



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

08/04/2014

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment  
DLCD File Number 008-13A

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 21, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Allisa Hansen, City of Eugene  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE** 008-13A  
File No.: (19959)  
[17953]  
Received: 7/31/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Eugene

Local file no.: **CA 13-3**

Date of adoption: July 28, 2014

Date sent: July 31, 2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): August 2013

No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No

If yes, describe how the adoption differs from the proposal:

Does not allow for new alley access lots as originally proposed. Minimum lot size required for secondary dwellings increased from 4,500 to 6,100 sq. ft. SDUs to count towards density. Other changes were made to the development standards (including building height, sloped setbacks, lot coverage)

Local contact (name and title): Alissa Hansen

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Street address: 99 W. 10<sup>th</sup> Avenue

City: Eugene

Zip: 97401-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Eugene Code section 9.0500 Definitions; 9.1245 Legal Pre-Existing Structures; 9.2740 Residential Zone Land Use and Permit Requirements; 9.2741 Special Use Limitations for Table 9.2740, 9.2750 Residential Zone Development Standards, 9.2751 Special Development Standards for Table 9.2750, 9.2775 Residential Flag Lot Standards, 9.6775 Underground Utilities; 9.8030 Adjustment Review – Approval Criteria

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Meeting materials from City Council proceedings are provided as background information regarding the changes made since original notice.



**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.

<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Residential</b>					
<b>Dwellings.</b> (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.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
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)	--	--	--	--

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Accessory Building.	See (16)	20 feet	25 feet	30 feet	30 feet
Secondary Dwelling	See (17)	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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)
<b>Maximum Lot Coverage (18)</b>					
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
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
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
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
General Standards	See (16)(a)	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings (17)</b>					
General Standards	See (17)(a) and (b)	--	--	--	--
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
General Standards	See (18)(a)	--	--	--	--
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
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 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  - 1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;

- b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
- c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**

- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> 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  
28<sup>th</sup> 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**

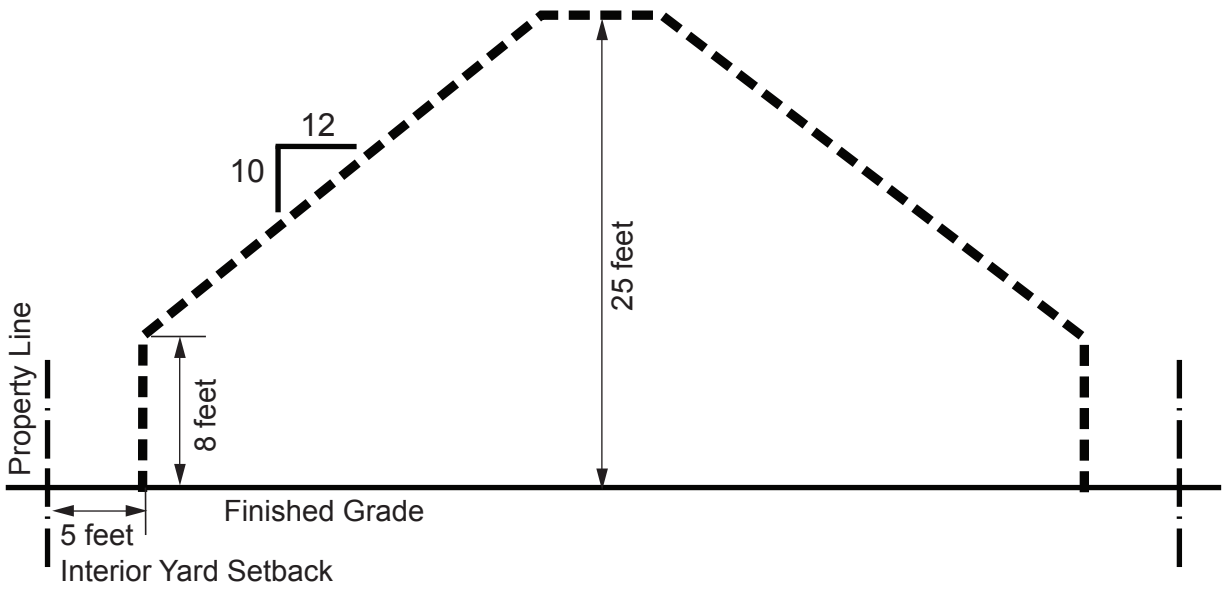


Figure  
9.2751(16)(b)3.

### Building Height/Interior Setbacks for:

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

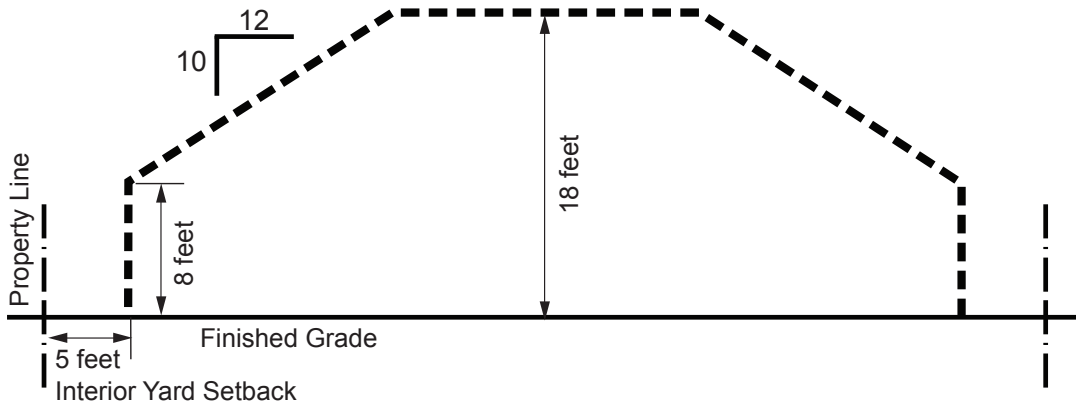
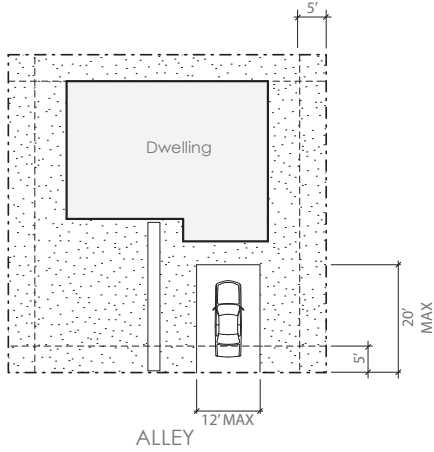


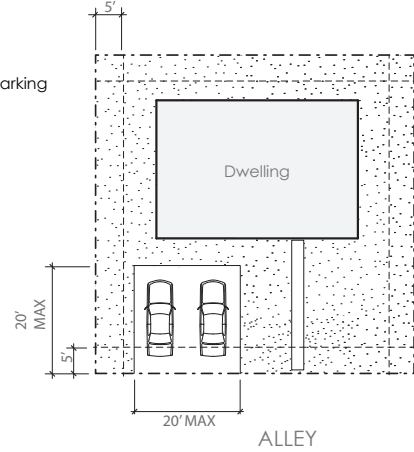
Figure 9.2751(18)(a)11.

# Parking and Driveway for Alley Access Lots

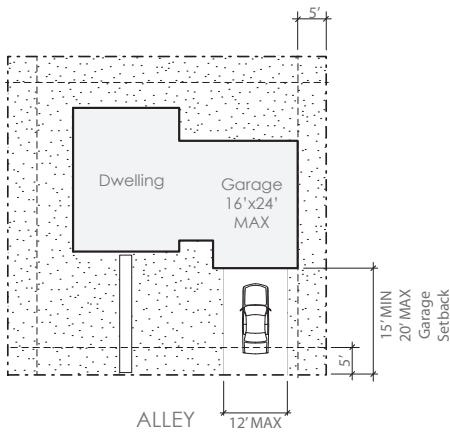
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



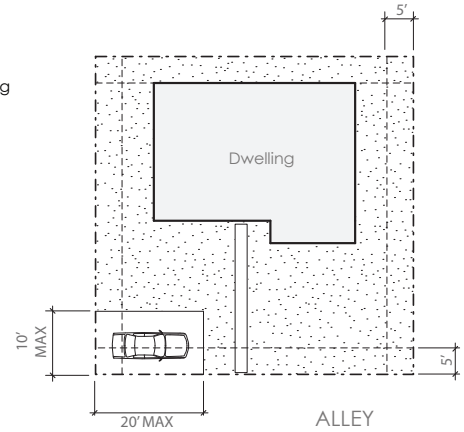
**OPTION B:**  
Side by Side Parking  
400 SF MAX



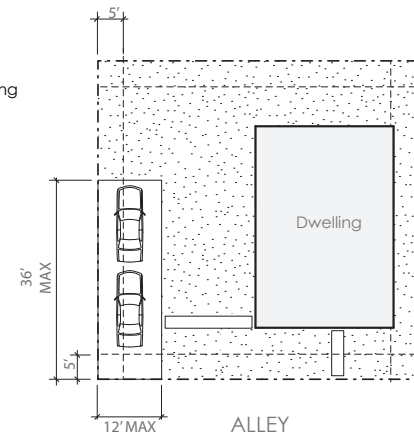
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**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.



## Exhibit D

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*

## Exhibit D

*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.

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Work Session/Action: Envision Eugene Implementation - An Ordinance Concerning Single Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings, and for Protection Measures Specific to the University Area

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Meeting Date: February 12, 2014  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### ISSUE STATEMENT

The City Council will deliberate and take action on a package of land use code amendments related to single-family housing in the R-1 Low Density Residential zone. The proposed amendments will:

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

### BACKGROUND

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

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

### **Secondary Dwellings, Accessory Buildings and Alley Access Lots/Homes**

These amendments represent the culmination of many years of public engagement and considerable community input, with the ultimate goal of fulfilling a strong community desire and long-standing interest to improve the compatibility of small-scale infill in the community's neighborhoods. Because of the broad applicability of these proposed standards (they would apply in all R-1 neighborhoods with the exception of Amazon, Fairmount and South University), and the diverse nature and character of the neighborhoods, they necessarily represent a balanced approach. It is essential that the proposed standards provide enough flexibility to ensure they work citywide in a variety of situations. In addition, care was taken to ensure that the proposed standards were not so restrictive that they would unduly discourage the construction of these development types.

### **University Area Interim Protection Measures**

In addition to the code amendments related to secondary dwellings, accessory buildings and alley access lots/homes in the R-1 Low Density Residential zone, this package of code amendments includes interim protection measures for the existing single-family neighborhoods surrounding the University of Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university.

As part of Envision Eugene, the City is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to address impacts from proximity to the University of Oregon. However, this work is not slated to begin until after the local adoption of Envision Eugene. The interim protection measures are intended to limit further negative impacts until the area planning process is completed. It is expected that these interim measures would be replaced by a more comprehensive set of development and design standards established as part of the area planning effort. This planning effort will include important opportunities for neighbors and residents to weigh in on the types of standards that are important to them. Although the timelines for the area planning have not been fully determined, it is estimated that it will be completed in about two to three years. This means the interim protection measures would be in place for about two to three years, until they are replaced with permanent measures.

### **City Council Process**

Following a unanimous recommendation for approval by the Eugene Planning Commission in October 2013 (see Attachment A for a summary of the Planning Commission's recommendation and deliberations), the City Council held a work session and a public hearing on the package of single-family code amendments.

At the November 18, 2013, City Council public hearing, testimony was received from 12 individuals. The vast majority of that testimony was focused on the interim protection measures for the University neighborhoods. Nine of the 12 individuals who provided testimony are residents of Amazon, Fairmount and South University neighborhoods (the neighborhoods where the University area interim protection measures are proposed to apply). Eight of the nine speakers voiced support for the interim protection measures and recommended that these

amendments be adopted immediately. They also raised concerns regarding the proposed secondary dwelling and alley access lot standards that would apply to the remainder of the city. One of the nine speakers expressed opposition to having the interim measures applied to the Amazon neighborhood.

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

Following the public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. Written testimony received at the public hearing and during the open record period will be provided to the City Council under separate cover. Following the open record period, City Council action on the amendments was postponed to allow for adequate time for review of public testimony. During this time, staff also attended a general meeting of the Friendly Area Neighbors to provide information and answer questions about the proposed code amendments.

Staff response to topics raised in public testimony is provided in a memo (Attachment B). As a result of the public testimony, staff is recommending two specific modifications to the ordinance. These modifications, which pertain to density requirements for secondary dwellings and maximum bedroom count for new dwellings in the university area, are addressed further in the memo.

The proposed ordinance and exhibits are included as Attachment C. As noted in the agenda item summary for the public hearing, the proposed amendment to allow for secondary dwellings in the university area subject to area-specific development standards was not complete in time to meet the City Charter requirement for the posting of the ordinance. Although it was not included in the ordinance, it was provided for the public and council's consideration at the hearing. This amendment has been incorporated into the attached ordinance.

The ordinance and exhibits also contain other minor revisions from the ordinances originally posted for public hearing. The ordinance and exhibits generally contain the following minor revisions:

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

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

A summary of the proposed amendments is provided as Attachment D.  
The full record of materials is available for review in a binder located at the City Council Office and on the City's website at: <http://www.eugene-or.gov/index.aspx?NID=2088>

### **RELATED CITY POLICIES**

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

### **COUNCIL OPTIONS**

Following deliberations, the City Council may consider the following options:

1. Adopt the ordinance.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

### **CITY MANAGER'S RECOMMENDATION**

Following the council's deliberations on this request, the City Manager recommends approval of the ordinance as provided in Attachment C, with the specific modifications contained in Exhibit 1 to Attachment B.

### **SUGGESTED MOTION**

Move to adopt Council Bill xxxx the ordinance contained in Attachment C, with the specific modifications contained in Exhibit 1 to Attachment B.

### **ATTACHMENTS**

- A. Summary of Planning Commission Recommendation/Deliberations
- B. Staff Response to Testimony
- C. Proposed Ordinance and Findings
- D. Summary of Single-Family Code Amendments

### **FOR MORE INFORMATION**

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

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

**Secondary Dwelling Units**

- Building Size: Change primary residence to principal residence *[General agreement, no vote taken]*
- Ownership/Occupancy: Use majority ownership instead of percentage when determining ownership *[General agreement, no vote taken]*
- Minimum Wall Length: Modify to require a 2 foot deep by 5 foot wide minimum articulation on walls over 25 feet in length. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists). *[Straw vote 6-0-1 with Steve Baker indicating he was neutral]*

**Alley Access Lots**

- Distance from Street/Fire Access: Clarify distance requirement for lot and modify to require sprinklers in dwelling if any portion of house is beyond 150 feet of alley/street intersection *[Straw vote 7 to 0]*
- Lot Standards: Establish maximum lot size for new alley access lot size as 5,000 square feet *[General agreement, no vote taken]*
- Development Standards: Allow windows, dormers and balconies on second story of alley lot dwelling on any non-alley facing property line only with the written approval of the affected adjacent property owner, in lieu of requiring an adjustment review. *[Straw vote 7 to 0]*

**Accessory Buildings**

- Building size/setbacks: For lots 13,500 square feet or less in area, limit the total square footage of all accessory buildings to 1000 square feet. For lots greater than 13,500 square feet to 43,560 square feet, limit the total square footage of all accessory buildings to 10 percent of the lot area, not to exceed 3,000 square feet, and require 10 foot setback and 10:12 roof pitch. For lots greater than 43,600 square feet (one acre) in size, no limit on square footage of accessory buildings, but require 10 foot setback and 10:12 roof pitch. *[Straw vote 7 to 0]*

**University Area Interim Protection Measures**

- Timing/Sunset: Establish sunset date that interim measures would remain in effect for 42 months after the date of adoption. *[Straw vote 7 to 0]*
- Bedroom Count: Support 3 bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond 3 bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to 3 (instead of 5) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such. *[Straw vote 7 to 0]*
- Occupancy: Add provision to require property owner to provide city with copy of current lease(s) or rental agreement(s) as a means of verifying occupancy (add as city wide provision) *[Straw vote 6 to 0]*
- Secondary Dwelling Units: Add development standards (see Exhibit 1 for draft development standards) to allow for secondary dwellings during the interim, subject to the 42 month sunset date. *[Straw vote 6 to 1 with John Jaworski voting in opposition due to preference for shorter sunset date.]*

**Other Deliberation Topics**

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

**Secondary Dwelling Units**

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

**Alley Access Lots**

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

**University Area Interim Protection Measures**

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





## Memorandum

Date: February 5, 2014  
 To: Mayor and City Council  
 From: Alissa Hansen, Planning Division  
 Subject: Staff Response to Testimony/City Council - Single Family Code Amendments

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

### **SECONDARY DWELLINGS**

#### **1. Density**

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

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did discuss the related topic of increasing the minimum lot size required for detached secondary dwellings. Ultimately, the majority of the Planning Commission (2 to 5 in a straw vote) did not recommend increasing the minimum lot size from 6,000 square feet to 6,225 square feet. The two commissioners voting in favor indicated consistency with density requirements and concerns about compatibility, while the five in opposition noted that new standards will improve compatibility, the interim standards will address pressures around the university, and satisfaction that the existing requirement is consistent with density. It was also noted that there are approximately 1,685 lots R-1 zoned lots between 6,000 and 6,225 square feet in lot area that would no longer be eligible to create a new detached secondary dwelling. State law requires the City to notify property owners, prior to a public hearing, when an allowed use on the property is proposed to be prohibited.

#### **2. Development Standards**

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

Because of the broad applicability of these standards (they would apply in all R-1 neighborhoods with the exception of Amazon, Fairmount and South University), and the diverse nature and character of our neighborhoods (including but not limited to lot size and layout, block patterns, topography, vegetation,

natural resources, and home size, style and architectural characteristics), it is necessary that the proposed standards provide enough flexibility to ensure they work citywide in a variety of situations. In addition, care was taken to ensure that the proposed standards were not so restrictive that they would unduly discourage the construction of this housing type.

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

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did discuss certain development standards pertaining to secondary dwellings, specifically minimum wall length and occupancy. However, the Planning Commission did not recommend changing any other existing or proposed development standards.

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

**Table 1**

<b>Secondary Dwellings</b>		
<b>Development Standard</b>	<b>Current Code</b>	<b>Proposed Change</b>
Building Height Maximum	<p><i>Attached SDUs:</i> Same as main house (30 feet or 37 feet for roof slopes 6:12 or steeper)</p> <p><i>Detached SDUs:</i> If located within 20 feet of a property line, 15 feet or 22 feet for roof slopes 6:12 or steeper (Allows for 2 story)</p> <p>If located greater than 20 feet from a property line, 20 feet or 27 feet for roof slopes 6:12 or steeper</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> If located within 20 feet of a property line, 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper. (Allows for 1 story)</p> <p>If located greater than 20 feet from a property line, 24 feet</p>
Sloped Interior Yard Setbacks	None	<p>Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.</p> <p>For example, for a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required would slope away from the interior property lines at a maximum roof slope of 6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.</p>
Building Size	800 square feet	No changes to size. Clarifies how to measure
Bedroom Count	No limits	Maximum of 2 allowed

Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. These changes will assist in enforcement. Provides allowance for temporary leave under certain circumstances.
Parking	1 space required for secondary dwelling	No changes
Adjustment Review	None	Allows for adjustment review in limited situations: temporary leave, to allow a secondary dwelling over an accessory building, and to allow conversion of existing accessory building into secondary dwelling.

## ALLEY ACCESS LOTS

### 1. Allowance for New Alley Access Lots

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

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

Prior to the land use code update in 2001, alley access lots were allowed in all residential zones, without specific design or development standards addressing compatibility. City Council removed the allowance for such lots until design standards could be created. Through the Infill Compatibility Standards project, alley access lots were specifically identified as a desirable type of infill, if accompanied by design standards. Alley access lots are currently allowed in the S-C Chambers Special Area Zone and the S-JW Jefferson Westside Special Area Zone subject to standards that address design and compatibility. Two alley access lots have been created within these two areas since the adoption of those standards in 2006 and 2010 respectively. The alley access lot created in Chambers was already developed with a home, and the alley access lot created in Jefferson Westside has not been built on.

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

In addition to the limitation on where alley access lots can be located, other proposed standards are intended to address looming walls, privacy concerns, incompatible building heights, excessive paving and lot coverage, and excessive bedrooms numbers, while ensuring that the proposed standards are not so

restrictive or costly that they would unduly discourage alley access lot creation and home construction. The proposed standards are further addressed later in this memo.

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

## **2. Density/Lot Size Minimums**

Testimony raised the issue that the proposed minimum lot size for new alley access lots (2,250 square feet) does not comply with the density requirements, and is not compatible with single family neighborhoods. As addressed in the findings attached to the draft ordinance, the proposed lot size is found to be consistent with density requirements. In short, the maximum density of a proposed alley access development site would be 9.68 units per acre, which is consistent with the Eugene Code and the Metro Plan.

While density requirements are not an issue, Council could choose to increase the minimum lot size for compatibility reasons. In that case, staff would be supportive of a revision that changes the minimum lot size to somewhere in the range of 3,000 square feet to 3,600 square feet.

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did deliberate and vote on a motion to increase the proposed minimum lot size. Ultimately, the majority of the Planning Commission did not recommend increasing the proposed minimum lot size from 2,250 to 3,600 square feet (3 to 4 in a straw vote). The three in favor of increasing the size mentioned concerns about lot coverage, compatibility and density, while the four in opposition noted that the proposed development standards, including building size and paving limitations would limit lot coverage, and that the advisory committee looked at these issues extensively.

## **3. Compliance with ADA**

Testimony raised the issue that the provisions to allow for new alley access lots are in violation of the American with Disabilities Act (ADA). Staff consulted with the City Attorney's Office, who researched the issue and provided the following information:

In summary, the Americans with Disabilities Act (ADA) covers state and local government facilities, places of public accommodation and commercial facilities. The Architectural Barriers Act (ABA) covers facilities financed with federal funds. Neither Act is triggered by the proposed single family code amendments.

Testimony cited to ADA regulations related to "pedestrian access routes." The cited regulations require that certain existing pedestrian facilities that are located in the public right of way be readily accessible to and usable by pedestrians with disabilities. The ADA does not require the city to provide pedestrian facilities where they do not already exist. However, if a pedestrian facility exists, the city must make that pedestrian facility accessible to persons with disabilities. Accordingly, neither the ADA nor the ABA requires the city to provide or require new pedestrian facilities in order to make private dwellings on alley access lots accessible.

