 16, 2010

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AN ORDINANCE CONCERNING PARKING REQUIREMENTS FOR MULTI-FAMILY HOUSING; AMENDING THE WEST UNIVERSITY REFINEMENT PLAN; AND AMENDING SECTIONS 9.0500, 9.6410 AND 9.6420 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971, is amended by adding the following definitions in alphabetical order to provide:

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

- Bedroom.** Within a multiple-family dwelling, 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.

Subsidized Low-Income Disabled Housing. Subsidized low-income housing exclusively for low-income individuals with physical or mental disabilities and/or low-income families with physical or mental disabilities. For the purposes of this definition, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Subsidized Low-Income Housing. A controlled income and rent housing project of any dwelling type(s) exclusively for low-income individuals and/or families where all units are subsidized. For the purposes of this definition, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Subsidized Low-Income Senior Housing. Subsidized low-income housing exclusively for low-income individuals of age 62 and older. For the purposes of this definition, low-income means having income at or below 80 percent of the area

median income as defined by the U.S. Department of Housing and Urban Development.

Subsidized Low-Income Senior Housing Partial. A controlled income and rent housing project consisting of any dwelling type(s) where at least 50% of the housing units are exclusively for low-income individuals of age 62 and older and these units are subsidized. For the purposes of this definition, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Subsidized Low-Income Specialized Housing. A controlled income and rent housing project of any dwelling type(s) exclusively for extra low-income individuals and/or families where all units are subsidized. For the purposes of this definition, extra low-income means having income at or below 50 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Tandem Parking Space. A permanently maintained space with proper access for two motor vehicles parked one in front of the other in tandem. The first motor vehicle does not have independent access, and the second motor vehicle must move to provide access to the first motor vehicle.

Section 2. Section 9.6410 of the Eugene Code, 1971, is amended by: amending subsection (1); amending the "Dwelling" section in the "Residential" portion of Table 9.6410; and adding subsection (5), to provide:

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) 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 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
Residential	
Dwelling	
One-Family Dwelling	1 per dwelling.
One-Family Dwelling - Flag Lot	2 per dwelling.
Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)	1 per dwelling.
Rowhouse (One-Family on own lot attached or adjacent residence on separate lot with garage or carport access to the rear of the lot)	1 per dwelling.
Duplex (Two-Family attached on same lot)	1 per dwelling.
Triplex (Three-Family attached on same lot)	1 per dwelling.
Four-Plex (Four-Family attached on same lot)	1 per dwelling.
Multiple-Family (3 or more dwellings on same lot) not specifically addressed elsewhere in this Table.	1 per dwelling
Multiple-Family in the R-3 and R-4 zones within the boundaries of the City recognized West University Neighbors and South University Neighborhood Association	<p>1 space for each studio, 1 bedroom or 2 bedroom dwelling</p> <p>1.5 spaces for each 3 bedroom dwelling*</p> <p>* .5 spaces required for each additional bedroom beyond a 3 bedroom dwelling.</p> <p>Fractions of .5 or more are rounded up to the next whole number. Rounding shall occur after the total number of minimum spaces is calculated for the multi-family development.</p> <p>One tandem space shall be counted as two parking spaces. Tandem spaces shall not be allowed for studio or 1- or 2-bedroom dwellings.</p>
Multiple-Family Subsidized Low-Income Housing in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Family Subsidized Low-Income Senior Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Family Subsidized Low-Income	.33 per dwelling or 3 spaces, whichever is greater

Disabled Housing in any area (see (5) below)	
Multiple-Family Subsidized Low-Income Senior Housing Partial in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Family Subsidized Low-Income Specialized Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Manufactured Home Park	1 per dwelling.
Controlled Income and Rent Housing (CIR) where density is above that usually permitted in the zoning, yet not to exceed 150%	1 per dwelling.

- (5) **Special Standards for Table 9.6410.** For Multiple-Family Subsidized Low-Income Housing, Subsidized Low-Income Senior Housing, Subsidized Low-Income Senior Housing Partial, and Subsidized Low-Income Specialized Housing, the following standards apply:
- (a) At the time of building permit submittal, the applicant must submit documentation demonstrating that the housing units will be used for the intended population for a minimum of ten years. Such documentation may include, but is not limited to, an application form submitted to receive subsidy from the city or state.
 - (b) Upon a change in occupancy from subsidized housing to another use, the minimum number of required off-street parking spaces is as required for the new use.

