



COUNCIL ORDINANCE NO. 20541

COUNCIL BILL 5115

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS; AMENDING SECTIONS 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.6775, AND 9.8030, OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE DATE.

ADOPTED: July 28, 2014

SIGNED: July 29, 2014

PASSED: 7:1

REJECTED:

OPPOSED: Syrett

ABSENT:

EFFECTIVE: Pursuant to Section 32 of the Eugene Charter 2002, or on the date of acknowledgement as provided in ORS 197.625, whichever is later.



ORDINANCE NO. 20541

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS; AMENDING SECTIONS 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.6775, AND 9.8030, OF THE EUGENE CODE, 1971; 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. In addition, for the purposes of EC 9.2700 through 9.2751, 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.

Bedroom. Within a 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.

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 9.2751(17)(a)6. and (c)10.)**

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

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

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 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 April 12, 2014

Section 3. The introductory provision for the entry for “Dwellings” under the “Residential” section in Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

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

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

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

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, including secondary 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.)					

Section 4. Subsection (2) of Section 9.2741 of the Eugene Code, 1971, is amended to provide as follows, and by moving the provisions of (2)(a) and (b) to Section 9.2751(17) as shown in Section 6 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 beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots.

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

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

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

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum	--	10 units	20 units	20 units
Maximum Net Density per Acre	14 units	--	28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Main Building. Does not include main building on Alley Access Lot	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot	See (18)	--	--	--	--

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
Accessory Building.	See (16)	20 feet	25 feet	30 feet	30 feet
Secondary Dwelling	See (17)	--	--	--	--
Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (12)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
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 Accessory Buildings in R-1	See (16)	--	--	--	--
Interior Yard Setback for Secondary Dwellings	See (17)	--	--	--	--
Interior Yard Setback for Alley Access Lots in R-1	See (18)	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
Maximum Lot Coverage (18)					
All Lots, except where specifically addressed below	50% of Lot	--	50% of Lot	--	--
Lots with Secondary Dwellings (Area-Specific)	See (17)(c)	--	--	--	--
Alley Access Lots in R-1	See (18)	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area (13)					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
Fences (14)					
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)					
General Standards	--	--	--	See (15)(b)	See (15)(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
Area-Specific	See (15)(a)	--	--	--	--
Accessory Buildings in R-1 (16)					
General Standards	See (16)(a)	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
Secondary Dwellings (17)					
General Standards	See (17)(a) and (b)	--	--	--	--
Area-Specific	See (17)(c)	--	--	--	--
Alley Access Lots (18)					
General Standards	See (18)(a)	--	--	--	--
Area-Specific	See (18)(b)	--	--	--	--
Maximum Bedroom Count (19)					
Area-Specific	See (19)	--	--	--	--

Section 6. Figure 9.2751(16)(a)2.a. is added as shown on Exhibit A attached hereto; Figure 9.2751(16)(c)1. is relabeled to Figure 9.2751(16)(b)3. as shown on Exhibit B attached hereto; Figure 9.2751(18)(k) is relabeled to Figure 9.2751(18)(a)11. as shown on Exhibit C attached hereto; and Subsections (3), (11), (16), (17), and (18) of Section 9.2751 of the Eugene Code, 1971, are amended 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 in the R-1 zone for secondary dwellings, accessory buildings or development on alley access lots.

(11) Alley Access Lots/Parcels. There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards in R-1.)

(16) Accessory Buildings in R-1.

- (a) General Standards. Except as provided in subsection (b) below, the following standards apply to all new accessory buildings:

1. Building Size. The maximum square footage of all accessory buildings shall not exceed 10 percent of the lot area, except that accessory buildings on development sites larger than one acre (43,560 square feet) may exceed that maximum size if approved through the PUD process. For the purposes of calculating square footage, all floors of a multi-story structure shall be included.
2. Building Height/Interior Setback.
 - a. Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet, except as provided below. **(See Figure 9.2751(16)(a)2.a.)**
 - b. Where the entire structure meets the sloped setback standard above, approval for up to a 5-foot increase in height may be granted only through the PUD process.
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.

- (b) Area-Specific Accessory Building 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:
1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
 2. The accessory building shall not exceed 400 square feet in area.
 3. Building Height/Interior Setback.
 - a. The interior yard setbacks shall be at least 5 feet from the interior lot lines. In addition, at a point that is 8 feet above finished grade, the setbacks shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot lines 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 1. 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)3.)