## **4. Development Standards**

Testimony raised the issue that the proposed development standards for alley access lots should be changed to be similar, if not identical, to those proposed for secondary dwellings, which include a smaller

home size, lower building height and different sloped setback. These issues were also raised at the Planning Commission public hearing; however, the Planning Commission did not propose any changes except with regard to dormers and balconies.

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

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did discuss certain development standards pertaining to alley access lots, specifically windows, dormers and balconies on second floors, and setbacks. However, the Planning Commission did not recommend changing any other existing or proposed development standards.

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

**Table 2**

<b>Dwellings on Alley Access Lots</b>		
<b>Development Standard</b>	<b>Current Code (applies to existing lots)</b>	<b>Proposed Change (to apply to existing and newly created lots)</b>
Building Size	No limits	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.
Bedroom Limit	No limits	3 maximum
Building Height Maximum	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet
Sloped Setback	No limits	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade.  For example, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required would slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.
Windows	No limits	10 foot setback from property line for upper story windows
Dormers, Balconies	No limits	Not allowed on side or rear property line unless neighboring property owner agrees in writing
Parking	Minimum 1 space, no maximum, no paving limits	Minimum 1, maximum 2 spaces, limits paving to 400 square feet and limits garage size
Accessory Buildings	No limits	Limit to 400 square feet total

## 5. Alley Infrastructure

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

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

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

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

## UNIVERSITY AREA INTERIM PROTECTION MEASURES

### 1. Interim Standards to allow Secondary Dwellings

Based on public testimony, the Planning Commission recommended adding development standards to allow for secondary dwellings in the University area (rather than prohibit them as originally proposed). Staff supports this proposal; however, the draft code language was not complete in time to meet the City Charter requirement for the posting of the ordinance for the public hearing. Proposed interim development standards for secondary dwellings in the University area were provided as part of the public hearing materials and testimony at the City Council public hearing indicated strong support for these standards. These standards have been incorporated into the attached ordinance provided for council action.

### 2. Allowance for Duplexes

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

### 3. Maximum Bedroom Limitation for Dwellings

Testimony raised the issue that the proposed limit of three bedrooms for new homes in the university area would place an undue burden on property owners proposing to build new single family homes for themselves, especially those with large families (such as multiple children or multi-generational living situations), or those wanting a guest room or home office (which would meet the definition of bedroom). To provide flexibility for such situations, it was recommended to allow for more than three bedrooms when the number of unrelated individuals in the dwelling is limited to three (as is proposed to be allowed for additions and remodels of existing homes in the university area).

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission discussed and voted 7 to 0 in a straw vote to recommend supporting the three bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond three bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to three (instead of five) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such. The Planning Commission's recommendation is included in the ordinance.

Based on testimony, staff recommends incorporating the same exception for new dwellings into the ordinance. Proposed code language is provided in Exhibit 1 to this memo for the City Council's consideration.

## OTHER

### 1. Adjustment Review

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

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

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

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

### 2. Public Engagement Process

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

2007-2009	In response to City Council direction to address residential infill compatibility, the Infill Compatibility Standards Task Team was formed and met monthly from November 2007 to September 2009. The Task Team was comprised of 14 neighborhood association representatives, a Housing Policy Board representative,
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and five additional members with the perspectives of builders, developers, and designers of market-rate and affordable infill housing.

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

As a result of their almost two years of research, public outreach, proposal development and refinement, the Task Team ultimately passed 16 sets of recommendations. In 2009, the Task Team passed motions recommending implementation of the recommendations outlined in the Single-Family Development Committee issue papers titled “Infill in R-1 Neighborhoods” and “Single-Family Dwelling Infill Committee Report on Flag Lot Development.” These issue papers include recommendations related to secondary dwellings, accessory buildings, and alley access lots that informed the development of the code concepts.

2010	<p>A working group of ICS, the R-1 Infill/Flag Lot Implementation Team (RIFLIT), met and developed recommendations related to the issues raised by ICS pertaining to flag lots, lot coverage, sloped setbacks, secondary dwellings and alley access lots. This team was composed of individuals selected by the ICS Steering Committee who work closely with or live near and have carefully considered the kinds of development under discussion. Members include:</p> <ul style="list-style-type: none"> <li>• Steve Gab (Former ICS co-chair, Rainbow Valley Design &amp; Construction)</li> <li>• Sue Prichard (Former ICS co-chair, Amazon Neighbors, CRG/TRG member)</li> <li>• Michael Fifield (University of Oregon Architecture Professor)</li> <li>• Bill Randall (Planning Commissioner, Architect)</li> <li>• Mike Butler (Future B Homes)</li> <li>• Marilyn Mohr (Former River Road board member)</li> </ul>
2010-2013	<p>On-going Envision Eugene public engagement, including multiple public open houses and workshops, mailings, public hearings, on-line surveys, e-newsletters, Facebook updates and frequent updates to the Planning Commission and City Council. The topic of single family housing, including strategies to provide for more single family homes within the existing urban growth boundary, was included in numerous outreach events.</p>
March 2011	<p>Draft Envision Eugene Proposal published. Includes strategies to allow for and promote secondary dwelling units and alley access lots.</p>
March 2012	<p>Envision Eugene Recommendation published. Includes strategies to allow for and promote secondary dwelling units and alley access lots.</p>
June 2012	<p>City Council initiated code amendments to allow and promote secondary dwellings units and alley access lots, as part of Envision Eugene strategies to accommodate single family homes within the existing urban growth boundary.</p>
2012-2013	<p>Single Family Advisory Group formed to review and vet code concepts and provide recommendations. The advisory group met seven times between October 2012</p>



and February 2013. The majority of the members were part of the original ICS/RIFLIT group. Members include:

- Steve Gab (Former ICS co-chair, Rainbow Valley Design & Construction)
- Sue Prichard (Former ICS co-chair, Amazon Neighbors, CRG/TRG member)
- Michael Fifield (University of Oregon Architecture Professor)
- Bill Randall (Planning Commissioner, Architect)
- Mike/Dane Butler (Future B Homes)
- Jon Belcher (Planning Commissioner, River Road Community Organization Chair, former chair of Amazon and Jefferson-Westside)
- Chris Stebbins (owner of design/build company, resident of Fairmount)
- Andrew Fisher (Friendly Neighborhood Association board member, Historic Review Board)
- Marilyn Mohr (Former River Road board member; invited, but did not attend)

November 2012	Planning Commission Work Session on progress of Single Family Code Amendments
December 2012	Project included in the Envision Eugene Implementation Update sent to Envision Eugene mailing list (525 email addresses)
May 2013	<ul style="list-style-type: none"> <li>-Email to all neighborhood leaders asking for input on code concepts and invitation to meet</li> <li>-Project highlighted in Envision Eugene Newsletter sent to Envision Eugene mailing list</li> <li>-Meeting with members of Friendly Area Neighborhood and board to review Code concepts</li> <li>-Meeting with members of South University Neighborhood Association board to review code concepts</li> <li>-Meeting with members of Fairmount Neighbors board to review code concepts</li> </ul>
June 2013	<ul style="list-style-type: none"> <li>-Emails to interested parties regarding open house (distributed to 120+ emails including people interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association)</li> <li>-Meeting with members of South University Neighborhood Association board</li> <li>-Meeting with members of Fairmount Neighbors board</li> <li>-Public Open House</li> </ul>
July 2013	<ul style="list-style-type: none"> <li>-Email to interested parties list to update and request feedback on concepts</li> <li>-Planning Commission Work Session</li> <li>-Meeting with members of Jefferson-Westside Neighborhood board</li> </ul>
August 2013	<ul style="list-style-type: none"> <li>-Email to interested parties list requesting review of draft code</li> <li>-Notice of public hearing mailed to neighborhood associations and others requesting notice</li> <li>-Measure 56 Notice mailed to property owners in Amazon, Fairmount and South University neighborhoods regarding interim protection measures</li> <li>-Legal Notice in Register Guard</li> </ul>

- September 2013
- Emails to interested parties list regarding public hearing
  - Planning Commission public hearing on proposed code amendments
  - Email to interested parties list regarding public record left open
- October 2013
- Planning Commission Deliberations
  - Email to interested parties list regarding Planning Commission's recommendation
  - City Council Work Session
- November 2013
- Email to interested parties list regarding City Council Public Hearing
  - City Council Public Hearing
  - Email to interested parties list regarding public record left open

### **3. Enforcement**

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

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

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

### **4. Number of Units Estimated Per Year**

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

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

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

**Attachment**

Exhibit 1: Recommended Modifications to Ordinance

## Recommended Modifications to Ordinance Single Family Code Amendments

### 1. Secondary Dwellings/Density

***Bold italic*** = Text to be inserted

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

### 2. Maximum Bedroom Limitation for Dwellings in the University Area

***Bold italic*** = Text to be inserted

~~***Bold italic***~~ = Text to be removed

**9.2751      Special Development Standards for Table 9.2750.**

- (17) ***Maximum Bedroom Count. In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the maximum allowable number of bedrooms in a dwelling shall be as follows:***
- ~~(a) ***New dwellings approved after \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms; or***~~
- ~~(b) ***Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city’s issuance of a building permit for a new dwelling or for an ~~the~~ addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:***~~
1. ***The maximum number of unrelated individuals living in the dwelling shall be limited to 3.***
  2. ***The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.***
  3. ***The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.***

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS, AND FOR PROTECTION MEASURES SPECIFIC TO THE UNIVERSITY AREA; AMENDING SECTIONS 9.0500, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.3125, 9.3626, 9.6105, 9.6410, 9.6505, 9.6745, 9.6775, 9.6870, 9.8030, 9.8405 AND 9.8415 OF THE EUGENE CODE, 1971; ADDING SECTIONS 9.1245, 9.2737 AND 9.2779 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

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

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

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

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

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

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

**Dwelling, Secondary.** A dwelling unit that is located on the same [~~parcel~~] **lot** as a primary one-family dwelling that is clearly subordinate to the primary one-family

dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot. ***Either the secondary dwelling or the primary dwelling must be occupied by the property owner.***

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

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

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

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

**Section 3.** Section 9.2735 of the Eugene Code, 1971, is amended to provide as follows:

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

**Section 4.** Section 9.2737 of the Eugene Code, 1971, is added to provide as follows:

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

**Section 5.** The text of Section 9.2740 of the Eugene Code, 1971, and the following entry in Table 9.2740, are amended to provide as follows:

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

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

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

<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	<b>P(3)</b>	P(3)	P	P	P

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

9.2741

**Special Use Limitations for Table 9.2740.**

(2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards [below] **beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots.**

~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~

- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
- ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~

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

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

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

(3) **Rowhouses.**

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

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

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

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



**South University Neighborhood Association:**

- (a) The duplex was legally established on August 1, 2001.
- (b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.
- (c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.
- (5) **Triplex.** When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision, **except that new triplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
- (6) **Four[-]plex.** When located in R-1, a fourplex shall be on a lot that was identified as a four[-]plex lot in a subdivision, **except that new fourplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**

**Section 7.** Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

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

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

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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11)</b>					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports [(12)](11)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See EC 9.2779(4)</b>	--	--	--	--
Area-[s]Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage</b>					
All Lots, Excluding <b>Alley Access Lots in R-1 and Rowhouse Lots</b>	50% of Lot	--	50% of Lot	--	--
<b>Alley Access Lots in R-1</b>	<b>See EC 9.2779(4)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area [(13)](12)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
<b>Fences [(14)](13)</b>					
[(1)]Maximum Height Within Interior Yard Setbacks[(1)]	6 feet	42 inches	6 feet	6 feet	6 feet
[(1)]Maximum Height within Front Yard Setbacks[(1)]	42 inches	42 inches	42 inches	42 inches	42 inches
<b>Driveways and Parking Areas [(15)](14)</b>					
General Standards	--	--	--	See [(15)](14)(b)	See [(15)](14)(b)
<b>Area-Specific</b>	<b>See (14)(a)</b>	--	--	--	--
<b>Accessory Buildings in R-1 (15)</b>					

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	R-1	R-1.5	R-2	R-3	R-4
<i>General Standards</i>	See (15)(a)	--	--	--	--
<i>Area-Specific</i>	See (15)(b)	≡	≡	≡	≡
<b>Secondary Dwelling Units (16)</b>					
<i>General Standards</i>	See (16)(a)-(b)	--	--	--	--
<i>Area-Specific</i>	See (16)(c)	--	--	--	--
<b>Maximum Bedroom Count (17)</b>					
<i>Area-Specific</i>	See (17)	--	--	--	--

**Section 8.** Figure 9.2751(14)(b)1. is relabeled as Figure 9.2751(13)(b)1. as shown on Exhibit A attached hereto; Figure 9.2751(15) is relabeled as Figure 9.2751(14)(b) as shown on Exhibit B attached hereto; Figure 9.2751(15)(a)2.a. is added as shown on Exhibit C attached hereto; Figure 9.2751(16)(b)5.a. is added as shown on Exhibit D attached hereto.

**Section 9.** Subsections (3) and (8) of Section 9.2751 of the Eugene Code, 1971, are amended; subsection (11) is deleted and subsections (12) – (15) are renumbered as (11) - (14) respectively; renumbered subsections (13) and (14) are amended; and new subsections (15), (16) and (17) are added to provide as follows:

**9.2751 Special Development Standards for Table 9.2750.**

**(3) Building Height.**

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**

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

**(See Figure 9.2751(3)).**

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

- (8) Area-Specific Interior Yard Setback.** For R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south and that are abutting or across an alley from R-1 zoned property:

- (a) The interior yard setback shall be a minimum of 10 feet from the property line abutting or across an alley from R-1 zoned property; and  
 (b) At a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting or across an alley from R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b).

The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in (a) and (b) above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(8))**

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

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

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

**(143) Fences.**

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751[(14)](13)(b)1.)**
  2. Fences up to 6 feet in height are permitted within the required interior yard setback.
  3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.

4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.
- (154) **Driveways and Parking Areas [in R-3 and R-4].**
- (a) **R-1 Zone.** *Within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:*
1. *A lot shall have no more than one driveway accessed from a street.*
  2. *The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.*
  3. *The driveway and associated parking shall be perpendicular to the street.*
  4. *A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.*
  5. *Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.*
- (b) **R-3 and R-4 Zones.** Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.
- (a) 1. Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
  - (b) 2. Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.
  - (c) 3. Except for a driveway and associated parking area shared by two adjoining lots ("shared driveway"), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
  - (d) 4. Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
  - (e) 5. When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
  - (f) 6. Except for shared driveways and as provided in [(h)] 8. below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.

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

(See Figure 9.2751[~~(45)~~](14)(b))

**(15) Accessory Buildings in R-1.**

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

**1. Building Size.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, the maximum square footage of all accessory buildings shall not exceed 1,000 square feet.*
- b. *For accessory buildings on development sites (with a dwelling) that are greater than 13,500 square feet and less than 43,560 square feet, the maximum square footage of all accessory buildings shall be 10 percent of the area of the development site but in no case shall the total square footage of all accessory buildings exceed 3,000 square feet.*
- c. *For accessory buildings on development sites 43,560 square feet or greater in area, or on development sites with a non-residential use, there is no building size limitation.*

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

**2. Building Height/Setback.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade,*

- the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(15)(a)2.a.)*
- b. For accessory buildings on development sites greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 pitch horizontally away from the property line to a maximum building height of 25 feet.*
- 3. Use. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
- a. The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
- b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
- c. The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*
- 4. Pre-existing Structures. Legally established accessory buildings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [effective date of ordinance] are subject to Table 9.1245 Legal Pre-Existing Structures.*
- 5. Adjustment Review. The standards in EC 9.2751(15)(a)1. and 2. regarding building size and building height/setback may be adjusted, based on the criteria at EC 9.8030(34). For accessory buildings in the R-1, these are the only standards that may be adjusted.*
- (b) Area-Specific Standards. The following standards apply to all new accessory buildings associated with a dwelling in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association that are detached or that share a common wall with the primary dwelling for less than 8 feet:*
- 1. In addition to any accessory buildings legally established prior to \_\_\_\_\_ [effective date of ordinance], one accessory building is allowed.*
- 2. The accessory building shall not exceed 400 square feet in area.*
- 3. The accessory building shall not exceed 18 feet in height.*
- 4. An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for*

every 12 inches horizontally.

5. **No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.**
  6. **The accessory building shall not include more than one plumbing fixture.**
  7. **For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:**
    - a. **The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.**
    - b. **If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and remove the plumbing fixture from the building.**
    - c. **Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.**
    - d. **The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.**
    - e. **The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.**
- (16) **Secondary Dwelling.**
- (a) **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 for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.**
    2. **Building Size. The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.**
    3. **Minimum Attachment. The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.**
    4. **Maximum Bedrooms. The secondary dwelling unit shall contain no more than 2 bedrooms.**
    5. **Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.**



6. **Ownership/Occupancy Requirements.** *Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*
7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.*
8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
  - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*

- b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
  - c. *The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following, except as provided in subsection (c) below:*
- 1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  - 2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  - 3. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
  - 4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
  - 5. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
  - 6. **Building Height/Sloped Setback.**
    - a. *For detached secondary dwellings located within 20 feet of a property line:*
      - (1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*
      - (2) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point*

*that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.*

- b. For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*
  - c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(16)(b)5.a.)*
- 7. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**
- (c) Area-Specific Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood:**
- 1. Lot Area. To allow for secondary dwelling, the lot shall contain at least 7,500 square feet.**
  - 2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.**
  - 3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.**
  - 4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, 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(16)(a)3. are applicable.**
  - 7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall**

- be limited to 1 bedroom.*
8. **Maximum Occupancy.** *For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.*
  9. **Building Height/Interior Sloped Setback.** *For detached secondary dwellings:*
    - a. *The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from vertical) away from the lot line until a point not to exceed a maximum building height of 18 feet.*
    - b. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.*
  10. **Dog Keeping.** *The standards at EC 9.2751(16)(a)5. are applicable.*
  11. **Ownership/Occupancy Requirements.** *The standards at EC EC 9.2751(16)(a)6. are applicable.*
  12. **Temporary Leave.** *The standards at EC 9.275(16)(a)7. are applicable.*
  13. **Deed Restriction.** *The standards at EC 9.2751(16)(a)8. are applicable. In addition, the applicable occupancy limitation at EC 9.2751(16)(c)8. above must be included in the deed restriction.*
  14. **Verification.** *The standards at EC 9.2751(16)(a)9. are applicable.*
  15. **Parking.** *For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.*
  16. **Alley Access Parking and Driveway.** *The standards EC 9.2779(4)(k) are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.*
  17. **Pedestrian Access.** *The standards at EC 9.2751(16)(b)3. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.*
  18. **Primary Entrance.** *The standards at EC 9.2751(16)(b)4. are applicable to detached secondary dwellings only.*
  19. **Outdoor Storage/Trash.** *The standards at EC 9.2751(16)(b)5. are applicable to detached secondary dwellings only.*
  20. **Maximum Wall Length.** *The standards at EC 9.2751(16)(b)7. are applicable for detached secondary dwellings only.*
- (d) **Adjustment Review.** *The standards at EC 9.2751(16)(a)7. regarding*

*temporary leave and at EC 9.2751(16)(b)6. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, these are the only standards that may be adjusted. These standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood.*

- (e) **Pre-Existing Structures.** *Legally established secondary dwellings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [effective date of ordinance] are subject to Table 9.1245 Legal Pre-Existing Structures.*
  - (f) **Enforcement.** *Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*
- (17) **Maximum Bedroom Count.** *In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the maximum allowable number of bedrooms in a dwelling shall be as follows:*
- (a) *New dwellings approved after \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms; or*
  - (b) *Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city’s issuance of a building permit for the addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
    - 1. *The maximum number of unrelated individuals living in dwelling shall be limited to 3.*
    - 2. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
    - 3. *The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.*

**Section 10.** Section 9.2760 of the Eugene Code, 1971, is amended to provide as follows:

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

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	R-1	R-1.5	R-2	R-3	R-4

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Lot Area Minimum (1)</b>					
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots, <b>Alley Access Lots</b>	4,500 square feet	--	4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD	--	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 square feet	--	--	--	--
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	--	6,000 square feet	6,000 square feet	6,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet	--	3,600 square feet	3,600 square feet	3,600 square feet
<b>Alley Access Lot (11) (Existing lot or lots shall be at least 9,000 square feet)</b>	<b>2,250 square feet</b>	--	--	--	--
<b>Lot Frontage Minimum (1)</b>					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35feet (9)	35feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Residential Flag Lot (4)					
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot (11)</b>	<b>0 feet</b>	--	--	--	--
<b>Lot Width Minimum (1)</b>					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet		--	--	
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot (11)</b>	<b>50 feet</b>	--	--	--	--
<b>Lot Area Maximum (5)</b>					
[[New subdivisions and partitions only]], <b>except for Alley Access Lots</b>	13,500 square feet	--	--	--	--
<b>Alley Access Lot</b>	<b>5,000 square feet</b>	--	--	--	--
<b>Housing Mix Maximum (6)</b>					
Duplex	See EC 9.2741(4)	--	--	--	--
Triplex	See EC 9.2741(5)	--	--	--	--
Four[-]plex	See EC 9.2741(6)	--	--	--	--

**Section 11.** Subsections (2), (3), (4) and (8) of Section 9.2761 of the Eugene Code,

1971, are amended, and a new subsection (11) is added, to provide as follows:

**9.2761 Special Standards for Table 9.2760.**

- (2) **Small Lots.** Lots shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.)
- (3) **Rowhouse Lots.**
  - (a) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density in the subdivision complies with Table 9.2750 Residential Zone Development Standards, **except that the creation of new rowhouse lots is prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
  - (b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.
- (4) **Flag Lots.**
  - (a) No variances to residential flag lot standards are allowed.