Section 3. Subsection (1) of Section 9.6420 of the Eugene Code, 1971, is amended to

provide:

9.6420 Parking Area Standards.

- (1) **Dimensions and Striping.** All parking spaces shall be striped or marked in a manner consistent with Table 9.6420(1) Motor Vehicle Parking Dimensions. All tandem parking spaces shall be striped and marked in a manner consistent with Table 9.6420(1) Motor Vehicle Parking Dimensions for Tandem Parking. **(See Figure 9.6420(1) Motor Vehicle Parking Dimensions.)**
- (a) **Carpool and Vanpool Parking.** New commercial and industrial developments with 20 or more employee parking spaces shall designate at least 5 percent of the employee parking spaces for carpool or vanpool parking. Employee carpool and vanpool parking shall be located closer to the building entrance or the employee entrance than other employee parking with the exception of parking for those with disability permits. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" by use of signs painted on the parking spaces or posted.

**Table 9.6420(1) Motor Vehicle Parking Dimensions
(Dimensions in Feet)**

Parking Angle in Degrees	Minimum Stall Width	Minimum Stall Depth	Minimum Clear Aisle Width	Stall Distance at Bayside	Minimum Clear Bay Width
Parallel	8.0	7.5	12.0	15.0	19.5
	8.0	8.0	12.0	22.0	20.0
30 degrees/single	8.0	*14	12.0	15.0	26.0
	8.0	16.0	12.0	16.0	28.0
	8.5	16.4	12.0	17.0	28.4
	9.0	16.8	12.0	18.0	28.8
	9.5	17.3	12.0	19.0	29.3
	10.0	17.7	12.0	20.0	29.7
30 degrees/tandem	8.0	30.8	12.0	15.0	--
	8.0	32.0	12.0	16.0	--
	8.5	32.8	12.0	17.0	--
	9.0	33.6	12.0	18.0	--
	9.5	34.6	12.0	19.0	--
	10.0	35.4	12.0	20.0	--
45 degrees/single	8.0	*16.0	12.0	10.6	28.0
	8.0	18.4	14.0	11.3	32.4
	8.5	18.7	13.5	12.0	32.2
	9.0	19.1	13.0	12.7	32.1
	9.5	19.4	13.0	13.4	32.4
	10.0	19.8	13.0	14.1	32.8
45 degrees/tandem	8.0	35.1	12.0	10.6	--
	8.0	36.8	14.0	11.3	--
	8.5	37.4	13.5	12.0	--
	9.0	38.2	13.0	12.7	--
	9.5	38.8	13.0	13.4	--
	10.0	39.6	13.0	14.1	--
60 degrees/single	8.0	*16.7	15.0	8.6	31.7
	8.0	19.7	19.0	9.2	38.7
	8.5	20.0	18.5	9.8	38.5
	9.0	20.3	18.0	10.4	38.3
	9.5	20.5	18.0	11.0	38.5
	10.0	20.8	18.0	11.5	38.8
60 degrees/tandem	8.0	37.0	15.0	8.6	--
	8.0	39.4	19.0	9.2	--
	8.5	40.0	18.5	9.8	--
	9.0	40.6	18.0	10.4	--
	9.5	41.0	18.0	11.0	--
	10.0	41.6	18.0	11.5	--
90 degrees/single	8.0	*15.0	22.0	8.0	37.0
	8.0	18.0	25.0	8.0	43.0
	8.5	18.0	25.0	8.5	43.0
	9.0	18.0	24.0	9.0	42.0
	9.5	18.0	24.0	9.5	42.0
	10.0	18.0	24.0	10.0	42.0
90 degrees/tandem	8.0	33.0	22.0	8.0	--
	8.0	36.0	25.0	8.0	--

8.5	36.0	25.0	8.5	--
9.0	36.0	24.0	9.0	--
9.5	36.0	24.0	9.5	--
10.0	36.0	24.0	10.0	--

Shaded figures are the minimum dimensions for compact parking spaces. Any minimum parking dimensions, such as stall width, may be exceeded. All spaces shall be clearly marked as compact parking spaces if any of the parking dimensions are less than that shown in the unshaded area. All tandem spaces must be marked as such.

*** For non-parallel parking spaces that are created to serve a multi-family dwelling and that are located directly off an alley with a right-of-way width of 14-feet or less, the minimum stall depth for compact parking space shall be increased to the minimum stall depth indicated for a non-compact space with a minimum stall width of 8-feet.**

Section 4. Figure 9.6410(1)(c) as referenced in this Ordinance is attached hereto as Exhibit A and shall be numerically incorporated in Chapter 9 of the Eugene Code, 1971.