4. An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for every 12 inches horizontally.
5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
6. The accessory building shall not include more than one plumbing fixture.
7. For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:
 - a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
 - b. If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and remove the plumbing fixture from the building.
 - c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
 - d. The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.
 - e. The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.

(17) Secondary Dwellings in R-1.

- (a) General Standards for Attached Secondary Dwellings. Except as provided in subsection (c) below, secondary dwellings that are within the

same building as the primary dwelling shall comply with all of the following:

1. Lot Area. To allow a secondary dwelling, flag lots shall contain at least 12,500 square feet, excluding the pole portion of the lot, and shall have a minimum pole width as required under EC 9.2775(5)(e). All other lots shall contain at least 6,100 square feet.
2. Building Size. The total building square footage of a secondary dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
3. Building Height/Interior Setback. Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:
 - a. For attached secondary dwellings located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750
 - b. For attached secondary dwellings located greater than 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. **(See Figure 9.2751(16)(b)3.)**
 - c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.
4. 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.
5. Maximum Bedrooms. The secondary dwelling shall contain no more than 2 bedrooms.
6. 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.
7. 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.

8. Temporary Leave. Notwithstanding subsection 7. 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. This standard may be adjusted in accordance with EC 9.8030(34).
9. 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.
10. 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 7. 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.
11. Additional Standards for Secondary Dwellings on Flag Lots. Secondary dwellings on flag lots are also subject to the standards at EC 9.2775(5)(e).

- (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, except as provided in subsection (c) below:
1. 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.
 2. 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.
 3. 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.
 4. Outdoor Storage/Trash. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
 5. Building Height/Interior Setback. Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:
 - a. Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 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. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(16)(b)3.)**
 - c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).
 6. 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 Secondary Dwelling 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 Association:
1. Lot Area. To allow for a 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, shall be limited to 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(17)(a)4. 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 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 horizontal) 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 1. 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)3.)

10. Dog Keeping. The standards at EC 9.2751(17)(a)6. are applicable.
11. Ownership/Occupancy Requirements. The standards at EC 9.2751(17)(a)7. are applicable.
12. Temporary Leave. The standards at EC 9.2751(17)(a)8. are applicable.
13. Deed Restriction. The standards at EC 9.2751(17)(a)9. are applicable.
14. Verification. The standards at EC 9.2751(17)(a)10. 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 at EC

- 9.2751(18)(a)11. 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(17)(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(17)(b)3. are applicable to detached secondary dwellings only.
 19. Outdoor Storage/Trash. The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.
 20. Maximum Wall Length. The standards at EC 9.2751(17)(b)6. are applicable to detached secondary dwellings only.
- (d) Adjustment Review. The standards at EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For secondary dwellings, these are the only standards that may be adjusted. With the exception of EC 9.2751(17)(a)8. regarding temporary leave, these standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.
- (18) Alley Access Lots in R-1.**
- (a) General Standards.
1. Applicability. Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.
 2. 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.
 3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
 4. 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.
 5. Building Height/Interior Setback.
 - a. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 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 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 and chimneys are allowed to project into this setback no more than 2 feet.

(See Figure 9.2751(16)(b)3.)

- c. These standards may be adjusted in accordance with EC 9.8030(35).

6. Windows, Dormers and Balconies.

- a. Any window on the upper story must be located a minimum of 10 feet from any property line.
- b. 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.
- c. 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.
- d. Notwithstanding b. and c. 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.

7. Bedrooms. The dwelling shall contain no more than 3 bedrooms.

8. 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.

9. 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.

10. Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.

11. Parking and Driveway.

- a. 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.
- b. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
- c. 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.
- d. The maximum width for a driveway accessing a garage or carport shall be 12 feet.

- e. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
 - f. 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.
 - g. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
 - h. 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.
 - i. 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.
 - j. No parking shall occur outside of the vehicle use area.
(See Figure 9.2751(18)(a)11.)
12. 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.
 13. 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.
 14. Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.
 15. Adjustment Review. For alley access lots, EC 9.2751(18)(a)5 is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (b) Area-Specific Alley Access Lot Standards in R-1. Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)3. Building Size, the following applies:
1. 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.
 2. This standard may not be adjusted.