- (b) ~~[Minimum lot area excludes the pole portion of the lot.]~~ ***The creation of new flag lots is prohibited in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.***
- (c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
- (8) ***Duplex Division Lots.*** Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)
- (11) ***Alley Access Lots.***
  - (a) ***The creation of new alley access lots is prohibited in the R-1 zone within the boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.***
  - (b) ***Alley access lots shall comply with other alley access lot standards. (See EC 9.2779 Alley Access Lot Standards.)***

**Section 12.** Figure 9.2779(4)(e)1. is added as shown on Exhibit E attached hereto;

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

**9.2779 Alley Access Lot Standards**

- (1) ***Purpose. To provide opportunities for single family housing variety and choice, home ownership, and affordable housing, and to promote the efficient use of residential land by allowing the creation of a lot that fronts an alley rather than a street. Development standards are included to specifically address design considerations and compatibility.***
- (2) ***Land Division Regulations.***
  - (a) ***Original Lot. The original lot or lots shall be a minimum of 9,000 square feet in area prior to the creation of the alley access lot. If the original lot(s) meet(s) the required lot area and dimensions to create a flag lot or an alley access lot, only an alley access lot shall be created.***
  - (b) ***Front Lot: The street fronting lot shall meet the lot standards for R-1 lots***
  - (c) ***Lot Area. The alley access lot shall be a minimum of 2,250 square feet, a maximum of 5,000 square feet and shall not exceed 40 percent of the area of the original lot.***
  - (d) ***Lot Width. The alley access lot shall have a minimum width of 50 feet, and shall abut the alley for a minimum width of 50 feet.***
  - (e) ***Lot Depth. No portion of the alley access lot shall have a depth of less than 35 feet.***
  - (f) ***Distance from Street. The corner of the alley access lot closest to the street shall be a maximum of 125 feet from the centerline of the alley where it intersects with the curb of the street.***
  - (g) ***Alley Improvement. The minimum improvement width for the alley shall be 12 feet.***
- (3) ***Use Regulations. Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling unit.***



**(4) Development Standards.**

- (a) **Applicability.** *The following standards apply to all alley access lots existing as of \_\_\_\_\_ [effective date of ordinance] and to new alley access lots.*
- (b) **General.** *All base zone requirements must be met, unless otherwise stated in this section.*
- (c) **Building Size.** *An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.*
- (d) **Lot Coverage.** *Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.*
- (e) **Building Height/Interior Setback.**
1. *Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.*
  2. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.  
(See Figure 9.2779(4)(e)1.)*
- (f) **Windows, Dormers and Balconies.**
1. *Any window on the upper story must be located a minimum of 10 feet from any property line.*
  2. *Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.*
  3. *Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.*
  4. *Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.*
- (g) **Bedrooms.** *The dwelling shall contain no more than 3 bedrooms.*
- (h) **Primary Entrance.** *The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
- (i) **Pedestrian Access.** *The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street*

- via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.*
- (j) **Parking Spaces.** *There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.*
- (k) **Parking and Driveway.**
1. *Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.*
  2. *The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.*
  3. *The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.*
  4. *The maximum width for a driveway accessing a garage or carport shall be 12 feet.*
  5. *The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.*
  6. *The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.*
  7. *The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.*
  8. *Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.*
  9. *The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.*
  10. *No parking shall occur outside of the vehicle use area.  
(See Figure 9.2779(4)(k))*
- (l) **Distance from Street/Fire Safety.** *If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.*
- (m) **Trash and Recycling.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
- (n) **Accessory buildings.** *Detached accessory buildings are allowed subject to the standards at EC 9.2751(15), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.*

- (5) **Adjustment Review.** *The development standards in subsections EC 9.2779(4)(e) regarding building height/setback, may be adjusted in accordance with EC 9.8030(36). For alley access lots, this is the only standard that may be adjusted.*

**Section 13.** The following entries in Table 9.3125(3)(g) of Section 9.3125 of the Eugene Code, 1971, are amended to provide as follows:

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

**Section 14.** Subsection (8) of Section 9.3626 of the Eugene Code, 1971, is amended to provide as follows:

**9.3626 Special Development Standards for Table 9.3625.**

**(8) Fences.**

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

**Section 15.** The following entry in Table 9.6105(5) of Section 9.6105 of the Eugene Code, 1971, is amended to provide as follows:

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

**Section 16.** Subsection (1) of Section 9.6410 of the Eugene Code, 1971, and the following entry in Table 9.6410 of Section 9.6410 are amended to provide as follows:

**9.6410 Motor Vehicle Parking Standards.**

- (1) **Location of Required Off-Street Parking Spaces.** Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.
  - (a) All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. The off-street parking space requirement for a multi-family dwelling may be satisfied through an agreement that provides parking located on another multi-family dwelling’s development site only if the party requesting approval demonstrates that, after the agreement is executed, both development sites will meet the current code’s minimum off-street parking space requirement. Each parking space provided through a city approved agreement must have a permanent sign of at least 1 square foot that indicates the name or address of the multi-family dwelling for which the parking is reserved.
  - (b) Except as provided in EC 9.2751[~~(15)(e)~~](**14)(b)3. Driveways and Parking Areas in R-3 and R-4**, parking areas may be located in required setbacks only as permitted in EC 9.6745 Setbacks - Intrusions Permitted.
  - (c) Tandem parking spaces may be utilized to meet off-street parking requirements for multi-family dwellings in the R-3 and R-4 zones within the boundaries of the [C]city recognized West University Neighbors and South University Neighborhood Association. Those tandem spaces may only be located in an underground parking area or at least 30 feet from a public street within a parking area that can be accessed only from an alley. **(For tandem parking on alleys, see Figure 9.6410(1)(c)).** Tandem parking spaces may not be utilized to meet off-street parking requirements for other types of development in any area.

<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Lodging</b>	
Hotel, Motel, and similar business providing overnight accommodations	1 per guest [bed]room.

**Section 17.** Subsection (3) of Section 9.6505 of the Eugene Code, 1971, is amended to provide as follows:

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

**(3) Streets and Alleys.**

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided the [C]city makes findings to demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (d) ***Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site with a temporary surface, designed and constructed in accordance with the city's adopted temporary surface permit procedures.***

**Section 18.** Subsections (6) and (7) of Section 9.6745 of the Eugene Code, 1971, are amended to provide as follows:

**9.6745 Setbacks-Intrusions Permitted.**

- (6) **Driveways.** Except as provided in EC 9.2751[(45)(c)](14)(b)3. Driveways and Parking Areas in R-3 and R-4, in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.
- (7) **Parking Spaces in Required Setbacks.**
- (a) Except as provided in EC 9.2751[(45)](14) Driveways and Parking Areas [in R-3 and R-4], in areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:
1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
  2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
  3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
  4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
- (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

**Section 19.** Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

**9.6775 Underground Utilities.**

- (1) ***Exemptions from Underground Utility Standards. The following are exempt from the undergrounding requirement of this section:***
- (a) ***Temporary uses on a development site.***
  - (b) ***New utility connections to structures or buildings with legally established above ground utility service.***
  - (c) ***Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.***
  - (d) ***Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.***
- (2) ***Underground Utility Standards.*** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5).

[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.] This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

**Section 20.** Table 9.6870 in Section 9.6870 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.6870 Right-of-Way and Paving Widths</b>		
<b>Type of Street or Alley</b>	<b>Right-of-Way (for Public Streets and Alleys only)</b>	<b>Paving Width</b>
Major Arterials	100' – 120'	68' – 94'
Minor Arterials	65' – 100'	46' 70'
Major Collector	60' – 75'	32' – 44'
Neighborhood Collector	40' 55'	20' – 43'
Bicycle and Pedestrian Accessway:		
With Fire Accessibility	20'	20'
Without Fire Accessibility	10'	10'
Local Streets		
Alley (secondary access <i>or access to an alley access lot in R-1</i> ) [only]	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'
Cul-de-sac Bulb Radius:		
Residential	48.5''	35'
Non-residential	62'	50'

\*Measured from face to face of curbs

**Section 21.** Subsection (30) of Section 9.8030 of the Eugene Code, 1971, is amended, and subsections (34), (35) and (36) are added, to provide as follows:

**9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

**(30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751[(15)(i)](14)(b)9. may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.

**(34) Accessory Buildings in R-1. Building Height/Setback or Building Size.**

**Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the building height/setback or building size standards may be adjusted upon demonstration of all of the following:**

- (a) **The location and design of the accessory building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.**
  - (b) **The exterior design of the building maintains the scale of the neighborhood.**
  - (c) **The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.**
- (35) Secondary Dwellings. Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.**
- (a) **Temporary Leave. A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.**
  - (b) **Conversion of Existing Building. A legally established building existing as of \_\_\_\_\_ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:**
    - 1. **The secondary dwelling is limited to 800 square feet in total building square footage, and occupies the first floor of a multi-story building or is limited to one-story.**
    - 2. **The exterior design of the building is compatible with the existing dwelling on the lot, such as through building form, height, and construction materials.**
    - 3. **The exterior design of the building maintains the scale of the neighborhood.**
    - 4. **The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.**
  - (c) **Building Height. A detached secondary dwelling may be located above a detached accessory building if the secondary dwelling is limited to 500 square feet in area, the building does not exceed 24 feet in building height, and complies with all of the following:**
    - 1. **The exterior design of the building is compatible with the primary dwelling on the lot, such as through building form, height, and construction materials.**
    - 2. **The exterior design of the building maintains the scale of the neighborhood.**
    - 3. **The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.**



4. *Access stairs, decks, balconies, entry doors and large windows are oriented to the primary dwelling to the greatest extent possible, or to an alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.*
  5. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*
- (36) **Alley Access Lots. Building Height/Interior Setback.** *Where this land use code provides that the development standards for alley access lots in R-1 may be adjusted, the building height/interior setback may be adjusted upon demonstration of all of the following:*
- (a) *The exterior design of the dwelling maintains the scale of the neighborhood.*
  - (b) *The location and design of the dwelling maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
  - (c) *The impacts of windows or balconies to the privacy of the neighboring side or rear yard have been minimized such as through design, location, open space or landscaping.*
  - (d) *The design of the dwelling does not visually dominate the surrounding properties.*

**Section 22.** Subsection (3) of Section 9.8405 of the Eugene Code, 1971, is amended to provide as follows:

**9.8405 Applicability of Property Line Adjustment Applications.**

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

**Section 23.** Subsection (6) of Section 9.8415 of the Eugene Code, 1971, is added to provide as follows:

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

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

**Section 24.** The findings set forth in Exhibit G attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 25.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 26.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 27.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**  
\_\_\_ day of \_\_\_\_\_, 2013

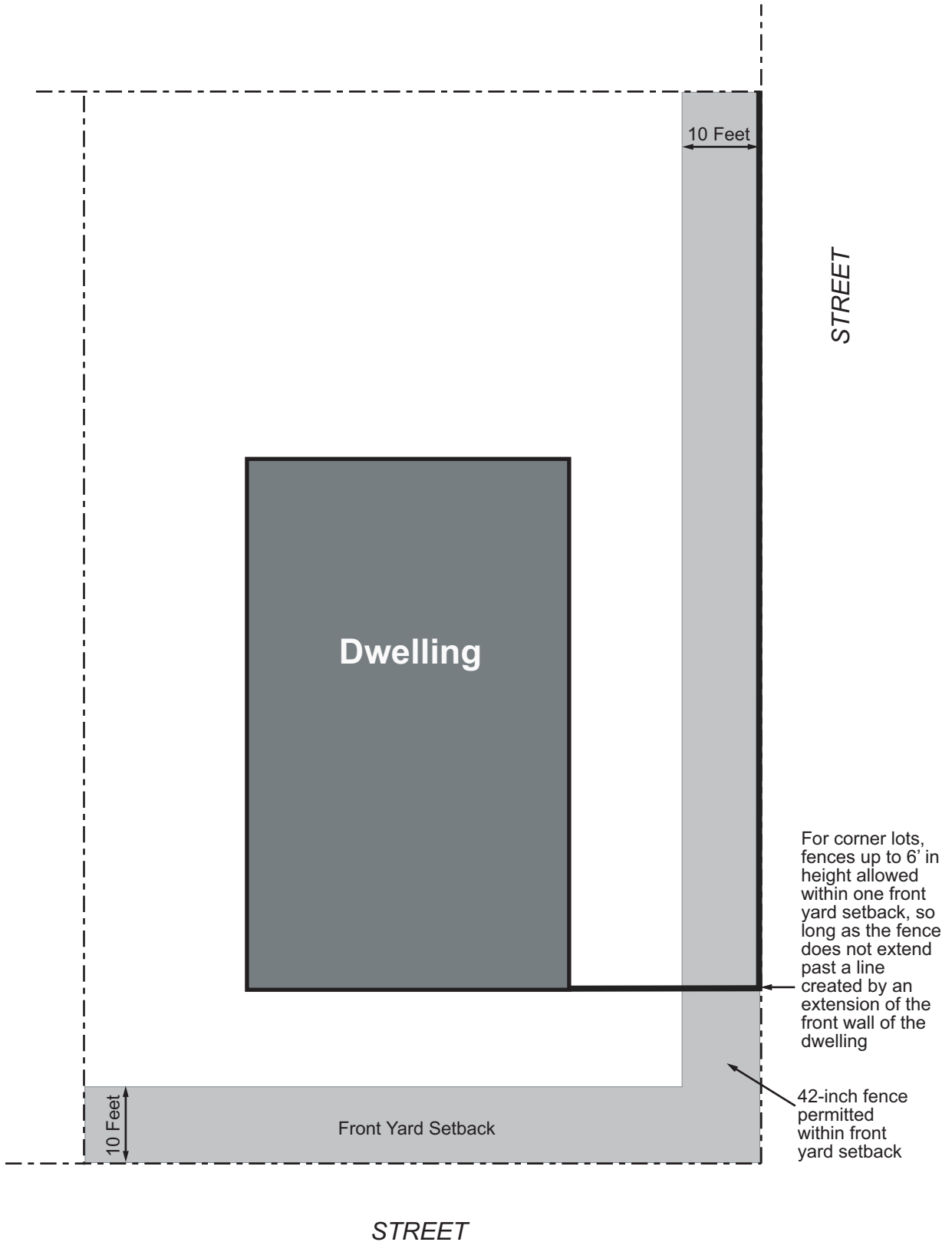
**Approved by the Mayor this**  
\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure 9.2751(13)(b)1.

# Fences



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

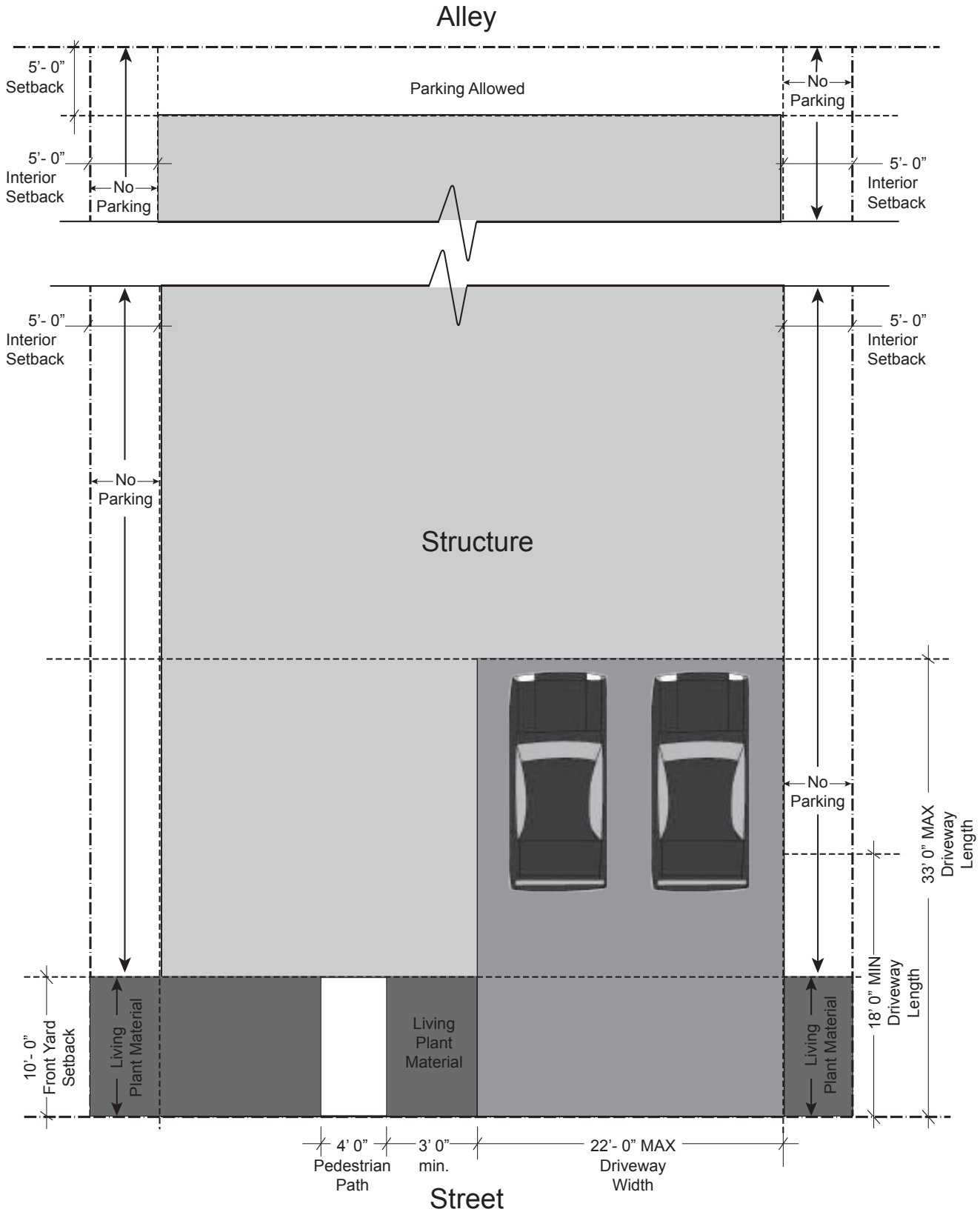


Figure  
9.2751(15)(a)2.a

# Accessory Buildings - Interior Yard Setbacks

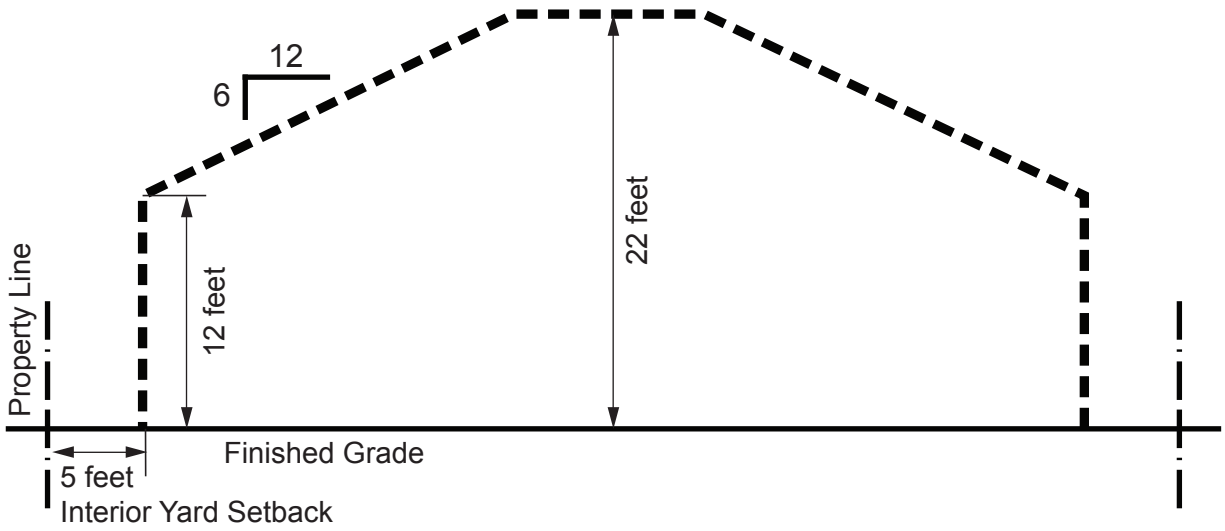


Figure 9.2751(16)(b)5.a

# Detached Secondary Dwellings - Interior Yard Setbacks

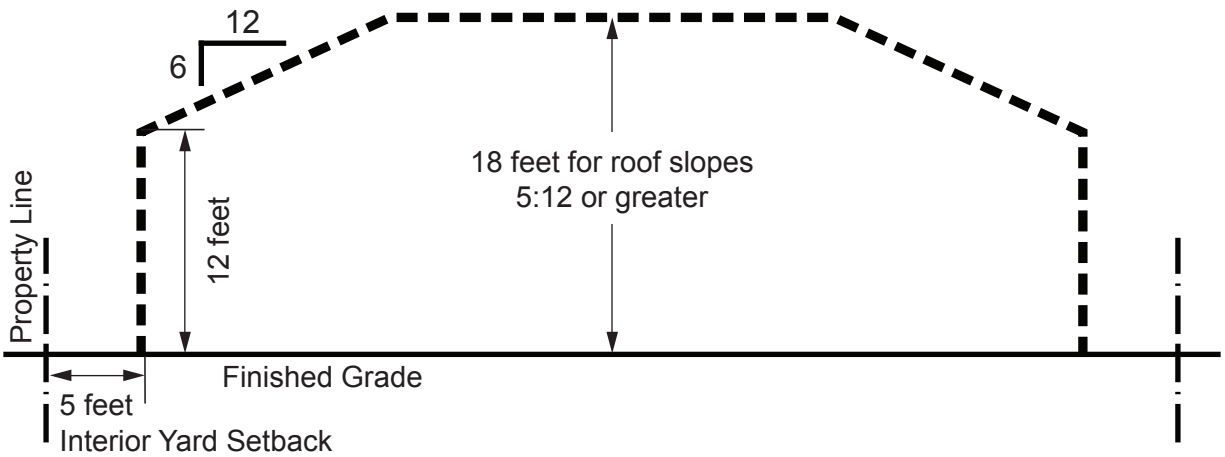
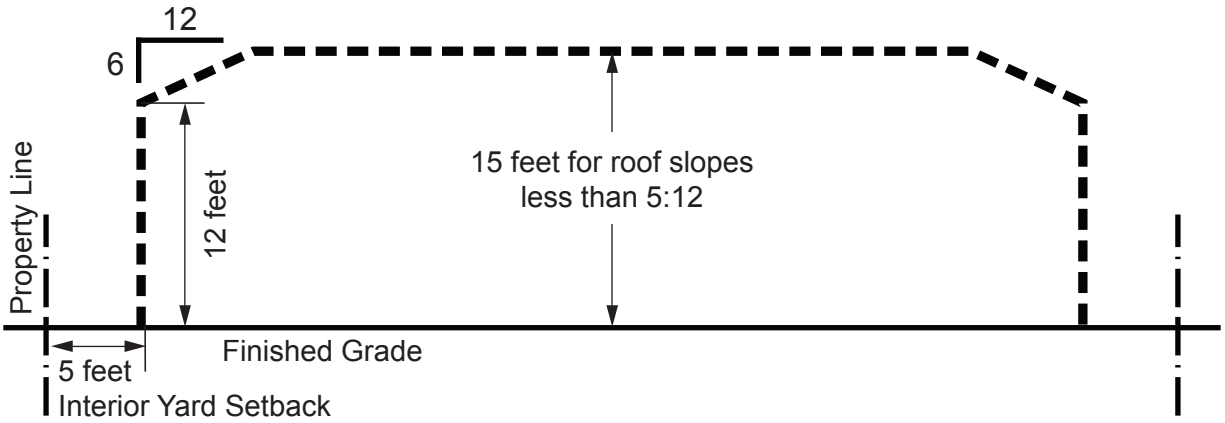