Section 5. Chapter V, Policy 3 of the West University Refinement Plan is amended as follows:

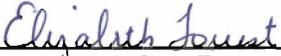
3. The City of Eugene will update its Land Use Code and that effort shall particularly take into account the need to:
 - reduce non-residential uses permitted in the R-3 and R-4 zones.
 - redefine usable open space.
 - enable infilling on newly created small lots.
 - enable alley access as the primary access to newly created lots.
 - reduce the minimum lot size.
 - increase the flexibility of development standards (for example to enable more efficient use of open space, shared open space, shared parking, and more extensive use of public rights-of-way).
 - review parking requirements for residential development in the plan area to respond to changing circumstances, such as development trends, parking and transportation supply and demand trends.
 - amend the commercial zoning in the City Code to provide a greater range of commercial zones.

Section 6. The legislative findings attached as Exhibit B hereto are adopted in support of this Ordinance.

Section 7. The City Recorder, at the request of, or with the consent 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.

Passed by the City Council this

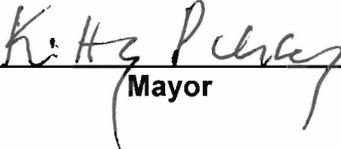
14th day of December, 2009



Acting City Recorder

Approved by the Mayor this

16th day of December, 2009



Mayor

Tandem Parking on Alleys Figure 9.6410 (1)(c)