Section 7. Section 9.2775 of the Eugene Code, 1971, is amended to provide as follows:

9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.

- (1) **Purpose.** Residential flag lots allow lots to be created in cases where there is adequate lot area to divide the property into 2 or more lots but not enough street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. The standards require access for fire protection. The intent is to provide additional housing opportunities and to promote the efficient use of residential land. Home occupations and secondary dwellings are limited because of limited access and the greater impacts these uses would place on abutting sites.
- (2) **Measurements.**
 - (a) Flag Lot Dimensions. Residential flag lot width dimension is measured from the mid-point between two opposite lot lines of the flag portion of the lot.
 - (b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted. **(See Figure 9.2775(2) Residential Flag Lot Description.)**
- (3) **Land Division Regulations.**
 - (a) Flag Lot Area. The required minimum lot area for the flag lot, excluding the pole portion of the lot, is 6,000 square feet. The original lot, prior to creation of the flag lot, shall be at least 13,500 square feet.
 - (b) Lot Dimensions. The minimum average lot width is 50 feet.
 - (c) Access Pole. The minimum width for the pole portion of 1 flag lot is 15 feet. If 2 or more flag lots will use the same access driveway, the minimum combined width of the pole portions shall be 25 feet. A street may be required. The maximum number of flag lots taking access off the same access driveway is 4.
 - (d) Ownership. The access pole must be part of the flag lot and must be under the same ownership as the flag portion.
 - (e) Land Division Review. All applicable regulations for the type of land division process being used must be met except where the residential flag lot standards create different requirements.
- (4) **Use Regulations.** Residential flag lots have the same land use regulations as the base zone except:
 - (a) Home occupations are not allowed on residential flag lots less than 13,500 square feet;
 - (b) Secondary dwellings are not allowed on flag lots less than 12,500 square feet; and
 - (c) Secondary dwellings are not allowed on flag lots that did not exist or were not approved prior to _____ [effective date of ordinance].
- (5) **Development Standards.**
 - (a) Generally. All base zone requirements must be met, unless otherwise stated in this section.
 - (b) Setbacks. For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines. Except for secondary dwellings, the special flag lot setback standard does not apply to flag lots that received final plat approval by December 25, 2002.
 - (c) Access. Motor vehicle access from a public street to a residential flag lot may be obtained in one of the following three ways:
 1. Via the pole portion of the lot,

2. Via an easement to use a driveway on an abutting property, or
 3. Via an existing alley.
- (d) Minimum Paving and Landscaping.
1. Except as provided in subsection (e) below for secondary dwellings, the minimum paving of the driveway used for access shall be as follows:

1 rear lot	12 feet
2 to 4 rear lots	20 feet* (Street may be required.)

*If approved by the planning director as necessary to preserve existing natural features, paving width may be reduced to 17½ feet, except for the first 25 feet back from the sidewalk if both sides of the driveway are landscaped in accordance with a landscape plan.
 2. Driveways serving the flag lots and parking areas shall be constructed of at least 4 inch thick Portland Cement concrete, or 2½ inch compacted asphaltic concrete mix on 6 inches of ¾ minus compacted crushed rock base, or an approved equal. Base placement of driveways and parking areas shall be approved by the city manager prior to final surfacing. If an abutting property's access drive is used:
 - a. An access easement-maintenance agreement is required, which shall be recorded in the Lane County office of Deeds and Records, and
 - b. The abutting property shall meet off-street parking requirements for that property.
 3. If access is provided via an existing unimproved alley, a petition for improvement is required. The alley must be able to provide automobile and emergency vehicle access to a public street.
 4. Whether or not the portion of the flag lot with public street frontage is used for access, it shall remain free of structures and be available for possible future access to a public street.
 5. Each rear lot or parcel shall have 2 off-street parking spaces located outside of the pole portion of the flag lot.
- (e) Additional Standards for Secondary Dwellings on Flag Lots.
1. Access Pole Width. To allow for a secondary dwelling on flag lots existing or approved prior to _____ [effective date of ordinance] that do not have legal access other than the individual or combined pole, the minimum width of the individual or combined pole shall be 25 feet.
 2. Access. No more than four dwellings (including primary and secondary dwellings) may take access off an individual pole or combined poles.
 3. Building Height/Interior Setback.
 - a. Interior yard setbacks shall be at least 10 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 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 for detached secondary dwellings and the maximum building height of the primary dwelling for attached secondary dwellings.