Figure 9.2779(4)(e)1

# Interior Yard Setbacks for Alley Access Lots

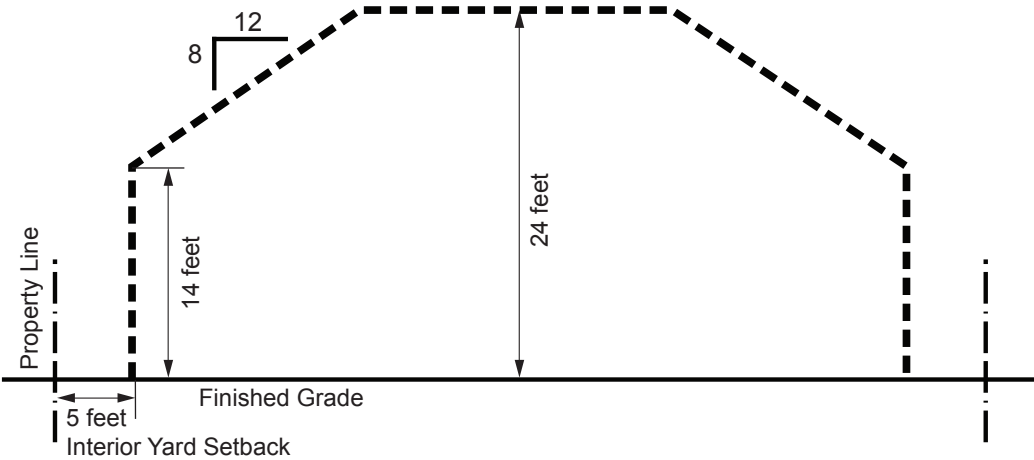
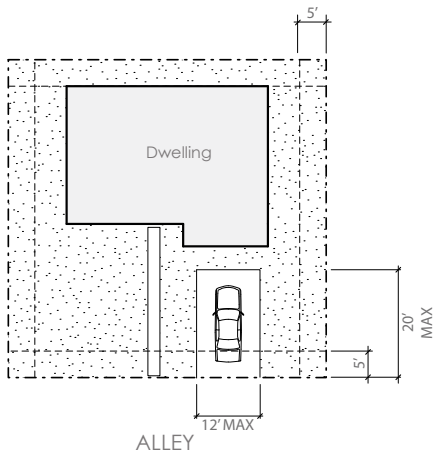


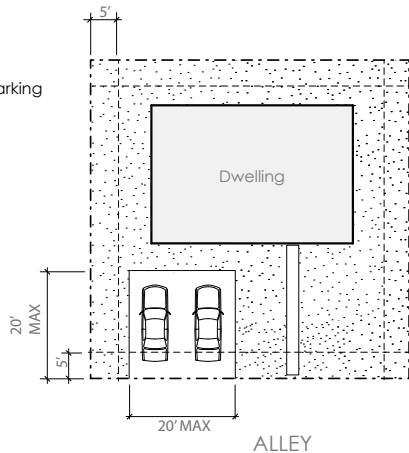
Figure 9.2779(4)(k)

# Parking and Driveway for Alley Access Lots

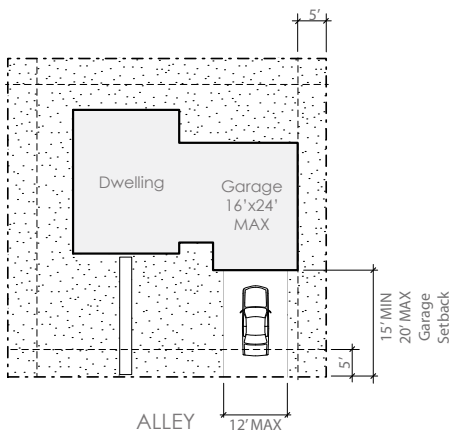
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



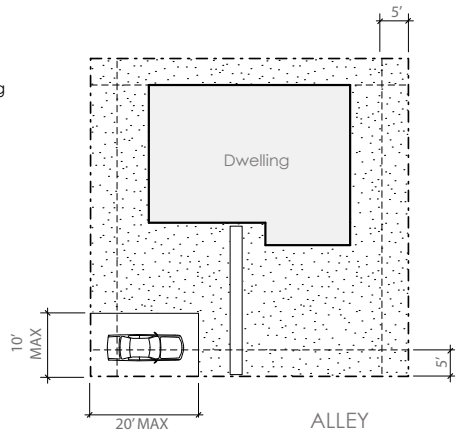
**OPTION B:**  
Side by Side Parking  
400 SF MAX



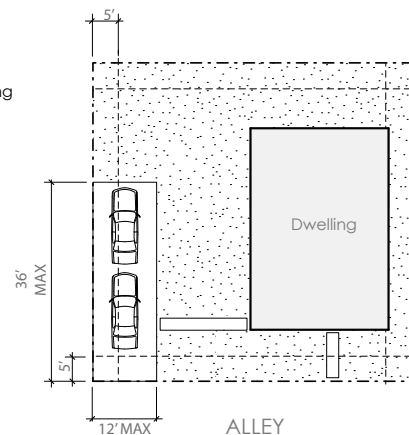
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - - Setbacks



## Preliminary Findings

### Single Family Land Use Code Amendments (City File CA 13-3)

#### Overview

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

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

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

#### Land Use Code Amendments (CA 13-1)

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

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

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

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

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

The initial code concepts were largely influenced by the previous work of the ICS project, specifically the Single-Family Dwelling Subcommittee and R-1 Infill/Flag Lot Implementation Team (RIFLIT), as

## Exhibit G

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed amendments related to accessory buildings, alley access lots and secondary dwellings do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Rather, the amendments increase the capacity of existing residential land, increasing the number of dwelling units without adversely impacting the residential land inventory.

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

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

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

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

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
  - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will remain essentially the same as a result of these amendments, with the exception of up to 22 dwellings as a result of the

## Exhibit G

University are protection measures, and thus will not result in the degradation of any transportation facility. The relatively small number of homes that are expected to be developed as a result of the secondary dwelling unit and alley access lot provisions will have a negligible impact on any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

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

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

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

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

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

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

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

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

### **Applicable Metro Plan Policies**

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

### **Residential Land Use and Housing Element**

#### *Residential Density Policies:*

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

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

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

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

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

Testimony identified the proposed lot size for new alley access lots as being in conflict with the above density range for low density residential. When applying the Eugene Code density provisions to a land divisions (partitions and subdivisions), they are applied to the development site being divided. In the case of a 9,000 square foot development site (the minimum proposed size for the original lot prior to creation of an alley access lot) being divided into two lots, the resulting density is 9.68 or 10 (rounded) units per net acre. A net density of 10 units per acre is consistent with Eugene Code density provisions for the R-1 zone, and falls within the appropriate range above.

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

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

## Exhibit G

Department of Land Conservation and Development (DLCD) staff.

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

This approach is further supported by other text and policies in the Metro Plan, including text that calls for an overall average of about six units per gross acre for new construction (Policy 24 on page II-C-7 and text on page II-G-3), and policy A.13 that calls for increasing overall residential density by creating more opportunities for effectively designed infill (see full text of policy below). Allowing for secondary dwellings without counting them towards residential density provisions is an effective means of gradually increasing overall average density on a city wide scale. The proposed code amendments strengthen the current design standards (including lowering building heights and adding sloped setbacks) and address neighborhood compatibility.

Additionally, Policy A.16, which allows for the development of zoning districts which overlap the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts, lends support to the City’s practice regarding secondary dwellings and density. While not entirely germane to the City’s current allowance for secondary dwellings in the current R-1 Low Density Residential zone, this policy acknowledges that the City of Eugene (and Springfield) can develop zoning that overlaps with the above density ranges.

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

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



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

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

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

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

### *Housing Type and Tenure Policies*

- A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.*
- A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.*
- A.20 Encourage home ownership of all housing types, particularly for low-income households.*

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

### *Design and Mixed Use Policies*

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

This policy was raised in public testimony. To the extent that allowing for alley access lots in limited areas in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the amendments are consistent with this policy in that they add design

## Exhibit G

standards to address building height, setbacks, upper story windows, dormers and balconies, parking area and building size. These standards will also apply to existing alley access lots (created when such lots were previously allowed in the R-1 zone), which are currently subject to the development standards that apply to typical R-1 lots.

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

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

### *Existing Housing Supply and Neighborhoods Policies*

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

- A.26 Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.*

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

### Transportation Element

#### *Land Use Policies*

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

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

## Exhibit G

multi-unit residential development.

### *Transportation System Improvements: Roadway Policies*

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

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

### *Transportation System Improvements: Bicycle Policies*

*F.22 Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.*

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

### *Transportation System Improvements: Pedestrian Policies*

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

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

### **Applicable Refinement Plans**

Given the broad applicability of these amendments (R-1 Low Density Residential zoning applies throughout the city), all adopted refinement plans were reviewed for consistency. It is noted that the secondary dwelling unit and accessory buildings amendments apply citywide. Areas with existing alley access lots or where new alley access lots could potentially be created, given the existence of alleys, include areas covered by the Fairmount/U of O Special Area Study, Jefferson/Far West Refinement Plan, South Hills Study and the Whitaker Plan. Additionally, new alleys could be created through a subdivision process citywide. The University area protection measures fall within the areas covered by the Fairmount/U of O Special Area Study (1982), the 19th and Agate Special Area Study (1988) and the South Hills Study (1974).

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

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Central Area Transportation Study (2004)
- Comprehensive Stormwater Management Plan (1993)

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- Eugene Commercial Lands Study (1992)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- TransPlan (2002)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)
- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (1984)
- Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

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

### **Fairmount/U of O Special Area Study (1982)**

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

#### *Low Density Residential*

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

### **Jefferson Far West Refinement Plan (1983)**

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

*2.0 Increase the opportunity for home ownership in the area.*

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

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

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

### *2. Central Low-Density Residential Area*

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

### *4. South Low-Density Residential Area*

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

### *15. Low Density Residential Area*

*This area shall be recognized as appropriate for low-density residential use. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.*

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

### **River Road-Santa Clara Urban Facilities Plan (1987)**

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

*1.0 Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.*

*2.0 Provide a diversity of housing types in the area. Available techniques include encouraging reinvestment and rehabilitation of existing housing stock and the use of development standards that provide for clustering or planned unit development.*

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

### **Willakenzie Area Plan (1992)**

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

## Exhibit G

amendments:

### *Residential Policies*

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

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

### **TransPlan (2002)**

Several policies from TransPlan were raised in public testimony as applying to the proposed amendments. Those policies are addressed above under the Metro Plan, as identical policies are included in the Metro Plan. Those findings are incorporated herein by reference as demonstration of compliance with these policies.

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

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

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

## Summary of Proposed Single Family Code Amendments

### Secondary Dwelling Units

The goal is to promote legal and compatible secondary dwelling units by clarifying ownership and occupancy requirements and improving design and compatibility by addressing looming walls, privacy, and building heights. The land use code currently allows secondary dwelling units (SDUs) in the R-1 Low Density Residential zone and includes limited development standards. The amendments would establish design standards such as sloped building setbacks.

Note: A related concurrent Envision Eugene implementation project is studying the possibility of restructuring system development charges (SDCs) to incentivize secondary dwelling units. Proposed code amendments include:

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

### Accessory Buildings

The goal is to promote compatibility, and to clarify distinction between accessory buildings and dwellings. The land use code currently allows accessory buildings (such as detached garages, sheds and studios) in conjunction with a single family dwelling in the R-1 Low Density Residential zone, and includes limited development standards (building setbacks and height limits). Proposed code amendments include:

- For residential accessory buildings on lots less than 13,500 square feet, limiting building size; for lots between 13,500 and 43,560 square feet, limiting building size, requiring greater setback and sloped setback; and for lots over 43,600 square feet, requiring greater setback and sloped setback.
- Clarifying that an accessory building cannot be used as a dwelling, and limiting number of plumbing fixtures to two per building, but allowing for accessory buildings with three plumbing fixtures if property owner to signs deed restriction limiting use of building
- Limiting height, yet providing for adjustment to building height/setback or building size subject to relevant criteria

### Alley Access Lots/Houses

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

#### *Lot Standards for Creating Alley Access Lots*

- Minimum area of original lot: 9,000 square feet. Could be created from one lot or from two consolidated lots.
- Alley access lot size: minimum 2,250 square feet and not to exceed 40 percent of street lot; maximum lot size of 5,000 square feet

- Alley access lot dimensions: minimum 50 feet frontage/lot width and a minimum lot depth of 35 feet
- If original lot(s) eligible for both flag lot division and alley access division, require alley access lot
- For fire access, require nearest corner of lot to be within 125 feet from alley/street intersection
- Minimum alley width: 14 feet of right of way and 12 feet of paving
- Alley surfacing requirements: Pave or allow for gravel through a temporary surfacing permit. Consider allowing alternative paving methods.

*Design/Development Standards for Houses on new and existing Alley Access Lots*

- Limiting home size to 1,000 square feet in floor area. For one and one-half story dwellings, limit square footage on second floor to 400.
- Calculating lot coverage based on all roofed areas
- Limiting building height to 24 feet with sloped setbacks
- Limiting balconies or other second floor outdoor spaces, dormers and upper story windows
- Limiting number of bedrooms to 3
- Requiring house to be defined by a covered or roofed entrance with a minimum depth of three feet
- Requiring house to be served by a minimum three-foot wide hard-surfaced pedestrian walkway from alley or from the front street via an easement
- Requiring minimum of 1 parking space and maximum of 2 parking spaces
- Allowing options for location and types of parking and providing maximum dimensions for parking spaces and garages
- Limiting total vehicle use area (driveways and on-site parking) to a maximum of 400 square feet
- Limiting size and height of garages and other detached accessory structures to 400 square feet
- Prohibiting secondary dwelling units on alley access lots
- Allowing for overhead utility lines in certain cases (as opposed to undergrounding)
- Providing for adjustments to allow for design flexibility for building height/setback or windows, dormer, balconies subject to relevant criteria

### **University Area Interim Protection Measures**

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

Proposed code amendments include:

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



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Action: An Ordinance Concerning University Area Protection Measures; Amending Sections 9.0500, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2761, 9.3125, 9.3626, 9.6105, 9.6410, 9.6745, 9.8030 and 9.8415 of the Eugene Code, 1971; Adding Sections 9.1245 and 9.2737 to that Code; and Providing an Effective Date (City File CA 13-3)

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Meeting Date: March 10, 2014  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
Staff Contact: Alissa Hansen  
Contact Telephone Number: 541-682-5508

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### ISSUE STATEMENT

The City Council will take action on land use code amendments that are intended to provide interim protection measures in the Amazon, Fairmount and South University neighborhoods to prohibit certain dwelling types and land divisions, and limit certain uses in the R-1 Low Density Residential zone until more comprehensive planning of these areas can be completed.

### BACKGROUND

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary dwelling units and allow for new alley-access lots in single-family neighborhoods. These amendments directly implement several Envision Eugene strategies under the housing affordability and neighborhood livability pillars. During the crafting of the actual language for these amendments, staff worked with a community advisory group as well as other individuals and determined that special consideration was warranted for the single-family neighborhoods surrounding the University of Oregon, specifically Amazon, Fairmount and South University. To that end, interim protection measures for these neighborhoods were incorporated into the package of city-wide single-family code amendments.

### University Area Interim Protection Measures

These code amendments consist of interim protection measures for the existing single-family neighborhoods surrounding the University of Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university.

As part of Envision Eugene, the City is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to address impacts from proximity to the University of Oregon. However, this work is not slated to begin until after the local adoption of Envision Eugene (including a Eugene-specific urban growth boundary). The interim protection measures are intended to limit further negative impacts until the area planning process is completed. It is expected that these interim measures would be

replaced by a more comprehensive set of development and design standards established as part of the area planning effort. This planning effort will include important opportunities for neighbors and residents to weigh in on the types of standards that are important to them. Although the timelines for the area planning have not been fully determined, it is estimated that it will be completed in about two to three years. This means the interim protection measures would be in place for about two to three years, until they are replaced with permanent measures.

These code amendments achieve the following in the R-1 zoned areas of the Amazon, Fairmount and South University neighborhoods:

- Prohibit new rowhouses, duplexes, triplexes and fourplexes
- Prohibit new rezonings to the R-1.5 Rowhouse zone
- Prohibit the creation of new flag lots
- Limit the extent of property line adjustments
- Limit the number of bedrooms in single-family residences (new and remodels)
- Limit the size and number of accessory buildings
- Limit the location and extent of parking allowed in front yards
- Increase minimum lot size required for a secondary dwelling (which reduces the number of eligible lots) and add area specific development standards for secondary dwellings
- Add area specific development standards for existing alley access lots

### **City Council Process**

Following a unanimous recommendation for approval by the Eugene Planning Commission in October 2013 for the entire package of single-family code amendments, the City Council held a work session and a public hearing. Following the public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. Written testimony received at the public hearing and during the open record period was provided previously to the City Council under separate cover.

At the February 12, 2014, work session on the entire package of single-family code amendments, the City Council voted 7 to 0, directing staff to return with a separate ordinance which on its own will accomplish the interim protection measures. Consistent with City Council's direction, staff worked with the City Attorney's office to extract only those portions pertaining to the university area interim protection measures and isolate them in a separate ordinance. This resulted in changes to the organization and format of the code sections in the ordinance, as well as code citation reference changes; however, no changes were made to the actual protection measures (the proposed limitations, prohibitions and specific development standards). Additionally, the findings and other exhibits were revised as necessary to reflect the creation of a separate ordinance. The revised ordinance and exhibits are provided as Attachment A.

As mentioned in the agenda item summary and staff's presentation for the February 12, 2014, City Council meeting, as a result of the public testimony, staff recommends a specific modification to the ordinance related to the maximum bedroom count for new dwellings. The information regarding this proposed modification provided for the previous meeting (including proposed code language) is repeated in Attachment B. This specific modification is not included in the attached ordinance; however, it is recommended for inclusion as noted in the City Manager's recommendation below.

The remaining single-family code amendments will be returning to City Council at a future date for further conversation. These proposed amendments, which were initiated as part of Envision Eugene, will improve compatibility standards citywide (for all R-1 neighborhoods except the three covered by the university area protection measures) for structures that are already allowed, including secondary dwellings, dwellings on existing alley access lots and accessory buildings, and will allow for new alley access lots in limited areas, subject to compatibility standards.

### **RELATED CITY POLICIES**

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

### **COUNCIL OPTIONS**

Following deliberations, the City Council may consider the following options:

1. Approve the ordinance
2. Approve the ordinance with specific modifications as determined by the City Council
3. Deny the ordinance

### **CITY MANAGER'S RECOMMENDATION**

Following the council's deliberations on this request, the City Manager recommends approval of the ordinance as provided in Attachment A, with the specific modification contained in Attachment B.

### **SUGGESTED MOTION**

Move to approve Council Bill 5110, an ordinance concerning University area protection measures as provided in Attachment A, with the specific modification contained in Attachment B.

### **ATTACHMENTS**

- A. Proposed Ordinance and Findings
- B. Recommended Modification to Ordinance - Maximum Bedroom Limitation

### **FOR MORE INFORMATION**

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## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING UNIVERSITY AREA PROTECTION MEASURES; AMENDING SECTIONS 9.0500, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2761, 9.6105, 9.6410, 9.6745, 9.8030 AND 9.8415 OF THE EUGENE CODE, 1971; ADDING SECTIONS 9.1245 AND 9.2737 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

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

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

**Accessory Building.** Any authorized, detached building subordinate to the main building on the same development site. ***For the purposes of EC 9.2700 through 9.2777, in the R-1 zone, an accessory building that shares a common wall with the primary dwelling for less than 8 feet is considered a detached accessory building.***

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

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

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

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

**Kenel.** An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and a secondary dwelling unit, the “premises” means the lot. **(See EC 9.2741(2)(a)5. and EC 9.2751(17)(j))**

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

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

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

**Section 3.** Section 9.2735 of the Eugene Code, 1971, is amended to provide as follows:

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

**Section 4.** Section 9.2737 of the Eugene Code, 1971, is added to provide as follows:

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

**Section 5.** The text of Section 9.2740 of the Eugene Code, 1971, and the following entry in Table 9.2740, are amended to provide as follows:

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

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

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

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

**Section 6.** Subsections (3), (4), (5), and (6) of Section 9.2741 of the Eugene Code,

1971, are amended to provide as follows:

**9.2741 Special Use Limitations for Table 9.2740.**

- (3) **Rowhouses.**
  - (a) *In R-1, new rowhouses are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
  - (b) In R-1.5, rowhouses shall comply with all of the following:
    - ~~(a)~~1. Maximum Building Size: Eight rowhouses in a building, no more than 180 feet in width.
    - ~~(b)~~2. Minimum Interior or Rear Open Space Required: 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.
    - ~~(c)~~3. Auto access and parking shall be provided from the alley to the rear of the lot; there shall be no auto access from the front of the lot.
    - ~~(d)~~4. Siting requirements of EC 9.2735.
- (4) **Duplex.** When located in R-1, a duplex shall conform to 1 of the following standards *below, except that new duplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:*
  - (a) The duplex was legally established on August 1, 2001.
  - (b) The duplex is on a corner lot abutting public streets as provided in EC

9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.

- (c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.
- (5) **Triplex.** When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision, ***except that new triplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.***
- (6) **Four[-]plex.** When located in R-1, a fourplex shall be on a lot that was identified as a four[-]plex lot in a subdivision, ***except that new fourplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.***

**Section 7.** Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

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

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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
Main Building. Includes Secondary Dwellings Within the Main Building	30 feet	35 feet	35 feet	50 feet	120 feet
Accessory Building. Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)	20 feet	20 feet	25 feet	30 feet	30 feet
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
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	--	--	--	--
Area-[s]Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, Excluding Rowhouse Lots	50% of Lot	--	50% of Lot	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
<b>Fences (14)</b>					
[{]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
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
<i>Area-Specific</i>	See (15)(a)	--	--	--	--
<b>Accessory Buildings (16)</b>					
<i>Area-Specific</i>	See (16)	--	--	--	--
<b>Secondary Dwelling Units (17)</b>					
<i>General Standards</i>	See EC 9.2741(2)	--	--	--	--
<i>Area-Specific</i>	See (17)	--	--	--	--
<b>Alley Access Lots (18)</b>					
<i>Area-Specific</i>	See (18)				
<b>Maximum Bedroom Count (19)</b>					
<i>Area-Specific</i>	See (19)	--	--	--	--



**Section 8.** Figure 9.2751(18)(e)1. is added as shown on Exhibit A attached hereto; and Figure 9.2751(18)(k) is added as shown on Exhibit B attached hereto.