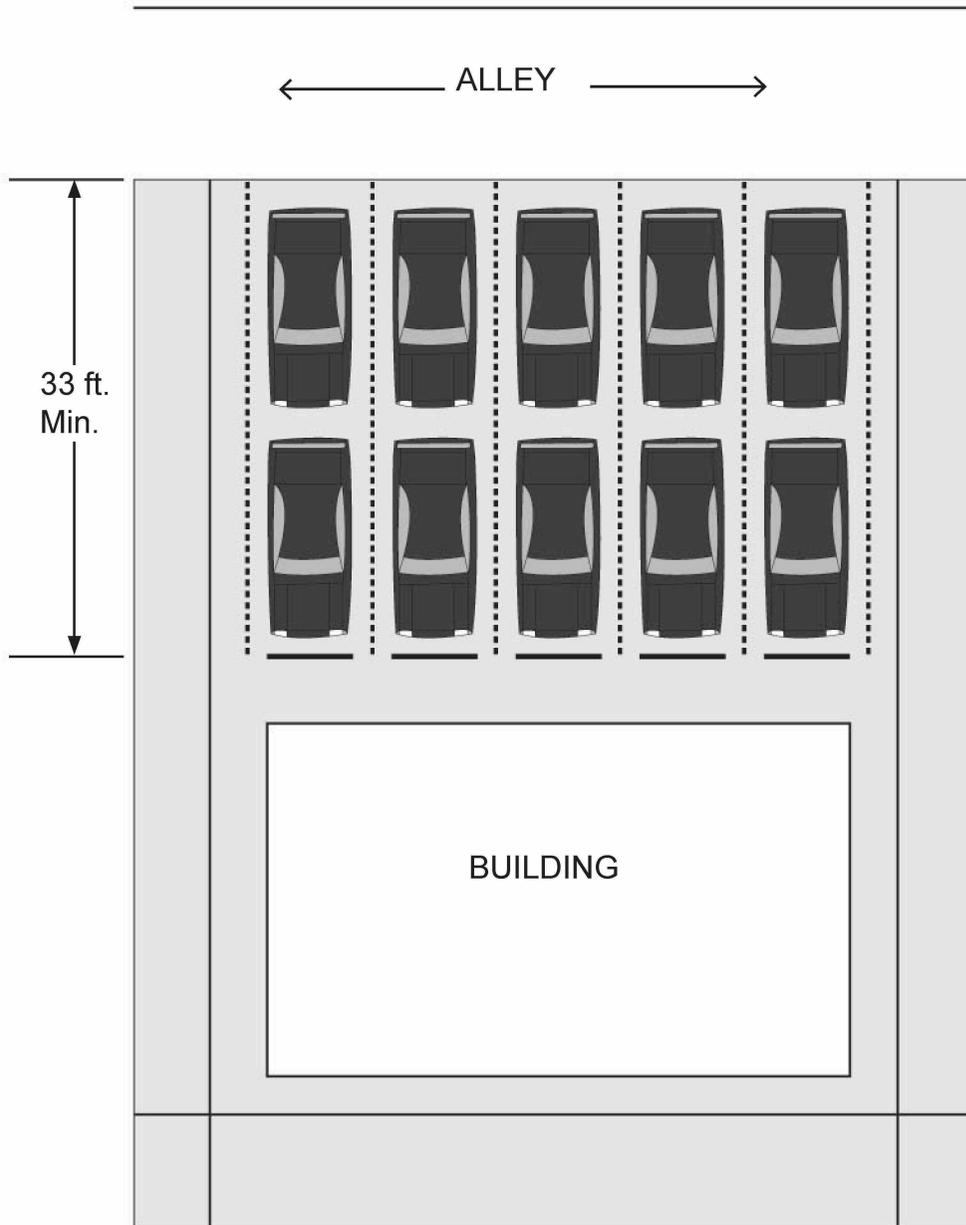


EXHIBIT B

Draft Findings for CA 09-07, RA 09-03 ICS Parking Strategies

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

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

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

The City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The process for adopting these amendments was consistent with the City's requirements and provided numerous additional opportunities for interested parties to participate in development of the amendments. Highlights are listed below.

- **Infill Compatibility Standards Project.** Project website (www.eugene-or/infill), project kickoff meeting, email newsletter updates to interested party list of nearly 400 people, three public workshops, focus group meetings with Chamber of Commerce, Homebuilders Association, Historic Review Board, Housing Policy Board, Sustainability Commission Land Use and Transportation Subcommittee, and low-income residents, infill tour with Opportunity Siting and ICS Task Teams, radio program discussion (KLCC Sundays at Noon), City Club presentation.
- **Multi-Dwelling Infill Committee of the ICS Task Team.** Substantial work with South University Planning Group and West University Neighbors developing, refining, and illustrating concepts for the parking proposal and recommending a draft code proposal to the Task Team in early March 2009.
- **Infill Compatibility Standards Task Team.** Monthly meetings from November 2007-September 2009. Action taken to support the parking proposals at the March and September 2009 meetings.
- **Parking Strategies Implementation Team.** Implementation group consisting of a Planning Commissioner, Multi-Dwelling Committee members, Task Team members, university representatives, Architect, and staff members to refine the proposal and develop draft code language.
- **South University Neighbors.** Neighborhood newsletters sent to every address in SUNA, neighborhood survey and summary report, general membership meetings, executive board meeting discussions and deliberations, meetings with Homebuilders Association representatives and local design professionals.
- **West University Neighbors.** Liaison on Multi-Dwelling Infill committee, email updates and general membership meetings, executive board discussions and deliberations, participation in SUNPG meetings and discussions. Production of tables detailing existing development density

and amount of parking.

The Planning Commission held a public work session on the ICS parking recommendations on September 14th 2009. The Planning Commission public hearing on the code amendments was duly noticed to the City of Springfield, Lane County, all neighborhood organizations, as well as community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard. The public hearings scheduled for the Planning Commission and City Council are October 20th and November 16th, respectively.

The process for adopting these amendments complies with Statewide Planning Goal 1 since it complies with, and surpasses the requirements of the State's citizen involvement provisions.

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

The Eugene Land Use Code specifies the procedure and criteria that are to be used in considering these amendments to the code. The record for these amendments includes substantial factual information supporting the proposed ordinance. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

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

Goal 4 - Forest Lands. To conserve forest lands.

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

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

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

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land

use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

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

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. These amendments do not affect the City's ability to provide for clean air, water or land resources. Under the proposed amendments affecting land near the University of Oregon, the affected areas can still achieving the maximum densities allowed in the R-3 and R-4 zones and it is reasonable to conclude that the air quality impacts of commuting to the University will be unaffected. Under the proposed amendments affecting property city-wide, parking requirements will be decreased, potentially improving air quality. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

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

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The code amendments do not affect the city's provisions for 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.

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not impact the supply of industrial or commercial lands, as they only apply to residentially zoned lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Although the amendments address residential development standards, they do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study.

The above findings demonstrate compliance with Goal 10. In addition, evidence in the record shows that development on the affected properties can achieve densities within the planned range after the proposed parking requirements are applied. The tables submitted by Steven Baker on October 20th show a sample of multi-family developments approved between 2000 and 2009 in the West University Neighborhood and South University Neighborhood. The developments range from two units to forty units, and densities of 14 to 112 units per net acre. There is a wide range of parking to unit/bedroom ratios, but in general, the developments approaching maximum allowable density within the applicable zoning district achieved that density while also providing on-site parking in numbers sufficient to comply with the parking requirements being proposed. From this evidence, it can be concluded that the proposed increase in parking for units with three or more bedrooms will not compromise the ability of properties within the affected areas to meet density requirements and development at such densities is likely to continue.