- 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 and chimneys are allowed to project into this setback no more than 2 feet.
 - c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).
4. Driveway Standards.
- a. Paving. The driveway paving width shall be as follows:
 - (1) For flag lots served by an individual pole, the minimum driveway width shall be 12 feet, and the maximum driveway paving width shall be 20 feet.
 - (2) For flag lots served by a combined pole, the driveway width shall be 20 feet or a lesser width as approved by the fire code official.
 - b. Driveway Setbacks. The driveway paving shall be setback from the edge of the pole as follows:
 - (1) For flag lots that are served by an individual pole, the driveway paving shall be setback a minimum of six feet.
 - (2) For flag lots that are served by a combined pole, the driveway paving shall be setback a minimum of 2.5 feet.
 - c. Driveway Use. Parking is not allowed on any portion of the pole.
 - d. Landscaping. The entire length of both sides of the pole, within the area between the driveway paving and the edge of the pole, shall be landscaped to meet the Low Screen Landscape Standard (L-2) in EC 9.6210(2)(a), except as follows:
 - (1) The shrubs required for continuous screen at EC 9.6210(2)(a)1. shall be at least 45 inches high within three years and maintained at a height not to exceed 60 inches, with the intent to minimize headlight glare;
 - (2) The canopy tree requirement at EC 9.6210(2)(a)2., is not applicable; and
 - (3) In lieu of a masonry wall or berm, a solid wood fence may be permitted where the bottom of the fence is no higher than 12 inches above grade and the top of the fence is at least 45 inches above grade.
5. Exceptions. Exceptions to driveway setback and landscaping standards are allowed where the affected adjacent property owners consent in writing on a form approved by the city.
6. Adjustments. The standards at EC 9.2775(5)(e)4.b. and d. regarding driveway setbacks and landscaping may be adjusted in accordance with EC 9.8030(34)(d).

Section 8. 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 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 9. Subsections (34) and (35) of Section 9.8030 of the Eugene Code, 1971, 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.

- (34) **Secondary Dwellings.** Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.
 - (a) **Temporary Leave.** A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.
 - (b) **Conversion of Existing Building.** A legally established building existing as of _____ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:
 1. The existing structure satisfies all secondary dwelling standards except the applicable sloped setback under Building Height/Interior Setback at EC 9.2571(17)(a)3. or EC 9.2751(17)(b)5.
 2. The secondary dwelling is limited to 600 square feet in total building square footage, and 15 feet in height.

3. If the existing structure is closer than 5 feet to an interior property line, the adjacent property owner must provide written consent pursuant to EC 9.2751(7).
- (c) **Building Height.** A secondary dwelling may have a maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.
 - (d) **Secondary Dwellings on Flag Lots.** Where natural features or other physical conditions make it impracticable to comply with the driveway setback and landscape screening requirements, the following adjustments are allowed:
 1. Except as provided in 2. below, the driveway setback may be reduced to no less than four feet; however, in no event shall the setback be reduced more than is necessary to enable the driveway to meet the minimum driveway width, or
 2. The driveway setback may be reduced to no less than one foot, and screening requirements may be reduced or eliminated, where
 - a. The zoning of the adjacent property does not allow for residential uses; and
 - b. The impacts of the adjacent uses would not be significantly worse under the reduced setback or lessened screening.
- (35) Alley Access Lots. Building Height/Interior Setback.** A dwelling on an alley access lot may have maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.

Section 10. The findings set forth in Exhibit D attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 11. 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 12. 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 13. 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
28th day of July, 2014