**Section 9.** Subsections (3), (8), (11), and (15) of Section 9.2751 of the Eugene Code, 1971, are amended; and subsections (16), (17), (18), and (19) are added to provide as follows:

**9.2751 Special Development Standards for Table 9.2750.**

**(3) Building Height.**

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  - 1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**

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

**(See Figure 9.2751(3)).**

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

- (8) Area-Specific Interior Yard Setback.** For R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south and that are abutting or across an alley from R-1 zoned property:

- (a) The interior yard setback shall be a minimum of 10 feet from the property line abutting or across an alley from R-1 zoned property; and
- (b) At a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting or across an alley from R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b).

The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in (a) and (b) above, except that eaves and

chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(8))**

- (11) **Alley Access Lots/Parcels.** Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks. There are no front yard setbacks since there is no frontage on a street. **(See EC 9.2751(18) for Alley Access Lot Standards within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.)**
- (15) **Driveways and Parking Areas [in R-3 and R-4].**
- (a) **R-1 Zone.** *Within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:*
1. *A lot shall have no more than one driveway accessed from a street.*
  2. *The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.*
  3. *The driveway and associated parking shall be perpendicular to the street.*
  4. *A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.*
  5. *Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.*
- (b) **R-3 and R-4 Zones.** Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.
- (a)1. Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
  - (b)2. Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.
  - (c)3. Except for a driveway and associated parking area shared by two adjoining lots ("shared driveway"), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
  - (d)4. Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
  - (e)5. When a driveway and associated parking area is provided from an

alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.

- ~~(f)~~6. Except for shared driveways and as provided in ~~[(h)]~~ 8. below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.
- ~~(g)~~7. Except as provided in ~~[(h)]~~ 8. below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.
- ~~(h)~~8. When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.
- ~~(i)~~9. All portions of required front yard setbacks not otherwise covered by a legal driveway or by projecting building features as allowed per EC 9.6745(3) shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the street to the entrance of a dwelling. The pedestrian path shall be separated from any vehicle use areas by a minimum of 3 feet. The area between the vehicle use area and the pedestrian path shall be landscaped and maintained with living plant material.
- ~~(j)~~10. No parking shall occur in the landscaped portion of the required front yard setback.
- ~~(k)~~11. Adjustments to the standards in subsection ~~[(i)]~~ 9. may be made, based on the criteria at EC 9.8030(30).

**(See Figure 9.2751(15))**

**(16) 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 that are detached or that share a common wall with the primary dwelling for less than 8 feet:**

- (a) In addition to any accessory buildings legally established prior to \_\_\_\_\_ [effective date of ordinance], one accessory building is allowed.**
- (b) The accessory building shall not exceed 400 square feet in area.**
- (c) The accessory building shall not exceed 18 feet in height.**
- (d) 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.**
- (e) No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.**
- (f) The accessory building shall not include more than one plumbing fixture.**
- (g) 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:

1. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
  2. 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.
  3. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
  4. 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.
  5. 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) **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:
- (a) **Lot Area.** To allow for secondary dwelling, the lot shall contain at least 7,500 square feet.
  - (b) **Lot Dimension.** The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.
  - (c) **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.
  - (d) **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.
  - (e) **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.
  - (f) **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.
  - (g) **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.
  - (h) **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.
- (i) **Building Height/Interior Sloped Setback.** For detached secondary dwellings:
1. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from vertical) away from the lot line until a point not to exceed a maximum building height of 18 feet.
  2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.
- (j) **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.
- (k) **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.
- (l) **Temporary Leave.** Notwithstanding subsection (k) 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.
- (m) **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:*
1. *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.*
  2. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
  3. *The deed restriction may be terminated, upon approval by the City, when 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.*  
*In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.*
- (n) **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 (k) 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.*
- (o) **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.*
- (p) **Alley Access Parking and Driveway.** *The standards at EC 9.2751(18)(k) are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.*
- (q) **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. The standards in this subsection (q) 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.*
- (r) **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. The standards in this subsection (r) are applicable to detached secondary dwellings only.*
- (s) **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. The standards in this subsection (s) are applicable to detached secondary dwellings only.*
- (t) **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). The standards in this subsection (t) are applicable for detached secondary dwellings only.*
- (u) **Enforcement.** *Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*
- (18) **Area-Specific Alley Access Lot Standards.**
- (a) **Applicability.** *The following standards apply to alley access lots existing as of \_\_\_\_\_ [effective date of ordinance] in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood.*
- (b) **General.** *All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are not allowed.*
- (c) **Building Size.** *An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.*
- (d) **Lot Coverage.** *Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.*
- (e) **Building Height/Interior Setback.**
1. *Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.*
  2. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.  
(See Figure 9.2751(18)(e)1.)*
- (f) **Windows, Dormers and Balconies.**
1. *Any window on the upper story must be located a minimum of 10 feet from any property line.*

2. **Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.**
  3. **Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.**
  4. **Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.**
- (g) **Bedrooms. The dwelling shall contain no more than 3 bedrooms.**
- (h) **Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.**
- (i) **Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hardscaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.**
- (j) **Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.**
- (k) **Parking and Driveway.**
1. **Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.**
  2. **The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.**
  3. **The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.**
  4. **The maximum width for a driveway accessing a garage or carport shall be 12 feet.**
  5. **The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.**
  6. **The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.**
  7. **The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.**
  8. **Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.**



9. *The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.*
  10. *No parking shall occur outside of the vehicle use area.  
(See Figure 9.2751(18)(k))*
- (l) ***Distance from Street/Fire Safety.** If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.*
  - (m) ***Trash and Recycling.** Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
  - (n) ***Accessory Buildings.** Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.*
- (19) ***Area-Specific Maximum Bedroom Count.** In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the maximum allowable number of bedrooms in a dwelling shall be as follows:*
- (a) *New dwellings approved after \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms; or*
  - (b) *Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for the addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
    1. *The maximum number of unrelated individuals living in dwelling shall be limited to 3.*
    2. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
    3. *The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.*

**Section 10.** Subsections (2), (3), (4) and (8) of Section 9.2761 of the Eugene Code,

1971, are amended to provide as follows:

**9.2761 Special Standards for Table 9.2760.**

- (2) ***Small Lots.** Lots shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC*

9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.

- (3) **Rowhouse Lots.**
  - (a) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density in the subdivision complies with Table 9.2750 Residential Zone Development Standards, ***except that the creation of new rowhouse lots is prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.***
  - (b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.
- (4) **Flag Lots.**
  - (a) No variances to residential flag lot standards are allowed.
  - (b) ~~[Minimum lot area excludes the pole portion of the lot.]~~ ***The creation of new flag lots is prohibited in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.***
  - (c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
- (8) **Duplex Division Lots.** Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)

**Section 11.** The following entry in Table 9.6105(5) of Section 9.6105 of the Eugene Code, 1971, is amended to provide as follows:

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

**Section 12.** Subsection (1) of Section 9.6410 of the Eugene Code, 1971, and the following entry in Table 9.6410 of Section 9.6410 are amended to provide as follows:

**9.6410 Motor Vehicle Parking Standards.**

- (1) **Location of Required Off-Street Parking Spaces.** Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.
  - (a) All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. The off-street parking space requirement for a multi-family dwelling may be satisfied through an agreement that provides parking located on another multi-

family dwelling’s development site only if the party requesting approval demonstrates that, after the agreement is executed, both development sites will meet the current code’s minimum off-street parking space requirement. Each parking space provided through a city approved agreement must have a permanent sign of at least 1 square foot that indicates the name or address of the multi-family dwelling for which the parking is reserved.

- (b) Except as provided in EC 9.2751(15)(e)(b)3. Driveways and Parking Areas in R-3 and R-4, parking areas may be located in required setbacks only as permitted in EC 9.6745 Setbacks - Intrusions Permitted.
- (c) Tandem parking spaces may be utilized to meet off-street parking requirements for multi-family dwellings in the R-3 and R-4 zones within the boundaries of the [G]city recognized West University Neighbors and South University Neighborhood Association. Those tandem spaces may only be located in an underground parking area or at least 30 feet from a public street within a parking area that can be accessed only from an alley. **(For tandem parking on alleys, see Figure 9.6410(1)(c)).** Tandem parking spaces may not be utilized to meet off-street parking requirements for other types of development in any area.

<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Lodging</b>	
Hotel, Motel, and similar business providing overnight accommodations	1 per guest [bed]room.

**Section 13.** Subsection (6) of Section 9.6745 of the Eugene Code, 1971, is amended to provide as follows:

**9.6745 Setbacks-Intrusions Permitted.**

- (6) **Driveways.** Except as provided in EC 9.2751(15)(e)(b)3. Driveways and Parking Areas in R-3 and R-4, in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.

**Section 14.** Subsection (30) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751(15)~~(i)~~**(b)9.** may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.

**Section 15.** Subsection (6) of Section 9.8415 of the Eugene Code, 1971, is added to provide as follows:

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

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

**Section 16.** The findings set forth in Exhibit C attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 17.** 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 18.** 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 19.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**

\_\_\_ day of \_\_\_\_\_, 2014

**Approved by the Mayor this**

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure  
9.2751(18)(e)1.

# Interior Yard Setbacks for Alley Access Lots

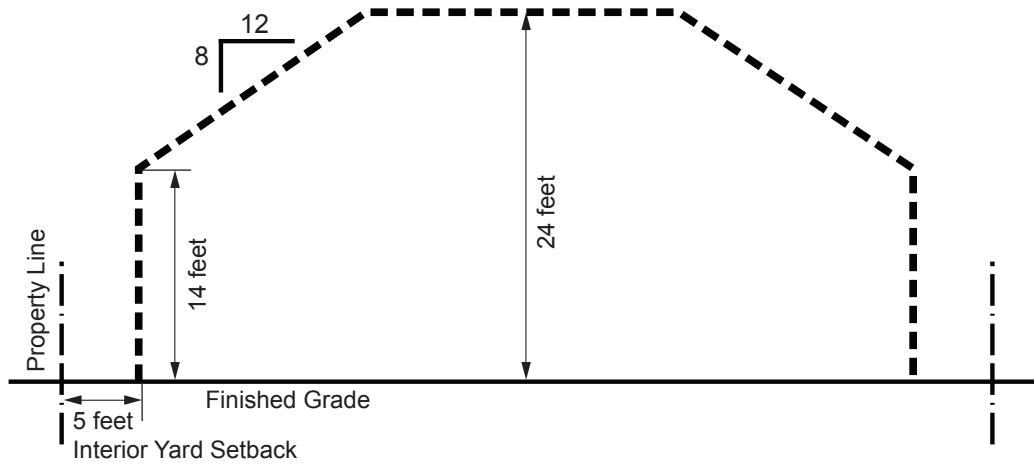
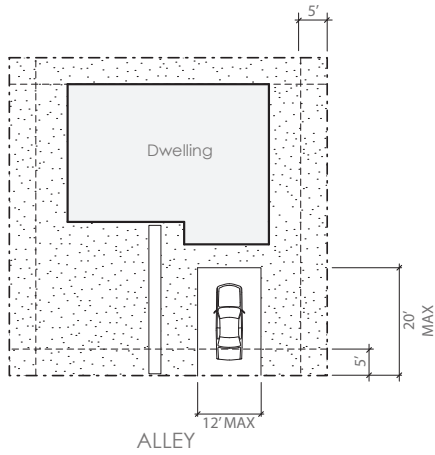


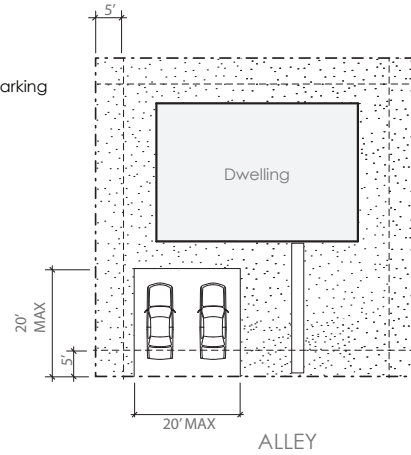
Figure 9.2751(18)(k)

# Parking and Driveway for Alley Access Lots

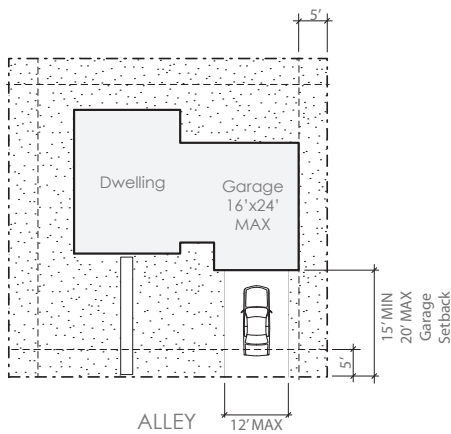
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



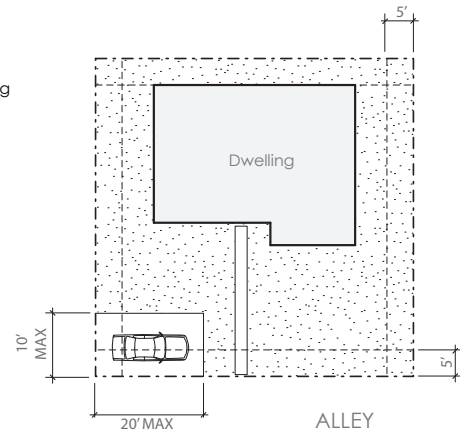
**OPTION B:**  
Side by Side Parking  
400 SF MAX



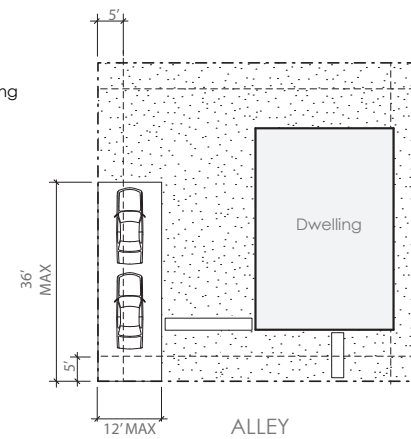
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - Setbacks

## Exhibit C

# Findings

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

#### Overview

This package of land use code amendments of the R-1 Low Density Residential zone provides interim protection measures in the Amazon, Fairmount and South University neighborhoods to prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed.

As part of Envision Eugene, the city is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to address impacts from being proximate to the University of Oregon. However, this work is not slated to begin until following the local adoption of Envision Eugene, meaning that an adopted University Area Plan is likely two to three years away. Protection measures in the form of code amendments are intended to limit further negative impacts until the area planning process is completed. These measures focus on the R-1 zoned areas in the South University, Fairmount and Amazon neighborhoods, which have experienced a substantial increase in unintended housing associated with the demand for student housing close to campus. These interim measures are intended to be replaced by a more comprehensive set of development and design standards established as part of the area planning effort.

#### Land Use Code Amendments (CA 13-1)

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

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

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

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

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



## Exhibit C

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

The Planning Commission's September 2013 public hearing 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 a duly noticed public hearing in November 2013 to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

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

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

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

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

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

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

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

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

## Exhibit C

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

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

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

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

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

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

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

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

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

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

## Exhibit C

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

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

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

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

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

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

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

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

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

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

## Exhibit C

would:

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

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

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

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

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

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

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

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

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

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

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

#### **Applicable Metro Plan Policies**

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

#### *Existing Housing Supply and Neighborhoods Policies*

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

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

#### **Applicable Refinement Plans**

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

## Exhibit C

### **Fairmount/U of O Special Area Study (1982)**

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

#### *Low Density Residential*

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

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

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

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

## Recommended Modification to Ordinance

### Maximum Bedroom Limitation

Testimony raised the issue that the proposed limit of three bedrooms for new homes in the university area would place an undue burden on property owners proposing to build new single family homes for themselves, especially those with large families (such as multiple children or multi-generational living situations), or those wanting a guest room or home office (which would meet the definition of bedroom). To provide flexibility for such situations, it was recommended to allow for more than three bedrooms when the number of unrelated individuals in the dwelling is limited to three (as is proposed to be allowed for additions and remodels of existing homes in the university area).

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission discussed and voted 7 to 0 in a straw vote to recommend supporting the three bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond three bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to three (instead of five) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such. The Planning Commission's recommendation is included in the ordinance.

Based on testimony, staff recommends incorporating the same exception for new dwellings into the ordinance. The proposed code language (below) is provided for the City Council's consideration.

#### Proposed Code Language:

***Underline*** = Text to be inserted

~~***Underline***~~ = Text to be removed

#### 9.2751 Special Development Standards for Table 9.2750.

- (17) ***Maximum Bedroom Count. In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the maximum allowable number of bedrooms in a dwelling shall be ~~as follows:~~***
- ~~(a) ***New dwellings approved after \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms; or***~~
- ~~(b) ***Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for a new dwelling or for an ~~the~~ addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:***~~
1. ***The maximum number of unrelated individuals living in the dwelling shall be limited to 3.***
  2. ***The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.***
  3. ***The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.***

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Work Session and Possible Action: Envision Eugene Implementation - An Ordinance Concerning Single-Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings

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Meeting Date: May 14, 2014  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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#### **ISSUE STATEMENT**

The City Council will deliberate and possibly take action on a package of land use code amendments related to single-family housing in the R-1 Low Density Residential zone. These would apply citywide, except for the three neighborhoods covered by the recently adopted university area protection measures. The proposed amendments would:

1. Improve compatibility standards for structures that are already allowed, including secondary dwellings, dwellings on existing alley access lots and accessory buildings; and
2. Allow for new alley access lots in limited areas, subject to compatibility standards.

#### **BACKGROUND**

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary dwellings and allow for new alley access lots. These amendments directly implement several Envision Eugene strategies under the housing affordability, neighborhood livability and climate change/energy resiliency pillars related to smaller homes.

During the public engagement process for the Envision Eugene recommendation, there was strong and broad support voiced for more opportunities for smaller homes. Subsequent research confirmed that this sentiment is consistent with changing trends in demographics and housing preferences. In particular, singles, couples, and retirees are seeking smaller housing options, which provide more affordable, flexible and energy efficient housing than traditional single-family homes. A recent video produced by the Oregon Department of Environmental Quality describes the benefits of smaller housing options and specifically mentions the programs offered in Eugene and Portland. This video can be watched at this [link](#) or via <http://vimeo.com/87717129>.

Unfortunately, these smaller housing types are not widely available in Eugene, in part due to costly and/or uncertain regulations. As a result, the Envision Eugene recommendations call for the promotion of these housing types through modifying regulations and providing incentives to create more opportunities, while improving compatibility.

#### **Citywide Amendments for Secondary Dwellings, Alley Access Lots and Accessory Buildings**



The proposed amendments represent the culmination of many years of public engagement and considerable community input, with the ultimate goal of fulfilling a strong community desire and long-standing interest to improve the compatibility of small-scale infill in this community's neighborhoods. Because of the broad applicability of these proposed standards (they would apply in all R-1 neighborhoods with the exception of Amazon, Fairmount and South University), and the diverse nature and character of the community's neighborhoods, they necessarily represent a balanced approach. It is essential that the proposed standards provide enough flexibility to ensure they work citywide in a variety of situations. In addition, care was taken to ensure that the proposed standards were not so restrictive that they would unduly discourage the construction of these development types.

### **City Council Process**

Following a unanimous recommendation for approval by the Eugene Planning Commission in October 2013, the City Council held a work session and a public hearing on the entire package of single-family code amendments (the citywide compatibility standards and the university area protection measures). Following the November 18, 2013, public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. Written testimony received at the public hearing and during the open record period was provided previously to the City Council under separate cover.

At the February 12, 2014, work session on the entire package of single-family code amendments, the City Council directed staff to return with a separate ordinance which on its own would accomplish the interim protection measures. Subsequently, on March 12, 2014, the City Council adopted the university area interim protection measures, which became effective on April 12, 2014. Those code amendments apply to the existing single-family neighborhoods surrounding the University of Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university. As adopted, they prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed, as committed to through Envision Eugene.

The single family code amendments as originally proposed at the City Council's November 2013 public hearing -- which are amendments unanimously recommended by the Planning Commission -- are contained in the proposed ordinance and exhibits provided as Attachment A. The proposed ordinance and exhibits contain some minor revisions from those originally posted for the public hearing, including organizational and format changes of the code sections, as well as code citation references, as a result of the interim protection measures being adopted first.

In addition to separating the interim protection measures from the remainder of the single-family code amendments, the City Council expressed interest in reviewing other modifications being suggested by neighborhood leaders. These suggested changes are included as Attachment B. Staff has prepared a matrix that summarizes the current land use code provisions, the proposed amendments (as contained in the attached ordinance) and the changes suggested for each building type. The final column includes some of the effects of the changes suggested. This matrix is provided as Attachment C. During the work session, staff will walk the City Council through the matrix.

If the council chooses to pursue the changes suggested by the university area neighbors,

additional process steps will need to be taken prior to adoption, including required public notice to property owners of lots that would no longer be eligible for secondary dwellings. Given the extent of those alternative changes, and to provide for a transparent and equitable process, staff recommends that the proposed changes return to the Planning Commission for a new public hearing process. Due to staff resources and priorities, this process would not begin until following local adoption of Envision Eugene (including a Eugene-specific urban growth boundary). While the number of single-family dwellings anticipated to occur as a result of these amendments (approximately 40 alley access lots and 85 secondary dwellings) is small, they would not be counted as land efficiency measures to accommodate housing within the current urban growth boundary. Instead, this number of housing units (125) would necessarily be added to the city's land need.

### **RELATED CITY POLICIES**

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

### **COUNCIL OPTIONS**

Following deliberations, the City Council may consider the following options:

1. Approve the ordinance as provided in Attachment A
2. Approve the ordinance with specific modifications as determined by the City Council
3. Deny the ordinance

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends approval of the ordinance as provided in Attachment A.

### **SUGGESTED MOTION**

Move to adopt Council Bill 5115, an ordinance concerning single-family code amendments for accessory buildings, alley access lots and secondary dwellings, contained in Attachment A.

### **ATTACHMENTS**

- A. Proposed Ordinance and Findings
- B. Draft R-1 Code Amendments Recommendations, provided by Carolyn Jacobs, SUNA
- C. Summary Comparison Matrix

### **FOR MORE INFORMATION**

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ORDINANCE NO. \_\_\_\_\_

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

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

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

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

**Accessory Building.** Any authorized, detached building subordinate to the main building on the same development site. *In addition*, [F]for the purposes of EC 9.2700 through [9.2777]**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.** [A]*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 9.2741(2)(a)5. and ]EC 9.2751(17)(j)(a)5. 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.