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

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

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

Statewide Planning Goal 12 is implemented through the Transportation Planning Rule (TPR), as

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

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

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility....*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
 - (a) *Changes the functional classification of an existing or planned transportation facility;*
 - (b) *Changes standards implementing a functional classification system;*
 - (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;*
or
 - (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP*

The proposed amendments do not change the functional classification of an existing or planned transportation facility, do not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP.

The package of parking amendments does not change any allowed land uses, instead the amendments result in adjustments to required parking minimums. Currently, developers constructing multi-bedroom apartments in the University area are required to provide only one off-street parking space per apartment, but the students who share those apartments tend to bring more than one car per apartment. The effect of requiring more off-street parking spaces will be to provide off-street parking to cars that would be travelling the streets of the South and West University Neighborhoods anyway. The additional parking spaces will not significantly add new cars and will simply reduce the congestion that is generated when the cars owned by apartment residents are driven around in search of one of the limited supply of on-street parking spaces.

The TPR provisions at OAR 660-012-045(5), among other things, require the city to adopt land use regulations to reduce reliance on the automobile. As provided below, the parking amendments are consistent with the applicable provisions of the TPR at OAR 660-012-0045. It provides:

- (5) *In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:*

- (c) *Implements a parking plan which:*
 - (A) *Achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;*
 - (B) *Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);*
 - (C) *Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and*
 - (D) *Is consistent with demand management programs, transit-oriented development requirements and planned transit service.*

To comply with the requirements of (5), the City of Eugene initiated the Transportation Rule Implementation Project (TRIP) and adopted an ordinance (Ordinance No. 19946) amending the city's land use code in 1993. The TRIP ordinance amended numerous provisions of the Eugene Code addressing vehicle and bicycle parking, transit facilities, and pedestrian and bicycle access. The most relevant amendment was one that reduced the city-wide minimum parking requirements for multi-family developments from 1.5 spaces per dwelling unit to 1 space per dwelling unit plus an additional 25% reduction. Documentation related to the 1993 TRIP ordinance makes it clear that this 1993 reduction in the minimum parking requirements was adopted to comply with OAR 660-012-0045(5)(c)(A). As explained below, the proposed package of parking amendments will not cause the Eugene Code to be inconsistent with OAR 660-012-0045(5)(c)(A).

The parking amendments are comprised of three main parts. These are: 1) an increase in parking requirements for apartments near the university, based on number of bedrooms; 2) an allowance for tandem parking in the same area affected by the parking increase; and 3) a city-wide *decrease* in parking requirements for subsidized housing. While the first component represents an increase in minimum parking requirements, its application is limited to 3 or more bedroom apartments in multi-family neighborhoods near the University of Oregon. Furthermore, this increase is off-set by the allowance of tandem parking spaces in the same geographic area, which provides more flexibility in how the required parking can be accommodated on-site, and by the city-wide decrease in parking for subsidized housing.

Over the last ten years (2000-2009), there has been an average of 71 subsidized housing units constructed per year, city-wide. During the same time period, the average number of multi-family dwelling units constructed in SUNA and WUN was 43 per year. Based on current minimum parking requirements of one per dwelling unit, this would result in 71 and 43 required parking spaces respectively (or 54 and 33 if the automatic reduction of 25% is taken into account). The proposed decrease in required parking for subsidized housing would result in a 50-75% reduction, depending on the type of development proposed, whereas the proposed increase in WUN & SUNA would result in a 40-80% increase in required parking, depending on bedroom mix, based on information in the record. Actual parking requirements will vary based

on the type of development proposed, but it is reasonable to assume that the net effect of the parking amendments would not be a significant increase in required parking and as such, adoption of the amendments does not affect compliance OAR 660-012-0045(5)(c)(A).

Although the above findings are adequate to demonstrate compliance with OAR 660-012-0045(5)(c)(A), further support that the parking amendments do not affect compliance with this section of the TPR can be found in TransPlan. A comprehensive update of TransPlan (the local and regional transportation system plan) was adopted in 2001 and was acknowledged as consistent with the TPR. TransPlan is very specific as to how the City complies with OAR 660-012-0045(5)(c)(A). Included in TransPlan is a policy and strategies related to parking management. The following excerpt and table is from “Chapter 3: Plan Implementation” under “Parking Management Plan,” to implement OAR 660-012-045(5)(c)(A):

TPR Requirements for Parking Space Reduction

The TPR requires a parking plan that achieves a 10 percent reduction in the number of parking spaces per capita in the metropolitan area over the 20-year planning period. For the Eugene-Springfield region, the TPR reduction goal is .514. If the level of parking density (spaces per developed acre) remains constant and the land development and population forecasts are accurate, then the level of parking spaces per capita will be reduced by more than the 10 percent reduction required by the TPR.