Beth Forrest
City Recorder

Approved by the Mayor this
29 day of July, 2014

Kathy Peig
Mayor

Figure
9.2751(16)(a)2.a

**Building Height/
Interior Setback for
Accessory Buildings
in R-1**

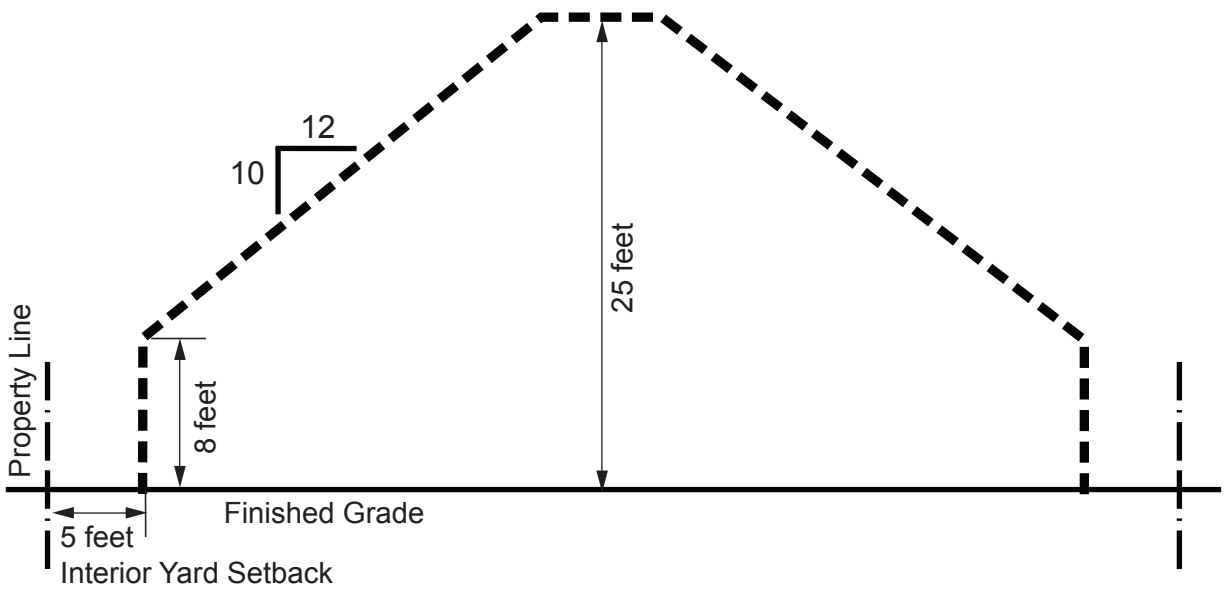


Figure 9.2751(16)(b)3.

Building Height/Interior Setbacks for:

- Accessory Buildings (Area-Specific)
- Secondary Dwellings (General and Area-Specific)
- Alley Access Lots (General and Area-Specific)

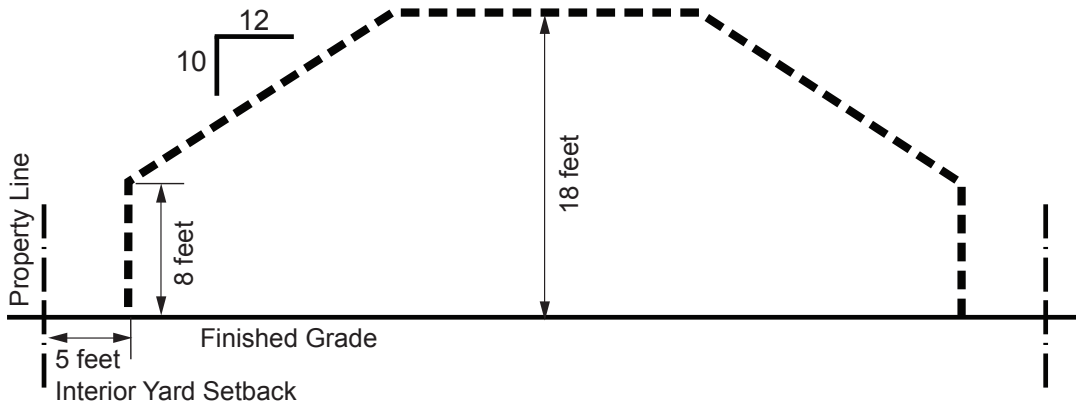
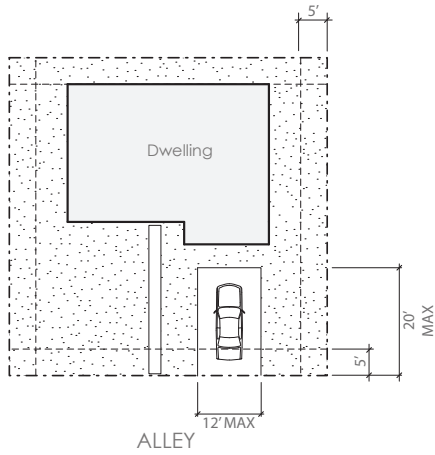