<b>Table 9.1245 Legal Pre-Existing Structures</b>		
<b>R-1 Low Density Residential</b>	<b>Secondary Dwelling</b>	<b>Limited to those in existence on _____ [effective date of ordinance]</b>
<b>R-1 Low Density Residential</b>	<b>Accessory Building</b>	<b>Limited to those in existence on _____ [effective date of ordinance]</b>
<b>R-1 Low Density Residential</b>	<b>Alley Access Lot Dwelling</b>	<b>Limited to those in existence on _____ [effective date of ordinance]</b>
R-1 Low Density Residential [within the] within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on April 12, 2014

**Section 3.** 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 5 of this Ordinance:

**9.2741 Special Use Limitations for Table 9.2740.**

**(2) Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards [below] **beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots.**

~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~

- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
- ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~

- (b) ~~In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~
- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
  - ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
  - ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
  - ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed perch.~~
  - ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~
- ~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

**Section 4.** 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]~~ **9.2779** 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.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
Main Building. Includes Secondary Dwellings [W] within the [M] main [B] building, <b><i>but does not include main building on an Alley Access Lot</i></b>	30 feet	35 feet	35 feet	50 feet	120 feet
<b><i>Main Building on Alley Access Lot</i></b>	<b><i>See (18)</i></b>	--	--	--	--

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] <b>See (16)</b>	20 feet	25 feet	30 feet	30 feet
<b>Secondary Dwelling Detached from Main Building</b>	<b>See (17)</b>	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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	--	--	--	--
<b>Interior Yard Setback for Secondary Dwellings</b>	<b>See (17)</b>	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, [Excluding Rowhouse Lots] <b>except where specifically addressed below</b>	50% of Lot	--	50% of Lot	--	--
<b>Lots with Secondary Dwellings (Area Specific)</b>	<b>See (17)(c)</b>	--	--	--	--
<b>Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 feet

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
<b>General Standards</b>	<b>See (16)(a)</b>	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings [Units] (17)</b>					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
<b>General Standards</b>	<b>See (18)(a)</b>				
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
Area-Specific	See (19)	--	--	--	--

**Section 5.** 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(17)(b)6. is added as shown on Exhibit C attached hereto; Figure 9.2751(18)(a)5. is added as shown on Exhibit D attached hereto; Figure 9.2751(18)(k) is relabeled to Figure 9.2751(18)(a)11. as shown on Exhibit E 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 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:

1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
  - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
  - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**

- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> 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 [~~in the R-1 zone,~~] or development on alley access lots [~~within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].

- (11) **Alley Access Lots/Parcels.** [~~Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks.~~] There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards **in R-1** [~~within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].)

- (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 in the R-1 zone that are detached or that share a common wall with the primary dwelling for less than 8 feet:*

1. **Building Size.**

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



*with a non-residential use, there is no building size limitation.*

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

2. **Building Height/Interior Setback.**
    - a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(16)(a)2.a.)*
    - b. *For accessory buildings on development sites greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at a rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet.*
  3. **Use.** *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
    - a. *The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
    - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
    - c. *The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*
  5. **Adjustment Review.** *The standards in EC 9.2751(16)(a)1. and 2. regarding building size and building height/interior setback may be adjusted, based on the criteria at EC 9.8030(34). For accessory buildings in the R-1, these are the only standards that may be adjusted. These standards are not adjustable for accessory buildings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (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 that are detached or that share a common*

wall with the primary dwelling for less than 8 feet:

- ~~(a)~~1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
- ~~(b)~~2. The accessory building shall not exceed 400 square feet in area.
- ~~(c)~~3. Building Height/Interior [~~Sloped~~] Setback.
  - 1.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.
  - 2.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))~~(c)1.~~(b)3.)**

- ~~(d)~~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.
- ~~(e)~~5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
- ~~(f)~~6. The accessory building shall not include more than one plumbing fixture.
- ~~(g)~~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:
  - 1.a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
  - 2.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.
  - 3.c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
  - 4.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.
  - 5.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 for a secondary dwelling, the lot shall**

- contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.
2. **Building Size.** The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
  3. **Minimum Attachment.** The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
  4. **Maximum Bedrooms.** The secondary dwelling shall contain no more than 2 bedrooms.
  5. **Dog Keeping.** No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.
  6. **Ownership/Occupancy Requirements.** Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.
  7. **Temporary Leave.** Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is

*temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(35).*

8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
    - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
    - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
    - c. *The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
  9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following, except as provided in subsection (c) below:*
1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  3. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
  4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
  5. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas*

*shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*

**6. Building Height/Interior Setback.**

**a. For detached secondary dwellings located within 20 feet of a property line:**

**(1) Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.**

**(2) Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.**

**b. For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.**

**c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(17)(b)6.)**

**d. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(35).**

**7. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**

**(c) Area-Specific 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:**

**(a)1. Lot Area. To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.**

**(b)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.**

**(c)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.

- (d)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.
  - (e)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.
  - (f)6. 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.]~~ **The standards at EC 9.2751(17)(a)3. are applicable.**
  - (g)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.
  - (h)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.
  - (i)9. Building Height/Interior [Sloped] Setback. For detached secondary dwellings:
    - 1.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.
    - 2.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)(c)4.(b)3.)**
- (j)10. 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.]~~ **The standards at EC 9.2751(17)(a)5. are applicable.**
  - (k)11. 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.] ***The standards at EC 9.2751(17)(a)6. are applicable.***

(j) **12. Temporary Leave.** [Notwithstanding subsection (k) 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.] ***The standards at EC 9.2751(17)(a)7. are applicable.***

(m) **13. 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:

1. 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.
2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
3. The deed restriction may be terminated, upon approval by the City, when 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.

In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.] ***The standards at EC 9.2751(17)(a)8. are applicable.***

(n) **14. 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 (k) 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.] **The standards at EC 9.2751(17)(a)9. are applicable.**

- ~~(o)~~ **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.
- ~~(p)~~ **16. Alley Access Parking and Driveway.** The standards at EC 9.2751(18)~~[(k)]~~**(a)11.** are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
- ~~(q)~~ **17. 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. The standards in this subsection (q) 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.]~~ **The standards at EC 9.2751(17)(b)3. 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.**
- ~~(r)~~ **18. 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. The standards in this subsection [(r)] are applicable to detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.**
- ~~(s)~~ **19. 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. The standards in this subsection [(s)] are applicable to detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)5. are applicable to detached secondary dwellings only.**
- ~~(t)~~ **20. 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). The standards in this subsection [(t)] are applicable for detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)7. are applicable for detached secondary dwellings only.**
- ~~[(u)]~~ **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.]



- (d) **Adjustment Review.** The standards at EC 9.2751(17)(a)7. regarding temporary leave and at EC 9.2751(17)(b)6. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the 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)7. 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 9.0000 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 all 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 unit.
  3. **Building Size.** An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.
  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 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.
    - 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(18)(a)5.)
    - c. These standards may be adjusted in accordance with EC 9.8030(36).

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 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.*
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.*
- (b) **Area-Specific Alley Access Lot Standards in R-1.** ~~[(a) Applicability. The following standards apply]~~ ***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)5. Building Height/Interior Setback, the following applies:***
- ~~[(b) General. All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are not allowed.~~
  - ~~[(c) Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.~~
  - ~~[(d) Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.]~~
  - ~~[(e) Building Height/Interior Setback.]~~

1. The interior yard setbacks shall be at least 5 feet from all lot lines (including the alley frontage). In addition, at a point that is 8 feet above finished grade, the setbacks from all lot lines, except the alley frontage, 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.
2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

**(See Figure 9.2751(16)[(c)1.](b)3.)**

**3. *This standard may not be adjusted.***

~~(f) Windows, Dormers and Balconies.~~

- ~~1. Any window on the upper story must be located a minimum of 10 feet from any property line.~~
- ~~2. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.~~
- ~~3. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.~~
- ~~4. Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.~~

~~(g) Bedrooms. The dwelling shall contain no more than 3 bedrooms.~~

~~(h) Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.~~

~~(i) Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard surfaced/hardscaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.~~

~~(j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.~~

~~(k) Parking and Driveway.~~

- ~~1. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.~~
- ~~2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.~~
- ~~3. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area~~

between the garage and the alley shall be counted towards one parking space.

4. ~~The maximum width for a driveway accessing a garage or carport shall be 12 feet.~~
  5. ~~The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.~~
  6. ~~The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.~~
  7. ~~The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.~~
  8. ~~Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.~~
  9. ~~The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.~~
  10. ~~No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(k))~~
- (l) ~~Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.~~
- (m) ~~Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.~~
- (n) ~~Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.]~~

**Section 6.** Section 9.2760 of the Eugene Code, 1971, is amended to provide as follows:

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

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	R-1	R-1.5	R-2	R-3	R-4
<b>Lot Area Minimum (1)</b>					

**Table 9.2760 Residential Zone Lot Standards  
(See EC 9.2761 Special Standards for Table 9.2760.)**

	R-1	R-1.5	R-2	R-3	R-4
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots, <b>Alley Access Lots</b>	4,500 square feet	--	4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD		2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 square feet	--	--	--	--
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	--	6,000 square feet	6,000 square feet	6,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet		3,600 square feet	3,600 square feet	3,600 square feet
<b>Alley Access Lot (Existing lot or lots shall be at least 9,000 square feet)</b>	<b>2,250 square feet</b>	--	--	--	--
<b>Lot Frontage Minimum (1)</b>					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35feet (9)	35feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)					

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot</b>	<b>0 feet</b>	--	--	--	--
<b>Lot Width Minimum (1)</b>					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet		--	--	
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot</b>	<b>50 feet</b>	--	--	--	--
<b>Lot Area Maximum (5)</b>					
[({})New subdivisions and partitions only({})], <b>except for Alley Access Lots</b>	13,500 square feet	--	--	--	--
<b>Alley Access Lots</b>	<b>5,000 square feet</b>	--	--	--	--
<b>Housing Mix Maximum (6)</b>					
Duplex	See EC 9.2741(4)	--	--	--	--
Triplex	See EC 9.2741(5)	--	--	--	--
Four[-]plex	See EC 9.2741(6)	--	--	--	--

**Section 7.** Section 9.2779 of the Eugene Code, 1971, is added to provide as follows:

**9.2779 Alley Access Lot Standards**

- (1) **Purpose.** *To provide opportunities for single family housing variety and choice, home ownership, and affordable housing, and to promote the efficient use of residential land by allowing the creation of a lot that fronts an alley rather than a street. Development standards are included to specifically address design considerations and compatibility.*
- (2) **Applicability.** *The creation of new alley access lots is prohibited in the R-1 zone within the boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (3) **Land Division Regulations.**
  - (a) **Original Lot.** *The original (existing) lot or lots shall be a minimum of 9,000 square feet in area prior to the creation of the alley access lot. If the original lot(s) meet(s) the required lot area and dimensions to create a flag lot or an alley access lot, only an alley access lot shall be created.*
  - (b) **Front Lot:** *The street fronting lot shall meet the lot standards for R-1 lots*
  - (c) **Lot Area.** *The alley access lot shall be a minimum of 2,250 square feet, a maximum of 5,000 square feet and shall not exceed 40*

- percent of the area of the street fronting lot.*
- (d) **Lot Width.** *The alley access lot shall have a minimum width of 50 feet, and shall abut the alley for a minimum width of 50 feet.*
  - (e) **Lot Depth.** *No portion of the alley access lot shall have a depth of less than 35 feet.*
  - (f) **Distance from Street.** *The corner of the alley access lot closest to the street shall be a maximum of 125 feet from the centerline of the alley where it intersects with the curb of the street.*
  - (g) **Alley Improvement.** *The minimum improvement width for the alley shall be 12 feet.*

**Section 8.** Subsection (3) of Section 9.6505 of the Eugene Code, 1971, is amended to provide as follows:

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

**(3) Streets and Alleys.**

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided the City makes findings to demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (d) ***Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site with a temporary surface, designed and constructed in accordance with the city's adopted temporary surface permit procedures.***

**Section 9.** Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:



**9.6775 Underground Utilities.**

- (1) **Exemptions from Underground Utility Standards.** *The following are exempt from the undergrounding requirement of this section:*
- (a) *Temporary uses on a development site.*
  - (b) *New utility connections to structures or buildings with legally established above ground utility service.*
  - (c) *Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.*
  - (d) *Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.*
- (2) **Underground Utility Standards.** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

**Section 10.** Table 9.6870 in Section 9.6870 of the Eugene Code, 1971, is amended to provide as follows:

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

\*Measured from face to face of curbs

**Section 11.** Subsections (34), (35) and (36) 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) Accessory Buildings in R-1. Building Height/Interior Setback or Building Size.** *Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the building height/setback or building size standards may be adjusted upon demonstration of all of the following:*

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

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

- (a) Temporary Leave. A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.*
- (b) Conversion of Existing Building. A legally established building existing as of \_\_\_\_\_ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:*
  - 1. The secondary dwelling is limited to 800 square feet in total building square footage, and occupies the first floor of a multi-story building or is limited to one-story.*
  - 2. The exterior design of the building is compatible with the existing dwelling on the lot, such as through building form, height, and construction materials.*
  - 3. The exterior design of the building maintains the scale of the neighborhood.*
  - 4. The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
- (c) Building Height. A detached secondary dwelling may be located above a detached accessory building if the secondary dwelling is limited to 500 square feet in area, the building does not exceed 24 feet in building height, and complies with all of the following:*

1. *The exterior design of the building is compatible with the primary dwelling on the lot, such as through building form, height, and construction materials.*
  2. *The exterior design of the building maintains the scale of the neighborhood.*
  3. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
  4. *Access stairs, decks, balconies, entry doors and large windows are oriented to the primary dwelling to the greatest extent possible, or to an alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.*
  5. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*
- (36) **Alley Access Lots. Building Height/Interior Setback.** *Where this land use code provides that the development standards for alley access lots in R-1 may be adjusted, the building height/interior setback may be adjusted upon demonstration of all of the following:*
- (a) *The exterior design of the dwelling maintains the scale of the neighborhood.*
  - (b) *The location and design of the dwelling maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
  - (c) *The impacts of windows or balconies to the privacy of the neighboring side or rear yard have been minimized such as through design, location, open space or landscaping.*
  - (d) *The design of the dwelling does not visually dominate the surrounding properties.*

**Section 12.** Subsection (3) of Section 9.8405 of the Eugene Code, 1971, is amended to provide as follows:

**9.8405 Applicability of Property Line Adjustment Applications.**

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

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

**Section 14.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in

other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

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

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

**Passed by the City Council this**

**Approved by the Mayor this**

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure 9.2751(16)(a)2.a

# Accessory Buildings - Interior Yard Setbacks

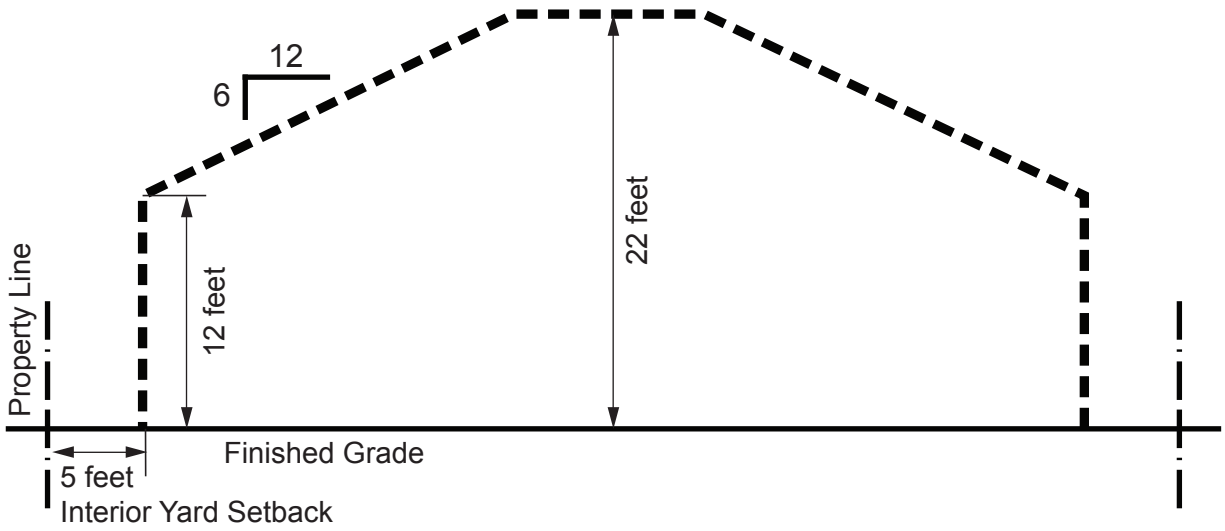


Figure  
9.2751(16)(b)3.

**Area - Specific  
Interior Yard Setbacks  
for Accessory Buildings,  
Secondary Dwellings and  
Alley Access Lots**

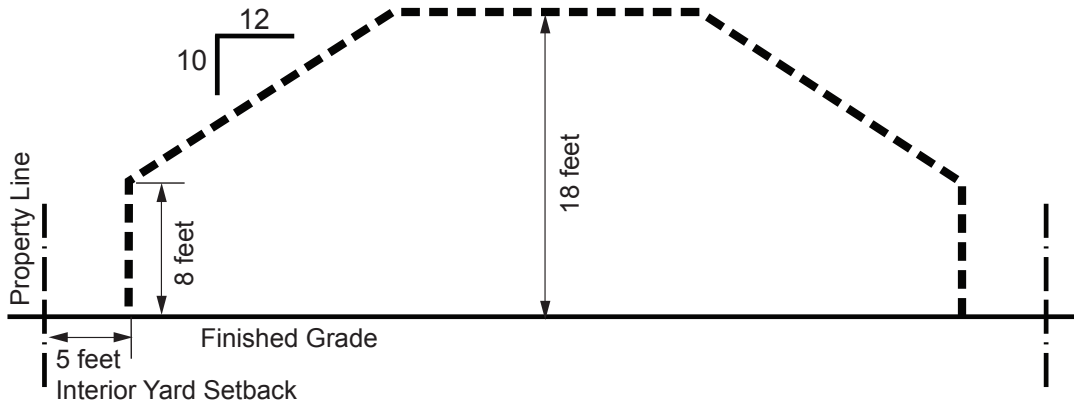


Figure 9.2751(17)(b)6.

# Detached Secondary Dwellings - Interior Yard Setbacks

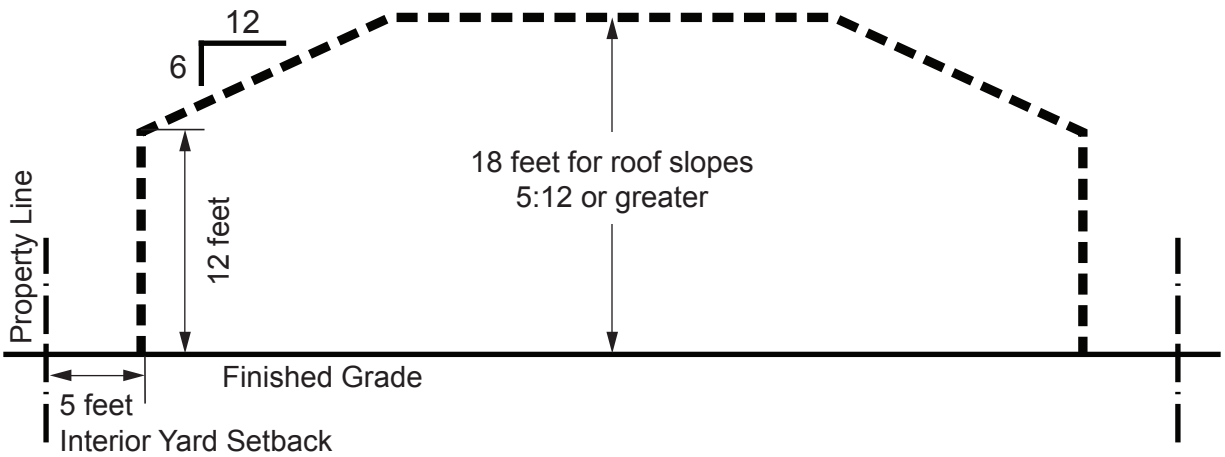
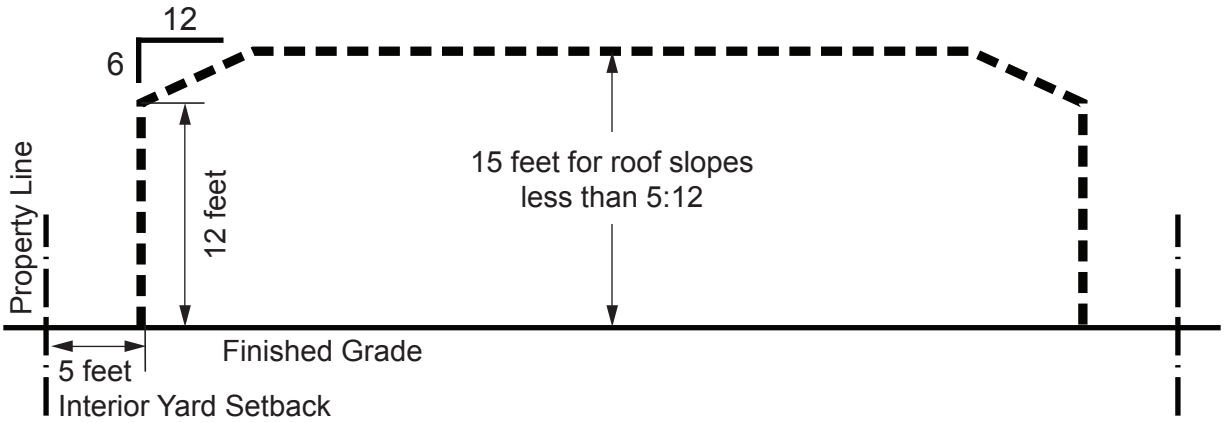


Figure  
9.2751(18)(a)5.