Estimated Parking Supply 1995 to 2015

Zone/Plan Designation	1995		2015		2015 TPR Goal	
	Spaces	Capita	Spaces	Capita	Spaces	Capita
Commercial	51,259	.229	57,865	.194	61,618	.207
Industrial	27,622	.124	30,200	.101	33,205	.111
Institutional	48,692	.218	49,067	.165	58,534	.196
Total	127,573	.571	137,132	.460	153,357	.514

As shown in the above table, when TransPlan was acknowledged as consistent with OAR 660-012-0045(5), residential parking requirements were not a consideration. The City (with its co-adopters) demonstrated -- and DLCDC acknowledged -- a plan that would result in a 10 percent reduction in parking spaces per OAR 660-012-0045(5)(c)(A) without regard to residential parking. The table showed that the level of parking spaces per capita would be reduced by more than the 10 percent reduction required by the TPR. As such, the currently proposed parking strategies, which affect residential parking (increasing required parking for multi-family residential developments with three or more bedrooms in a limited geographic area, and decreasing required parking for subsidized housing city-wide) does not impact the ability of the metropolitan area to meet the TPR requirement of reducing parking spaces per capita by 10 percent, and will not cause the Eugene Code to be inconsistent with OAR 660-012-0045(5).

Finally, it is worth clarifying that, although the South University neighborhood and a portion of the West University neighborhood are identified in TransPlan as being a part of a “Potential

Nodal Development Area,” no portion of these areas has received the Nodal Development Area designation in the Metro Plan and no portion has been rezoned to include the /ND Nodal Development overlay zone. It is not clear that any of the areas affected by these amendments will be designated and zoned as nodal areas. As such, TransPlan policies pertaining to nodal areas are not applicable.

Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

Statewide Planning Goal 13 calls for land uses to be managed and controlled “so as to maximize the conservation of all forms of energy, based upon sound economic principles.” Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. It is not clear that the goal has any bearing on the proposed ordinance. There is no implementing rule that clarifies the requirements of Goal 13. To the extent that Goal 13 could be applied to the proposed changes, they are consistent with Goal 13 because it is reasonable to expect that future development under the ordinance will make efficient use of energy. As more housing has been built near campus, rates of driving to get to campus have dramatically declined, according to university travel survey results. The students who do have a car near campus do not generally need to use it every day. The proposed amendments facilitate better management of parking for those vehicles, including utilizing tandem parking which is especially appropriate for vehicles that are not used every day.

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

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

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

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

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

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

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

Applicable Metro Plan Policies

Residential Density Policy A-9:

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

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.)

The proposed amendments are consistent with Metro Plan density policies. The city's zoning provisions in the Eugene Code allow significantly higher densities in the R-3 and R-4 zones than are required by Metro Plan Policy A.9 and the proposed amendments do not change the zoning of any property. There is no evidence in the record that demonstrates that, in passing the proposed amendments, the city will be unable to comply with the 28.56 dwelling units per net acre that is set by Metro Plan Policy A.9. The tables submitted by Steven Baker on October 20th show a sample of multi-family developments approved between 2000 and 2009 in the West University Neighborhood and South University Neighborhood. The developments range from two units to forty units, and densities of 14 to 112 units per net acre.

There is a wide range of parking to unit/bedroom ratios, but in general, the developments approaching maximum allowable density within the applicable zoning district achieved that density while also providing on-site parking in numbers sufficient to comply with the parking requirements being proposed. From this evidence, it can be concluded that the proposed increase in parking for units with three or more bedrooms will not compromise the ability of properties within the affected areas to meet density requirements and development at such densities is likely to continue.

Residential Density Policy 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 proposal will continue to provide opportunities for additional high-density development but will better ensure that site design in the infill areas will preserve the character of the existing neighborhoods, directly implementing this policy.

Residential Density Policy A-14:

Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.

This policy recognizes that the city's ability to predict the ultimate impact of land use regulations on housing density and options at the time of land use regulations are adopted or amended is imperfect. It simply requires that the city assess and correct, on a periodic basis, any land use regulations that prove to be a barrier to housing density or providing a full range of housing options. While this policy probably would bar the city from adopting a land use regulation that on its face would be a barrier to achieving desired housing density or housing options, the evidence in the record does not support such a conclusion about this ordinance. The proposal specifically includes reductions in parking requirements for subsidized housing, removing a potential barrier to this form of higher density housing. As well, tandem parking facilitates efficient use of land zoned for multi-family development. Evidence in the record shows that the slight increases proposed for apartments with three or more bedrooms near the university will not present a barrier to the construction of high density housing, either (see above findings of compliance with Policy A9).