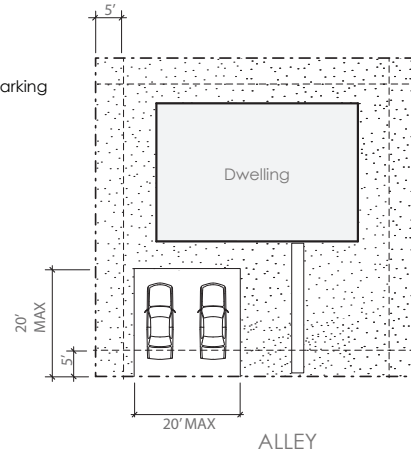
Figure 9.2751(18)(a)11.

Parking and Driveway for Alley Access Lots

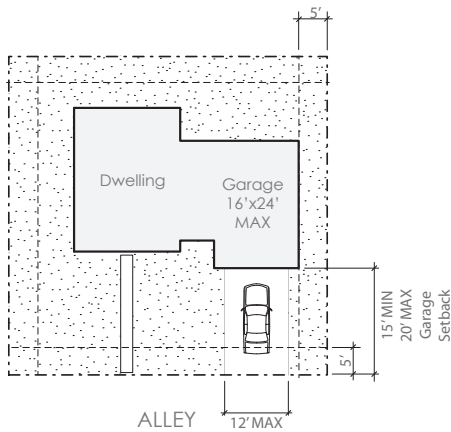
OPTION A:
Single Perpendicular Parking
400 SF MAX



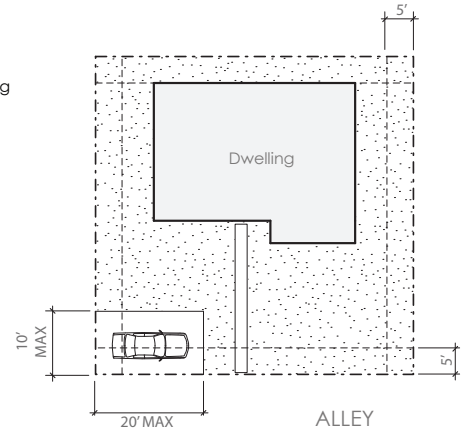
OPTION B:
Side by Side Parking
400 SF MAX



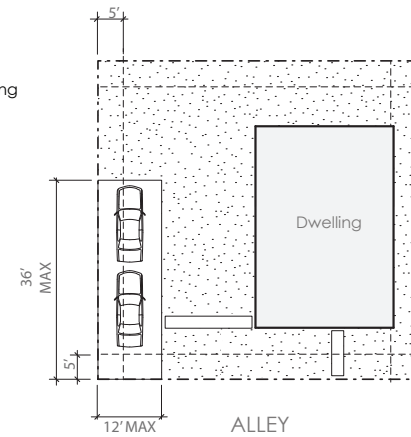
OPTION C:
Attached Parking and
Single Parking Combination
400 SF MAX



OPTION D:
Parallel Parking
400 SF MAX



OPTION E:
Tandem Parking
400 SF MAX



- - - Property Line
- - - - - Setbacks

Findings

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

Land Use Code Amendments (CA 13-3)

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

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

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

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

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

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

Prior to the start of the formal adoption process, the 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.

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The Planning Commission's September 2013 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 held two duly noticed public hearings (November 2013 and June 2014) to consider approval, modification, or denial of the code amendments. Pursuant to Oregon Revised Statute 227.186 (commonly referred to as Measure 56), notice of the City Council's second public hearing was mailed to owners of property potentially affected by the proposal to increase the required minimum lot size for secondary dwellings and to prohibit secondary dwellings on certain flag lots. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the 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.*

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

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

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

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

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

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

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

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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, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

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

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

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

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

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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 amendments pertaining to accessory buildings and development on existing alley access lots 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 amendments related to the 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. The changes will result in a decrease in the number of lots designated low density residential that are eligible for construction of a secondary dwelling. Within Eugene's city limits, there are approximately 4,645 lots designated low density residential that are between 4,500 square feet and 6,099 square feet (and an additional 137 lots within this size range and designation between the city limits and the urban growth boundary) that will no longer be eligible for a secondary dwelling due to the increase in the required minimum lot size for such a dwelling. Within Eugene's city limits, there are approximately 278 flag lots that are 13,500 square feet or greater and designated low density residential (and an additional 20 flag lots within that size range and designation between the city limits and the urban growth boundary). Approximately half of these flag lots would no longer be eligible for a secondary dwelling due to the limitation of secondary dwellings on certain larger flag lots.