# Interior Yard Setbacks for Alley Access Lots

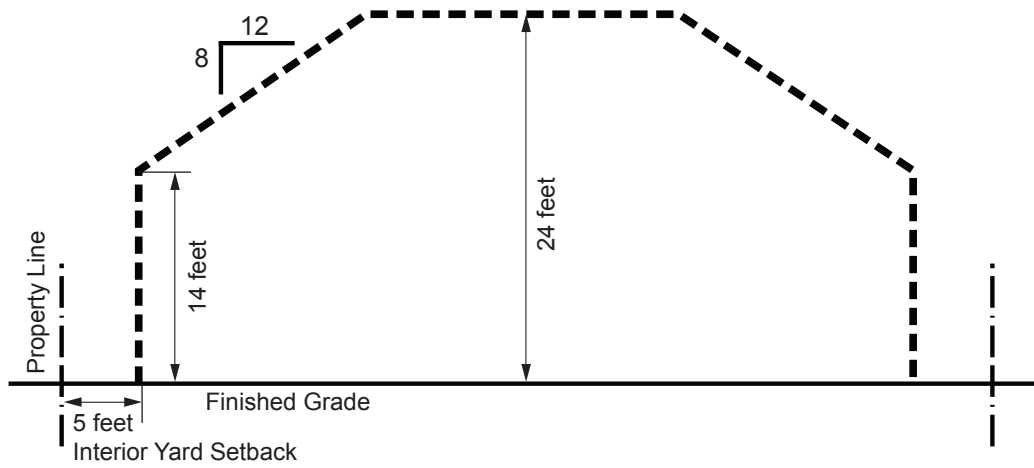


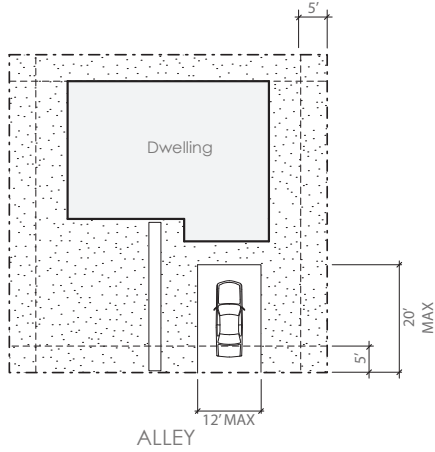


Exhibit E

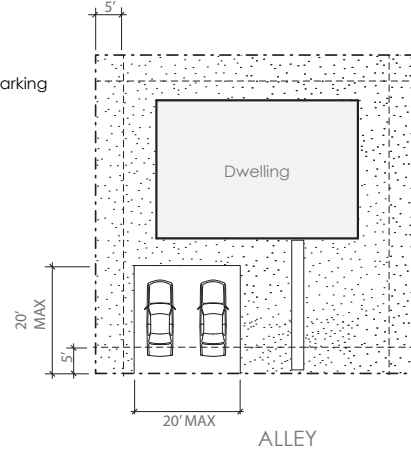
Figure 9.2751(18)(a)11.

# Parking and Driveway for Alley Access Lots

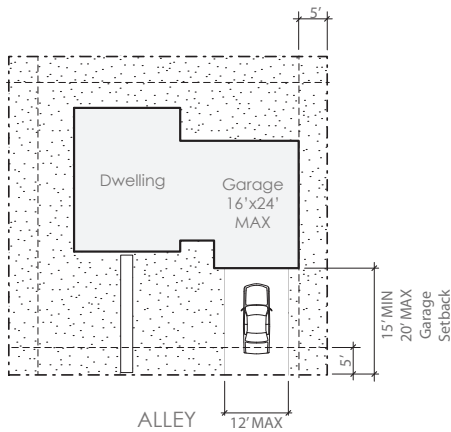
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



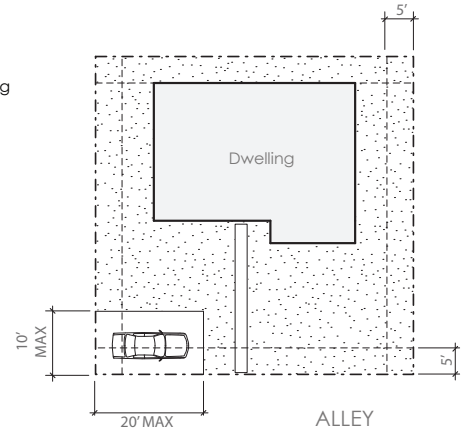
**OPTION B:**  
Side by Side Parking  
400 SF MAX



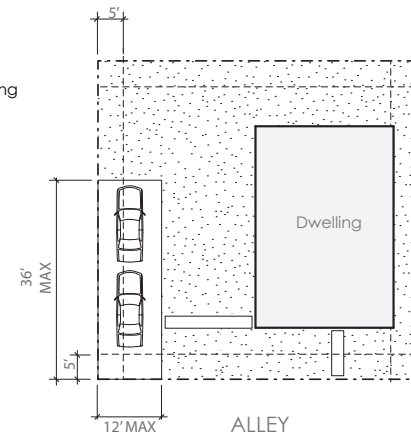
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - - Setbacks

## Exhibit F

# Findings

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

#### Overview

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

- Improve compatibility standards for structures that are already allowed, including secondary dwellings, dwellings on existing alley access lots and accessory buildings;
- Allow for new alley access lots in limited areas, subject to compatibility standards

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

#### Land Use Code Amendments (CA 13-1)

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

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

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

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

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

The initial code concepts were largely influenced by the previous work of the ICS project, specifically the Single-Family Dwelling Subcommittee and R-1 Infill/Flag Lot Implementation Team (RIFLIT), as well as the Neighborhood Livability Working Group, best practices from other cities, and a review of

## Exhibit F

Eugene land use code. Once drafted, the code concepts were reviewed and vetted by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLT team.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Therefore, Statewide Planning Goal 8 does not apply.

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

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

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

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

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

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

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

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

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

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

## Exhibit F

would:

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

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

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

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

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

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

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

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

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

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

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

#### **Applicable Metro Plan Policies**

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

#### **Residential Land Use and Housing Element**

##### *Residential Density Policies:*

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

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

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

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

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

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

## Exhibit F

the case of a 9,000 square foot development site (the minimum proposed size for the original lot prior to creation of an alley access lot) being divided into two lots, the resulting density is 9.68 or 10 (rounded) units per net acre. A net density of 10 units per acre is consistent with Eugene Code density provisions for the R-1 zone, and falls within the appropriate range above.

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

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

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

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

Additionally, Policy A.16, which allows for the development of zoning districts which overlap the established Metro Plan density ranges to promote housing choice and result in either maintaining or



## Exhibit F

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

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

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

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

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

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

### *Housing Type and Tenure Policies*

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

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

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

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

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### *Design and Mixed Use Policies*

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

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

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

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

### Transportation Element

#### *Land Use Policies*

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

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

#### *Transportation System Improvements: Roadway Policies*

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

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

#### *Transportation System Improvements: Bicycle Policies*

## Exhibit F

*F.22 Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.*

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

### *Transportation System Improvements: Pedestrian Policies*

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

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

### **Applicable Refinement Plans**

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

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

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Central Area Transportation Study (2004)
- Comprehensive Stormwater Management Plan (1993)
- Eugene Commercial Lands Study (1992)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- TransPlan (2002)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)

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- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (1984)
- Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

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

### **Fairmount/U of O Special Area Study (1982)**

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

#### Low Density Residential

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

### **Jefferson Far West Refinement Plan (1983)**

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

*2.0 Increase the opportunity for home ownership in the area.*

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

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

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

#### *2. Central Low-Density Residential Area*

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

#### *4. South Low-Density Residential Area*

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

#### *15. Low Density Residential Area*

## Exhibit F

*This area shall be recognized as appropriate for low-density residential use. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.*

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

### **River Road-Santa Clara Urban Facilities Plan (1987)**

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

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

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

### **Willakenzie Area Plan (1992)**

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

#### *Residential Policies*

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

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

### **TransPlan (2002)**

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Several policies from TransPlan were raised in public testimony as applying to the proposed amendments. Those policies are addressed above under the Metro Plan, as identical policies are included in the Metro Plan. Those findings are incorporated herein by reference as demonstration of compliance with these policies.

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

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

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

**Draft R-1 Code Amendment Recommendations**  
**16-Feb-2014**

**INTRODUCTION**

The following is a response to the City Manager’s request for specific direction from councilors on changes they want to see in the draft R-1 ordinance that was presented by staff.

**Summary of all recommendations.**

- **Interim Protection Measures** – Put in a separate ordinance, based on the revised code e-mailed to council on February 14 by university neighborhood leaders. Ordinance should have an immediate effective date, and the effective date must not be dependent on DLCD acknowledgement.
- **Creation of new alley access only lots** – Remove all code that would allow creation of new alley access only lots. Hold off on further work on this concept until it can be dealt with as part of developing or revising specific neighborhood plans.
- **Owner occupancy standards for SDUs** – Adopt these as part of the ordinance that implements Interim Protection Measures. Make them permanent and city-wide when the city-wide amendments for SDU development standards are adopted.
- **Lot and development standards for SDUs** – Revise as described below.
- **Development standards for existing alley access only lots** – Revise as described below.
- **Development standards for accessory buildings** – Revise as described below.

**SUMMARY OF RECOMMENDATIONS IN THIS DOCUMENT****Lot and development standards for SDUs.**

Make the following changes to the draft code:

- Count SDUs when calculating density.
- Increase minimum lot sizes to maintain density within the ***Metro Plan*** Low Density Residential range. Allow smaller lots through existing PUD provisions.
- Disallow SDUs on “flag lots.”
- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.

**Development standards for existing alley access only lots**

- Use the same setback, height and massing standards that are used for detached SDUs.

**Development standards for accessory buildings**

- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.

## DETAILS OF RECOMMENDATIONS IN THIS DOCUMENT

### Lot and development standards for SDUs.

Amend Table 9.2740 to count SDUs when calculating density:

“All dwellings, *including secondary dwellings*, shall meet minimum and maximum density requirements in accordance with Table 9.2750.”

Other than the above, the SDU standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “**Secondary Dwellings**” subsection, in the following subsections:

- **Lot area.** Require a minimum of 6,100<sup>1</sup> square feet for an SDU, whether attached or detached. Allow smaller lots through a PUD, as long as overall density remains within **Metro Plan** Low Density Residential range. Do not allow SDUs on flag lots.
- **Building size.** Allow a maximum total square footage of 10% of lot area, not to exceed 800 s.f., for both attached and detached SDUs.
- **Building Height/Setback.** For detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line:

The dwelling (or portion of dwelling) shall be limited by interior yard setbacks that are five feet, with an inflection point at 8 feet height and a sloped setback from that height that increases at the rate of 10 inches vertically for every additional 12 inches horizontally. (*Note that setbacks are sloped. They do not have “pitch” – that is a term that applies to roofs and other structures, not setback planes. It confuses people who may think that the setback slope is a limit to roof pitch, when it is not.*)

With this setback configuration, it’s reasonable to allow a maximum building height of 18 feet on all lots for both detached SDUs and affected portions of attached SDUs. (An 18 foot height would have to be 13 feet from the adjacent property.)

Do not allow any intrusions into the setback areas other than eaves and chimneys.

- Rewrite **adjustment** (35) to clarify criteria and set maximum extent of allowable adjustments, as follows:

**Conversion of Existing Building.** Obviously, allow conversion if the structure meets all SDU standards. For structures that would conform to all standards, *except the sloped setback plane*, allow only for total square footage no more than 600 s.f. and no portion of structure more than 15’ above grade. Allow conversion of such structures that are closer than five feet to an interior lot line, only if the adjacent property owner grants an easement.

**Building Height.** Allow a max height of 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.

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<sup>1</sup> Councilors may want to adopt a slightly different minimum lot size. Here are the relevant factors:

- The **Metro Plan** Low Density Residential density maximum is 14.28 dwellings per net acre (du/na), which is equivalent to one dwelling per 3,050 square feet or two dwellings per 6,100 square feet.
- The City’s R-1 Low Density Residential Zone maximum density is 14 du/na, which is equivalent to one dwelling per 3,111 square feet or two dwellings per 6,222 square feet.



### Development standards for existing alley access only lots

These standards are mostly specified in the proposed code under section **9.2779 Alley Access Lot Standards** under the “Development Standards.” Subsection. The following proposed subsections should be changed to be the same as for detached SDUs:

- **Building Size.**
- **Building Height/Interior Setback.**

In addition to using the same Building Height standards, use the same **adjustment** for building height. (i.e., replace adjustment (36) with the rewritten adjustment (35).)

### Development standards for accessory buildings

These standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “Accessory Buildings in R-1” subsection, in the following subsections:

- **Building Size.** Simplify accessory building size limits as 10% of lot size for all lots, regardless of lot size or development site size. Allow alternatives for larger development sites only through PUDs.
- **Building Height/Setback.** Simplify and provide adequate protection by having interior yard setbacks be five feet, with an inflection point of 8 feet and a sloped setback that increases at the rate of 10 inches vertically for every additional 12 inches horizontally.

With this setback configuration, it’s reasonable to allow a maximum building height of 25 feet on all lots. (A 25 foot height would have to be 19 feet from the adjacent property.) This should be stated as: “No part of the building (except chimneys), shall be more than 25 feet above grade.”

- Rewrite **adjustment (34)** to allow only up to a five foot increase in height in a PUD and as long as the entire structure meets the sloped setback standards. (*With a 25 foot max height, as suggested, there is no great need, and there is significant potential impact, for allowing higher accessory buildings unless they’re part of a PUD. PUD approval criteria already require development to be “compatible” and have “minimal impact” on surrounding areas.*)

**Secondary Dwellings**

The following table (Table 1) provides a summary comparison of the current code provisions for secondary dwelling units (SDUs), the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing, and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

**Table 1**

Secondary Dwellings				
Development Standard	Current Code	As Proposed in Ordinance	Suggested Changes	Implications of Suggested Changes
Minimum Lot Size/Density	<p><i>For attached SDUs:</i> Except for flag lots, the lot shall be at least 4,500 square feet to allow for an SDU.</p> <p><i>For detached SDUs:</i> Except for flag lots, the lot shall be at least 6,000 square feet.</p> <p>Flag lots: Must contain at least 13,500 square feet to allow for any SDU</p> <p>Density: The City’s long standing practice, supported by the Metro Plan, does not include SDUs when calculating density at the time of permit. They are counted in the City’s supply of housing.</p>	<p>No changes to minimum lot size</p> <p>Flag lots: No changes</p> <p>Density: Continue current practice, supported by the Metro Plan, of not counting SDUs when calculating density.</p>	<p>Increase minimum lot size to 6,100 square feet to allow for any SDU</p> <p>Flag lots: Prohibit SDUs on all flag lots</p> <p>Density: Add code language that requires SDUs to be counted when calculating density</p>	<p>By increasing minimum lot and calculating towards density, approximately 5,160 lots or approximately 11% of all lots currently eligible for an SDU would no longer be eligible for an SDU</p> <p>Flag lots: If SDUs are prohibited on flag lots, approximately 300 lots would no longer be eligible for SDUs.</p> <p>This proposed restriction on lots that currently are eligible for an SDU would require a legal notice to those property owners and a new public hearing.</p>
Building Size	800 square feet, unless occupying an entire story of a multi-story home	Limits all SDUs 800 square feet. Clarifies how to measure	Limit total square footage to 10% of lot area, not to exceed 800 square feet.	<p>For lots less than 8,000 square feet, SDU would be required to be less than 800 sq. ft.</p> <p>For a 6,100 square foot lot, the SDU would be limited to 610 square feet. To provide for two bedrooms, 750 square feet is a more realistic size.</p>
Building Height	<p><i>Attached SDUs:</i> 30 feet or 37 feet for roof slopes 6:12 or steeper (same as main house)</p> <p><i>Detached SDUs:</i> 15 feet or 22 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line (Allows for 2 story)</p> <p>20 feet or 27 feet for roof slopes 6:12 or steeper if located greater than 20 feet</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line. (Allows for 1 story)</p> <p>24 feet, if located greater than 20 feet from any property line, (Allows for 2 story)</p>	<p><i>Attached SDUs:</i> 18 feet for any portion of an attached SDU that is more than 60 feet from a front property line. No change for attached SDUs within 60 feet from front property line.</p> <p><i>Detached SDUs:</i> 18 feet</p>	<p>Lowers height for attached SDUs more than 60 feet from front property line (street) to 18 feet, regardless of height of the home containing the SDU.</p> <p>Attached SDUs can include garage conversions, which are likely to be located within 60 feet from a front property line. If the existing garage exceeds 18 feet in</p>

	from a property line.			height, such a conversion would not be permitted.  Although difficult to quantify, this would presumably result in a significant reduction in the number of lots that can currently do an attached SDU through a garage conversion.
Sloped Interior Yard Setbacks	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	For detached SDUs located within 20 feet of a property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.  For a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.	For all detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet), and use a maximum slope of 10:12 (83%). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines.	The suggested change for sloped setback/building height is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures. Taking into account that normal ceiling height in residential construction is 8 to 9 feet, not including the typical crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.  Attached SDUs are commonly contained within an existing home (such as an attic or basement or through garage conversion). If the existing home/garage does not meet sloped setback, SDU would not be permitted, except through an adjustment review, and would be further limited in building size and height by adjustment review criteria.
Setback Intrusions	Allows for building features, such as eaves, awnings, chimneys, bays, bay windows and porches, to project into interior yard setbacks up to 2 feet	Limit setback intrusions to eaves, chimneys and gables.	Limit setback intrusions to eaves and chimneys	Would not allow gables to project into sloped setback.
Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. Provides allowance for temporary leave under certain circumstances.	Adopt as proposed in ordinance	
Adjustment Review	None	Allows for adjustment review in limited situations: temporary leave, to allow conversion	To allow for conversion, if the structure meets all SDU standards except the sloped	For conversion of existing structures, would place additional limits on building size and

		<p>of existing accessory building into secondary dwelling and to allow a secondary dwelling over an accessory building (height).</p> <p>To allow for conversion of existing building that does not meet all of SDU standards; the SDU must be limited to 800 square feet and must be limited to one story or on ground floor of 2 story building. Other relevant compatibility criteria apply.</p> <p>To allow for a SDU over an accessory building (such as a garage), limit SDU size to 500 square feet, limit building height to 24 feet. Other relevant compatibility criteria apply.</p>	<p>setback, limit SDU to 600 square feet in building size and 15 feet in height. If closer than 5 feet from interior property line, allow if adjacent property owner grants easement.</p> <p>To allow for a SDU over an accessory building, limit height to 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>height (beyond those for new SDUs). Whereas a new SDU could be 800 square feet and 18 feet in height (assuming an 8,000 square foot or greater sized lot), an existing building to be converted to an SDU could not exceed 600 square feet and 15 feet in height.</p> <p>To allow for a SDU over an accessory building, the building would need to be at least 20 feet from all interior property lines and fit within sloped setback established above.</p> <p>Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently do an attached SDU through a garage conversion.</p>
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**Alley Access Lots**

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on existing alley lots, the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing (that would apply to existing and new lots), and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

**Table 2**

<b>Alley Access Lots</b>				
<b>Development Standard</b>	<b>Current Code (applies to existing lots)</b>	<b>Proposed Change (to apply to existing and newly created lots)</b>	<b>Suggested Changes (to apply to existing lots; prohibit new lots)</b>	<b>Implications of Suggested Changes</b>
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.	Same as suggested above for detached SDUs: Limit total square footage to 10% of lot area, not to exceed 800 square feet.	Existing alley access lots are typically less than 5,000 square feet in area, which means that homes would be limited to 500 square feet or less.  Homes on alley access lots are a different housing type than SDUs. Limiting the homes to such a small size (and height) will limit the desirability of these homes for owner-occupancy.  The recently adopted University Area Interim Protection Measures allow provide for a maximum building size of 1,000 square feet on existing alley access lots.
Building Height	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet	18 feet	Same as suggested above for detached SDUs
Sloped setback	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade.  Starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 14 feet), and change maximum slope to 10:12 (instead of 8:12). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines (instead of 20 feet).	Same as suggested above for detached SDUs, which is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.  Taking into account that normal ceiling height in residential construction is 8 to 9 feet, not including the typical crawl space and required, an 8 foot building height is not feasible for construction.
Adjustment Review	None	Provide for adjustment review to building	Provide for adjustment review to allow	Existing alley access lots are typically less than

		<p>height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the dwelling in the context of adjacent properties.</p>	<p>dwelling up to maximum height of 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>5,000 square feet and 50 feet in width. As such, it may not be possible or practicable to create a dwelling that is 20 feet from all interior property lines. Due to the suggested change for building size to 10% of lot area (see above), which results in a small home, it is unlikely a property owner would need or desire to seek an increase in height.</p>
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**Accessory Buildings**

The following table (Table 3) provides a summary comparison of the current code provisions for accessory buildings (such as garages, sheds and greenhouses), the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing, and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

**Table 3**

Accessory Buildings				
Development Standard	Current Code	As Proposed in Ordinance	Suggested Changes	
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, limit total square footage to 1,000 square feet</p> <p>On development sites (with a dwelling) that are between 13,501 square feet and 43,559 square feet, limit total square footage to 10 percent of development site, not to exceed 3,000 square feet.</p> <p>On development sites 43,560 square feet (one acre) or greater in area, or on development sites with a non-residential use (such as a park, church or school), no building size limitation.</p>	<p>Limit to 10% of lot size for all lots</p> <p>Allow alternative for large development sites through PUDs</p>	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. PUDs are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.</p>
Building Height	20 feet or 27 feet for roof slopes 6:12 or steeper	<p>22 feet for development sites (with a dwelling) that are 13,500 square feet or less in area</p> <p>25 feet for development sites greater than 13,500 square feet in area or on development sites with a non-residential use.</p>	25 feet for all lots regardless of size	Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.
Sloped setback	No sloped setback (which means the building can reach maximum building height at a point 5 feet in from the interior property line)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 6:12 horizontally away from the property line to a maximum building height of 22 feet.</p> <p>On development sites greater than 13,500 square feet in area or on development sites with</p>	Creates a building envelope for all sized lots that requires a building to slope away from a five foot interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet). Use maximum slope of 10:12 (83%) regardless of lot size. This would result in the ridge (tallest point) of the building being a minimum of 19 feet from the interior property lines.	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requires same 8 foot building height at interior yard setback as suggested for secondary dwellings and alley access lots.</p> <p>Results in a 25 foot tall building 19 feet from</p>

		a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 horizontally away from the property line to a maximum building height of 25 feet.		property line (as opposed to 25 feet from property line).
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the building in the context of adjacent properties.	Allow up to a five foot increase in height only through an approved planned unit development application and as long as the entire structure meets the sloped setback standard.	Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. Planned unit developments are a two-step land use application process that require tentative approval by the City's Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Public Hearing:

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

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

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Meeting Date: November 18, 2013  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### ISSUE STATEMENT

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

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

### BACKGROUND

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

- Implement the goals of the Infill Compatibility Standards (ICS) project to prevent negative impacts and promote positive impacts of residential infill by integrating compatibility and design standards. These code amendments also directly support the recommendations

developed by the Single-Family Dwelling Infill Committee of ICS pertaining to secondary dwelling units and alley access lots.

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

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

### **Planning Commission Process/Recommendation**

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

Following the public hearing, the Planning Commission met over the course of several meetings to deliberate and provide a recommendation to the City Council. The Planning Commission voted unanimously (7 to 0) to recommend approval of the code amendment package, as modified through their deliberations. The Planning Commission's recommendation, including a vote count for each recommended modification and brief summary of the discussion where the vote was not unanimous, is provided as Attachment D.