Residential Design and Mixed Use Policy A-23:

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

The proposal supports this policy by establishing development standards that improve the management of off-street parking. These standards will lessen the impacts of high density infill on surrounding uses, as compared to development currently allowed by the existing one-size-fits-all parking standards. The new regulations utilize a new way to manage parking by tying requirements more closely to the type of multi-family use.

Residential Design and Mixed Use Policy A-24:

Consider 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.

The proposed parking strategies implement this policy because they are clear and objective standards that address issues of compatibility and other community concerns, including affordability and neighborhood character.

Affordable, Special Need and Fair Housing Policy A-33:

Consider local zoning and development regulations' impact on the cost of housing.

The proposed amendments directly support this policy by reducing parking requirements for affordable housing. In addition, the tandem parking provisions allow more site design flexibility, potentially reducing costs. With regard to the slight increases in required parking for

apartments with three or more bedrooms near the university, providing more on-site parking is likely to increase the costs associated with constructing those units. This potential impact has been weighed against the likely public benefits noted in public testimony regarding the need for the increases, and it is reasonable to conclude the potential cost impacts are warranted under the circumstances.

Transportation Policy F.3:

Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations, medium and high density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

The proposed amendments support this policy. The affected areas are planned for high density development, and are served by transit on East 11th, East 13th, and East 19th Avenues, Hilyard, Patterson, and Alder Streets. Existing density in the affected areas already exceeds the high density threshold of 20 units per gross acre. The new standards provide greater certainty that new construction will better accommodate the demands of 3+ bedroom apartments, and better manage parking by allowing the tandem option and improved efficacy of off-site leasing, thereby reducing neighborhood opposition to infill and supporting redevelopment of centrally located, transit accessible neighborhoods. In addition, the reduction in required parking for subsidized housing supports affordability and access to alternative modes.

Transportation Policy F.7:

Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.

The proposed package of amendments does increase the use of parking demand management techniques. Changing the amount of parking required depending on the characteristics of the particular use is a parking management strategy. The tandem parking provisions make available a new option for accommodating vehicles where space is tight. The improvements to off-site leasing provide for better tracking and monitoring of the off-street parking supply in the affected areas. And, the proposed changes to parking stall dimensions improve safety and maneuverability for vehicles parked on alleys.

The Downtown Plan and the West University Refinement Plan are the applicable refinement plans for the amendments related to increasing parking requirements for multi-family developments in the university area. Findings addressing relevant provisions of applicable refinement plans are provided below.

Public Facilities and Services Policy G.17.

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

policies.

This policy does not prohibit any amendment of the code that might lead to individual development that includes more impervious surfaces. Rather, it requires the city to include measures in its land use regulations that will minimize impervious surfaces; it is not a blanket ban on land use regulation amendments that might, in particular cases, lead to more impervious surfaces. If parking is provided underneath multiple family development, there would be no increase in exposed impervious surface at all. There is sufficient evidence in the record to support the conclusion that the proposed amendments may not result in an overall increase in impervious surface.

Downtown Plan

A review of the Downtown Plan found no policies that apply to the proposed amendments.

West University Refinement Plan

Land Use Policy 3: The City of Eugene will update its Land Use Code and that effort shall particularly take into account the need to:

- reduce non-residential uses permitted in the R-3 and R-4 zones.*
- redefine usable open space.*
- enable infilling on newly created small lots.*
- enable alley access as the primary access to newly created lots.*
- reduce the minimum lot size.*
- increase the flexibility of development standards (for example to enable more efficient use of open space, shared open space, shared parking, and more extensive use of public rights-of-way).*
- review parking requirements for residential development with the purpose of reducing the required number of spaces per unit in the plan area.***
- amend the commercial zoning in the City Code to provide a greater range of commercial zones.*

Concurrent with the code amendments, the city proposes to amend the above policy to read as follows:

Land Use Policy 3:

- review parking requirements for residential development in the plan area to respond to changing circumstances, such as development trends, parking and transportation supply and demand trends.***

Compliance with the refinement plan approval criteria is outlined below at EC 9.8424.

Transportation and Parking Policy 1:

The use of bicycles, mass transit, walking, carpooling, and other appropriate alternative modes of transportation, especially by employees in the plan area, shall be actively encouraged and provided for in order to reduce automobile dependence and alleviate traffic

and parking problems.