Based on recent trends pertaining to the number of secondary dwellings permitted on lots within the two lot size categories, it is projected that the changes could result in approximately 14 fewer secondary dwellings being built over the next 20 years. 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 14 displaced dwellings.

Based on the above findings, 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.

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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 amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will be reduced by up to 14 dwellings as a result of these amendments, and thus will not result in the degradation of any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

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

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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.*

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)

Exhibit D

This policy was raised in public testimony. The 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 single family code amendments do not change or conflict with the density range for low density residential.

- 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.*

Consistent with these policies, the amendments provide for opportunities for smaller housing types 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 the code amendments related to secondary dwellings, development on existing alley access lots and accessory buildings in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the amendments are consistent with this policy in that they add design standards to address building height, setbacks, parking area and building size.

- 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.*

Exhibit D

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

Transportation Element

Land Use Policies

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

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

Transportation System Improvements: Roadway Policies

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

This policy was raised in public testimony as applying to the amendments 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 amendments 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 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 amendments for alley access lots. This policy is not applicable to the 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

Exhibit D

secondary dwelling unit and accessory buildings amendments apply citywide. Areas with existing alley access lots include areas covered by the Jefferson/Far West Refinement Plan, South Hills Study and the Whitaker Plan.

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

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Central Area Transportation Study (2004)
- Comprehensive Stormwater Management Plan (1993)
- Eugene Commercial Lands Study (1992)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Fairmount/U of O Special Area Study (1982)
- 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.

Jefferson Far West Refinement Plan (1983)

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

- 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 development on existing alley access lots are consistent with this policy in that they provide the opportunity for smaller single family housing types.

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

Exhibit D

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 development on existing alley access lots are intended to encourage compatible infill housing.

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 address the compatibility of these dwellings.

Willakenzie Area Plan (1992)

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

Residential Policies

1. *Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*

Exhibit D

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 address the compatibility of these dwellings.

TransPlan (2002)

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



Date: August 4, 2014
 To: Beth Forrest, City Recorder
 From: Glenn Klein, City Attorney *Glenn Klein*
 Subject: Scrivener Error Correction to EC 9.2750 / Ordinance No. 20541

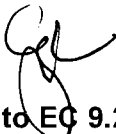
On July 28, 2014, Ordinance No. 20541 was adopted amending EC 9.2750. However, the amended section erroneously omitted an amendment adopted by Ordinance No. 20533 on June 23, 2014, concerning deer fencing.

Please effect a scrivener error correction to EC 9.2750 to correct the development standard for "Fences" in Table 9.2750 of EC 9.2750 as shown in legislative format below:

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
Fences (14)					
(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
Deer Fencing	See EC 9.2751(14)(c)	--	--	--	--

This correction is authorized by Section 11 of Ordinance No. 20541, and a copy of this memo should be attached to that Ordinance.



Date: October 11, 2017
To: Beth Forrest, City Recorder
From: Glenn Klein, City Attorney 
Subject: Scrivener Error Correction to EC 9.2751 / Ordinance No. 20541

It has come to our attention that a reference error exists in Ordinance No. 20541 that adopted amendments to EC 9.2751 on July 28, 2014.

As amended by Ordinance 20541, EC 9.2751(16)(b)3.b. references to a "setback described in 1. above,....," however, the reference should have been to a setback described in "a."

Please effect a scrivener error correction to EC 9.2751(16)(b)3.b. so that it reads:

9.2751 Special Development Standards for Table 9.2750.

(16) Accessory Buildings in R-1.

(b) Area-Specific Accessory Building 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:

3. Building Height/Interior Setback.

- a. The interior yard setbacks shall be at least 5 feet from the interior lot lines. In addition, at a point that is 8 feet above finished grade, the setbacks shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot lines 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 [1.] 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)3.)

This correction is authorized by Section 11 of Ordinance No. 20541. A copy of this memo should be attached to that Ordinance.