The City, Lane Transit District, and the University of Oregon all actively support this policy through their transportation demand management and parking programs. The subject amendments will not change those programs, but rather work with them to address various pieces of the puzzle. The city regulates new development, provides bicycle and pedestrian paths, routes, programs and information, enforces parking rules in the right of way, and manages the Residential Parking Permit program. The university provides bus passes to all faculty, staff, and students, provides bicycle and pedestrian paths, routes, programs and information, and limits and charges high prices for on campus parking. Lane Transit District provides bus service, trip planning services, event shuttles, and other transportation programs.

Transportation and Parking Policy 2:

The City will make the plan area a major target for developing and implementing the ride-sharing carpooling, and other programs designed to reduce automobile traffic.

The City partners with Lane Transit District in offering these services. The University of Oregon and major employers like PeaceHealth are key participants in LTD programs and services designed to reduce automobile traffic. The subject amendments do no change the programs offered related to ride-sharing and carpooling, but rather work with them in providing a comprehensive transportation and parking strategy for the area.

Transportation and Parking Policy 4:

The adverse effects of motor vehicle movement and parking shall be mitigated as much as possible.

The subject package of amendments is intended primarily to reduce the impacts associated with parking and motor vehicle traffic. The provisions work together to make efficient use of land, lessen the impacts of high parking demand on nearby neighbors, and provide a finer grained approach to parking requirements for various types of multi-family housing.

Transportation and Parking Policy 6:

Steps shall be taken to gain better usage of existing off-street parking facilities in the plan area.

As explained above, the proposed package of amendments contributes to the efficient use of land by promoting tandem parking, improving off-site leasing mechanisms, and revising certain dimensional standards. These measures combine to effect better usage of off-street parking facilities in the affected areas.

(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.

EC 9.8424 Refinement Plan Amendment Approval Criteria. The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

- (1) The refinement plan amendment is consistent with all of the following:***
 - (a) Statewide planning goals.***
 - (b) Applicable provisions of the Metro Plan.***
 - (c) Remaining portions of the refinement plan.***

The only policy in the refinement plan directly affected is the policy proposed to be amended, as discussed above. The proposed amendments implement the revised plan policy; see above for discussion of the amendments' compliance with statewide planning goals, Metro Plan policies, and additional refinement plan policies that relate to parking and transportation

- (2) The refinement plan amendment addresses one or more of the following:***
 - (a) An error in the publication of the refinement plan.***
 - (b) New inventory material which relates to a statewide planning goal.***
 - (c) New or amended community policies.***
 - (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.***
 - (e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.***

The proposed refinement plan amendments address (e) above. The change in circumstances that occurred since the plan was adopted 27 years ago is a trend toward more apartments proposing three, four, five, or more bedrooms (and as a general rule, three, four, five or more occupants). At the time the plan was written, the findings stated that the average number of people per household in the plan area was smaller than the city as a whole, and the housing unit size was smaller on the average (WUP, p. 46). Currently, Eugene's average household size is 2.25 (ECLA, 2009) and declining, reflecting national downward trends since the 1970s.

Data collected and submitted by Steven Baker, West University Neighbors, using city records and building manager phone calls as sources, show that multi-family projects near the university in 1995 and 1996 included a few 4-bedroom units, and no 5 or 6-bedroom units. Of the units surveyed for 2004, no units had more than three bedrooms. Starting in 2005, the trend toward increasing number of bedrooms began to emerge, peaking in 2007 when several apartment projects proposed five or six bedrooms per unit.

The population renting the apartments near the university tends to be largely made up of university student households, often multiple adult individuals. Across the city, household characteristics vary more widely and may include persons of different ages from children to seniors, in addition to multiple adults. University students do not generally need to use a car to get to campus, and university programs encourage use of other modes of transportation (providing LTD bus passes, bicycle paths and racks on campus, high prices and limited availability of parking spaces on campus). However, despite low rates of auto travel to campus, and expanded city efforts with the Residential Permit Parking program, on-street and illegal parking remains an issue in these neighborhoods.

Evidence in the record suggests that car ownership is as high as 70% of university students nationally, according to a Harris poll. Although similar numbers have not been confirmed for Eugene, testimony suggests that at least some students need a car to travel to jobs, out of town or home for holidays, etc, and that the number of cars seeking off-street parking is too far out of balance with the amount of parking currently available or associated with some of the new construction. Most new developments are in fact providing parking in numbers that comply with the proposed ratios, and several developers and designers have tested the proposal and opined that the ratios are reasonable and not excessive.

These circumstances warrant a new approach to regulating parking for those apartments with three or more bedrooms, slightly increasing the number of spaces required for those units.