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

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

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

## **RELATED CITY POLICIES**

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

## **COUNCIL OPTIONS**

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for December 9, 2013.

## **CITY MANAGER'S RECOMMENDATION**

This item is scheduled for a public hearing only. Following the City's receipt of all testimony, the City Manager will make a recommendation to be included in the council packet for action on December 9, 2013.

## **SUGGESTED MOTION**

No motion is proposed as this item is scheduled for a public hearing only. Following the City's receipt of all testimony, the City Manager will make a recommendation and associated motion to be included in the council packet for action on December 9, 2013.

## **ATTACHMENTS**

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

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

## **FOR MORE INFORMATION**

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Telephone: 541-682-5508  
Staff E-Mail: [alissa.h.hansen@ci.eugene.or.us](mailto:alissa.h.hansen@ci.eugene.or.us)

## Summary of Proposed Single Family Code Amendments

### Secondary Dwelling Units

The goal is to promote legal and compatible secondary dwelling units by clarifying ownership and occupancy requirements and improving design and compatibility by addressing looming walls, privacy, and building heights. The land use code currently allows secondary dwelling units (SDUs) in the R-1 Low Density Residential zone and includes limited development standards. The amendments would establish design standards such as sloped building setbacks.

Note: A related concurrent Envision Eugene implementation project is studying the possibility of restructuring system development charges (SDCs) to incentivize secondary dwelling units. Proposed code amendments include:

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

### Accessory Buildings

The goal is to promote compatibility, and to clarify distinction between accessory buildings and dwellings. The land use code currently allows accessory buildings (such as detached garages, sheds and studios) in conjunction with a single family dwelling in the R-1 Low Density Residential zone, and includes limited development standards (building setbacks and height limits). Proposed code amendments include:

- For residential accessory buildings on lots less than 13,500 square feet, limiting building size; for lots between 13,500 and 43,560 square feet, limiting building size, requiring greater setback and sloped setback; and for lots over 43,600 square feet, requiring greater setback and sloped setback.
- Clarifying that an accessory building cannot be used as a dwelling, and limiting number of plumbing fixtures to two per building, but allowing for accessory buildings with three plumbing fixtures if property owner to signs deed restriction limiting use of building
- Limiting height, yet providing for adjustment to building height/setback or building size subject to relevant criteria

### Alley Access Lots/Houses

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

#### *Lot Standards for Creating Alley Access Lots*

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

- Alley access lot size: minimum 2,250 square feet and not to exceed 40 percent of street lot; maximum lot size of 5,000 square feet
- Alley access lot dimensions: minimum 50 feet frontage/lot width and a minimum lot depth of 35 feet
- If original lot(s) eligible for both flag lot division and alley access division, require alley access lot
- For fire access, require nearest corner of lot to be within 125 feet from alley/street intersection
- Minimum alley width: 14 feet of right of way and 12 feet of paving
- Alley surfacing requirements: Pave or allow for gravel through a temporary surfacing permit. Consider allowing alternative paving methods.

*Design/Development Standards for Houses on new and existing Alley Access Lots*

- Limiting home size to 1,000 square feet in floor area. For one and one-half story dwellings, limit square footage on second floor to 400.
- Calculating lot coverage based on all roofed areas
- Limiting building height to 24 feet with sloped setbacks
- Limiting balconies or other second floor outdoor spaces, dormers and upper story windows
- Limiting number of bedrooms to 3
- Requiring house to be defined by a covered or roofed entrance with a minimum depth of three feet
- Requiring house to be served by a minimum three-foot wide hard-surfaced pedestrian walkway from alley or from the front street via an easement
- Requiring minimum of 1 parking space and maximum of 2 parking spaces
- Allowing options for location and types of parking and providing maximum dimensions for parking spaces and garages
- Limiting total vehicle use area (driveways and on-site parking) to a maximum of 400 square feet
- Limiting size and height of garages and other detached accessory structures to 400 square feet
- Prohibiting secondary dwelling units on alley access lots
- Allowing for overhead utility lines in certain cases (as opposed to undergrounding)
- Providing for adjustments to allow for design flexibility for building height/setback or windows, dormer, balconies subject to relevant criteria

### **University Area Interim Protection Measures**

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

Proposed code amendments include:

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

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

ORDINANCE NO. \_\_\_\_\_

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

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

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

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

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

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

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

- (A) Is designated as a bedroom on a development plan submitted to the city;
- (B) Is included in the number of bedrooms stated in an advertisement, rental or sales contract, marketing material, loan application, or any other written document in which the owner, or an authorized agent of the owner, makes a representation regarding the number of bedrooms available in the dwelling; or
- (C) Meets all of the following:
  - 1. Is a room that is a “habitable space” as defined by the current Oregon Structural Specialty Code (OSSC) or Oregon Residential Specialty Code (ORSC);
  - 2. Meets the OSSC or OSRC bedroom requirements for natural light, ventilation, and emergency escape and rescue windows;

3. Is a room that is accessed by a door on an interior wall and that does not provide access to another room except for a bathroom, toilet room, closet, hall, or storage or utility space.

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

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

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

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

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

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

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

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

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

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

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

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

**9.2741 Special Use Limitations for Table 9.2740.**

- (2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards ~~[below]~~ **beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots.**
- ~~(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~
- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
  - ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
  - ~~3. There shall be at least 1 off-street parking space on the property.~~
  - ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
  - ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~
- ~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~
- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~



- ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
  - ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
  - ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
  - ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~
- ~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

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

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

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

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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports [(12)](11)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See EC 9.2779(4)</b>	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage</b>					
All Lots, Excluding <b>Alley Access Lots in R-1 and Rowhouse Lots</b>	50% of Lot	--	50% of Lot	--	--
<b>Alley Access Lots in R-1</b>	<b>See EC 9.2779(4)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area [(13)](12)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
<b>Fences [(14)](13)</b>					
[(1)]Maximum Height Within Interior Yard Setbacks[(1)]	6 feet	42 inches	6 feet	6 feet	6 feet
[(1)]Maximum Height within Front Yard Setbacks[(1)]	42 inches	42 inches	42 inches	42 inches	42 inches
<b>Driveways and Parking Areas [(15)](14)</b>					
General Standards	--	--	--	See [(15)](14)	See [(15)](14)
<b>Accessory Buildings in R-1 (15)</b>					
<b>General Standards</b>	<b>See (15)(a)</b>	--	--	--	--
<b>Secondary Dwelling Units (16)</b>					
<b>General Standards</b>	<b>See (16)</b>	--	--	--	--

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

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

**9.2751 Special Development Standards for Table 9.2750.**

**(3) Building Height.**

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  - 1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**

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

**(See Figure 9.2751(3)).**

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

- (8) Area-Specific Interior Yard Setback.** For R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south and that are abutting or across an alley from R-1 zoned property:

- (a) The interior yard setback shall be a minimum of 10 feet from the property line abutting or across an alley from R-1 zoned property; and
- (b) At a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting or across an alley from R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b).

The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in (a) and (b) above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(8))**

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

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

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

**(143) Fences.**

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

**(154) Driveways and Parking Areas in R-3 and R-4.** Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.

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

- (c) Except for a driveway and associated parking area shared by two adjoining lots (“shared driveway”), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
- (d) Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
- (e) When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
- (f) Except for shared driveways and as provided in (h) below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.
- (g) Except as provided in (h) below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.
- (h) When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.
- (i) All portions of required front yard setbacks not otherwise covered by a legal driveway or by projecting building features as allowed per EC 9.6745(3) shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the street to the entrance of a dwelling. The pedestrian path shall be separated from any vehicle use areas by a minimum of 3 feet. The area between the vehicle use area and the pedestrian path shall be landscaped and maintained with living plant material.
- (j) No parking shall occur in the landscaped portion of the required front yard setback.
- (k) Adjustments to the standards in subsection (i) may be made, based on the criteria at EC 9.8030(30).

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

**(15) Accessory Buildings in R-1.**

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

**1. Building Size.**

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

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

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

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

**2. Building Height/Setback.**

- a. For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(15)(a)2.a.)*
- b. For accessory buildings on development sites greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 pitch horizontally away from the property line to a maximum building height of 25 feet.*

**3. Use. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:**

- a. The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
- b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
- c. The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*

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

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

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

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

1. **Lot Area.** To allow for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.
2. **Building Size.** The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
3. **Minimum Attachment.** The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
4. **Maximum Bedrooms.** The secondary dwelling unit shall contain no more than 2 bedrooms.
5. **Dog Keeping.** No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.
6. **Ownership/Occupancy Requirements.** Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.
7. **Temporary Leave.** Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must

*provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.*

8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
    - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
    - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
    - c. *The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
  9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:*
1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  3. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum*



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

- that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [date of ordinance adoption] are subject to Table 9.1245 Legal Pre-Existing Structures.*
- (e) ***Enforcement.*** *Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*

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

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

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Lot Area Minimum (1)</b>					
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots, <b><i>Alley Access Lots</i></b>	4,500 square feet	--	4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD	--	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 square feet	--	--	--	--
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--

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

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

**9.2761 Special Standards for Table 9.2760.**

**(2) Small Lots.** Lots shall comply with other small lot provisions unless approved

as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.)

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

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

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

**9.2779 Alley Access Lot Standards**

- (1) ***Purpose.*** *To provide opportunities for single family housing variety and choice, home ownership, and affordable housing, and to promote the efficient use of residential land by allowing the creation of a lot that fronts an alley rather than a street. Development standards are included to specifically address design considerations and compatibility.*
- (2) ***Land Division Regulations.***
  - (a) ***Original Lot.*** *The original lot or lots shall be a minimum of 9,000 square feet in area prior to the creation of the alley access lot. If the original lot(s) meet(s) the required lot area and dimensions to create a flag lot or an alley access lot, only an alley access lot shall be created.*
  - (b) ***Front Lot:*** *The street fronting lot shall meet the lot standards for R-1 lots*
  - (c) ***Lot Area.*** *The alley access lot shall be a minimum of 2,250 square feet, a maximum of 5,000 square feet and shall not exceed 40 percent of the area of the street fronting lot.*
  - (d) ***Lot Width.*** *The alley access lot shall have a minimum width of 50 feet, and shall abut the alley for a minimum width of 50 feet.*
  - (e) ***Lot Depth.*** *No portion of the alley access lot shall have a depth of less than 35 feet.*
  - (f) ***Distance from Street.*** *The corner of the alley access lot closest to the street shall be a maximum of 125 feet from the centerline of the alley where it intersects with the curb of the street.*
  - (g) ***Alley Improvement.*** *The minimum improvement width for the alley shall be 12 feet.*
- (3) ***Use Regulations.*** *Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling unit.*
- (4) ***Development Standards.***
  - (a) ***Applicability.*** *The following standards apply to all alley access lots existing as of \_\_\_\_\_ [effective date of ordinance] and to new alley access lots.*
  - (b) ***General.*** *All base zone requirements must be met, unless otherwise stated in this section.*
  - (c) ***Building Size.*** *An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the*

- exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.*
- (d) **Lot Coverage.** *Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.*
- (e) **Building Height/Interior Setback.**
1. *Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.*
  2. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.  
(See Figure 9.2779(4)(e)1.)*
- (f) **Windows, Dormers and Balconies.**
1. *Any window on the upper story must be located a minimum of 10 feet from any property line.*
  2. *Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.*
  3. *Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.*
  4. *Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.*
- (g) **Bedrooms.** *The dwelling shall contain no more than 3 bedrooms.*
- (h) **Primary Entrance.** *The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
- (i) **Pedestrian Access.** *The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.*
- (j) **Parking Spaces.** *There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.*
- (k) **Parking and Driveway.**

1. **Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.**
  2. **The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.**
  3. **The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.**
  4. **The maximum width for a driveway accessing a garage or carport shall be 12 feet.**
  5. **The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.**
  6. **The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.**
  7. **The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.**
  8. **Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.**
  9. **The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.**
  10. **No parking shall occur outside of the vehicle use area.  
(See Figure 9.2779(4)(k))**
- (l) **Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.**
- (m) **Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.**
- (n) **Accessory buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(15), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.**
- (5) **Adjustment Review. The development standards in subsections EC 9.2779(4)(e) regarding building height/setback, may be adjusted in accordance with EC 9.8030(36). For alley access lots, this is the only standard that may be adjusted.**

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

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

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

**9.3626 Special Development Standards for Table 9.3625.**

**(8) Fences.**

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

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

<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>
--

Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)	Type and % of Bicycle Parking
<b>Lodging</b>		
Hotel, Motel, and similar business providing overnight accommodations	1 per 10 guest [bed]rooms.	75% long term 25% short term

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

**9.6410 Motor Vehicle Parking Standards.**

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

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

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

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

<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
Uses	Minimum Number of Required Off-Street Parking Spaces
<b>Lodging</b>	
Hotel, Motel, and similar business providing overnight accommodations	1 per guest [bed]room.



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

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

**(3) Streets and Alleys.**

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided the [C]city makes findings to demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (d) ***Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site with a temporary surface, designed and constructed in accordance with the city's adopted temporary surface permit procedures.***

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

**9.6745 Setbacks-Intrusions Permitted.**

- (6) **Driveways.** Except as provided in EC 9.2751[(45)](14)(c) Driveways and Parking Areas in R-3 and R-4, in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.
- (7) **Parking Spaces in Required Setbacks.**
  - (a) Except as provided in EC 9.2751[(45)](14) Driveways and Parking Areas in R-3 and R-4, in areas with a broad zone category of residential, as

depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:

1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
  2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
  3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
  4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
- (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

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

**9.6775 Underground Utilities.**

- (1) ***Exemptions from Underground Utility Standards. The following are exempt from the undergrounding requirement of this section:***
  - (a) ***Temporary uses on a development site.***
  - (b) ***New utility connections to structures or buildings with legally established above ground utility service.***
  - (c) ***Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.***
  - (d) ***Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.***
- (2) ***Underground Utility Standards.*** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

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

<b>Table 9.6870 Right-of-Way and Paving Widths</b>		
<b>Type of Street or Alley</b>	<b>Right-of-Way (for Public Streets and Alleys only)</b>	<b>Paving Width</b>
Major Arterials	100' – 120'	68' – 94'
Minor Arterials	65' – 100'	46' 70'
Major Collector	60' – 75'	32' – 44'
Neighborhood Collector	40' 55'	20' – 43'
Bicycle and Pedestrian Accessway:		
With Fire Accessibility	20'	20'
Without Fire Accessibility	10'	10'
Local Streets		
Alley (secondary access <i>or access to an alley access lot in R-1</i> ) [entry]	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'
Cul-de-sac Bulb Radius:		
Residential	48.5''	35'
Non-residential	62'	50'
*Measured from face to face of curbs		

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

- 9.8030**     **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.
- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751[(15)](14)(i) may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.
- (34) Accessory Buildings in R-1. Building Height/Setback or Building Size.** *Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the building height/setback or building size standards may be adjusted upon demonstration of all of the following:*
- (a)** *The location and design of the accessory building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
  - (b)** *The exterior design of the building maintains the scale of the*

- neighborhood.*
- (c) *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*
- (35) **Secondary Dwellings.** *Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*
- (a) **Temporary Leave.** *A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.*
- (b) **Conversion of Existing Building.** *A legally established building existing as of \_\_\_\_\_ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:*
1. *The secondary dwelling is limited to 800 square feet in total building square footage, and occupies the first floor of a multi-story building or is limited to one-story.*
  2. *The exterior design of the building is compatible with the existing dwelling on the lot, such as through building form, height, and construction materials.*
  3. *The exterior design of the building maintains the scale of the neighborhood.*
  4. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
- (c) **Building Height.** *A detached secondary dwelling may be located above a detached accessory building if the secondary dwelling is limited to 500 square feet in area, the building does not exceed 24 feet in building height, and complies with all of the following:*
1. *The exterior design of the building is compatible with the primary dwelling on the lot, such as through building form, height, and construction materials.*
  2. *The exterior design of the building maintains the scale of the neighborhood.*
  3. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
  4. *Access stairs, decks, balconies, entry doors and large windows are oriented to the primary dwelling to the greatest extent possible, or to an alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.*
  5. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*
- (36) **Alley Access Lots.** **Building Height/Interior Setback.** *Where this land use code provides that the development standards for alley access lots*

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

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

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

**9.8405 Applicability of Property Line Adjustment Applications.**

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

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

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

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

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

**Passed by the City Council this**

**Approved by the Mayor this**

\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

i

**9.2751 Special Development Standards for Table 9.2750.**

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

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

[4]1. **Lot Area.** *[Except for flag lots,] To allow for a secondary dwelling, the lot shall [be] contain at least 4,500 square feet[.–F] except that flag lots shall contain at least 13,500 square feet [to permit a secondary dwelling].*

[4]2. **Building Size.** The **secondary** dwelling shall not exceed 800 square feet **of total building square footage, measured at the exterior perimeter walls** *[unless occupying the full story of a multi-story structure with ground floor residential use]. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.*

3. **Minimum Attachment.** *The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.*

4. **Maximum Bedrooms.** *The secondary dwelling unit shall contain no more than 2 bedrooms.*

5. **Dog Keeping.** *No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.*

[2]6. **Ownership/Occupancy Requirements.** *Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied [by the property owner] for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is*

*constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*

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

7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.*

8. **Deed Restriction.** *Prior to issuance of a [final occupancy] building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a [notice] deed restriction on a form approved by the city that has been recorded with the Lane County Clerk [that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied]. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*

- a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
- b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
- c. *The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*

9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and*

*two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*

- (b) **Detached Secondary Dwellings.** In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:
1. **Lot Area.** ~~[Except for flag lots,]~~ *To allow for a secondary dwelling, the lot shall [be] contain at least 6,000 square feet[.], except that flag lots shall contain at least 13,500 square feet.*
  - ~~[2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.]~~
  2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  - ~~33.~~ **Pedestrian Access.** ~~[Provide a]~~ *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
  44. **Primary Entrance.** ~~The primary [entrance]~~ *entry to a secondary dwelling shall be defined by a covered or roofed [porch] entrance with a minimum roof depth and width of no less than 3 feet.*
  55. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100 percent site obscuring fence or enclosure on at least three sides.*
  6. **Building Height/Sloped Setback.**
    - a. *For detached secondary dwellings located within 20 feet of a property line:*
      - (1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*
      - (2) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.*
    - b. *For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*
    - c. *The allowances for setback intrusions provided at EC*



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**9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(16)(b)5.a.)**

- 7. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**
- (c) Adjustment Review. The standards in EC 9.2751(15)(a)7. regarding temporary leave and in EC 9.2751(15)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, these are the only standards that may be adjusted.**
- (d) Pre-Existing Structures. Legally established accessory buildings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [effective date of ordinance] are subject to Table 9.1245 Legal Pre-Existing Structures.**
- (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.**

Figure 9.2751(13)(b)1.

# Fences

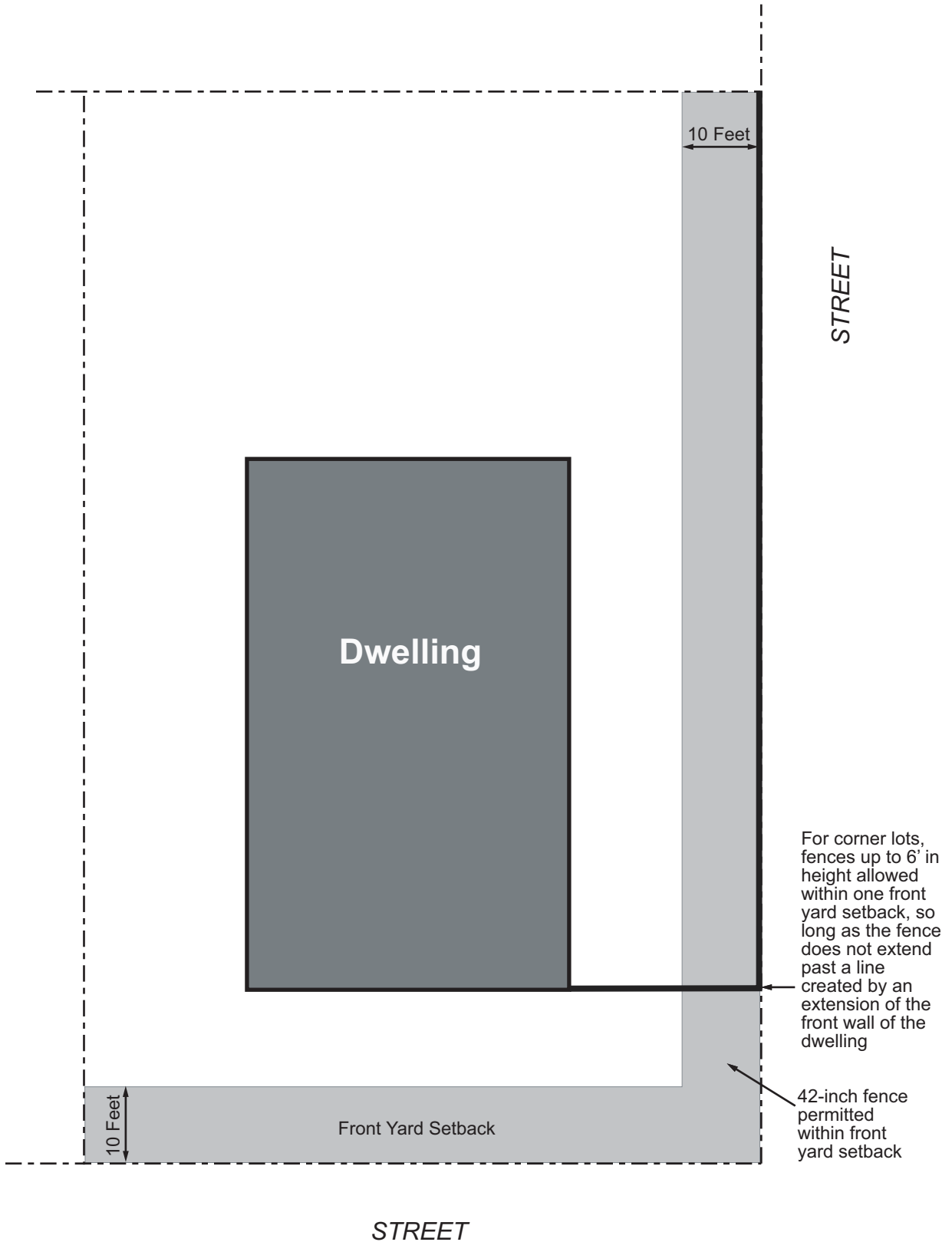


Figure 9.2751(14)

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

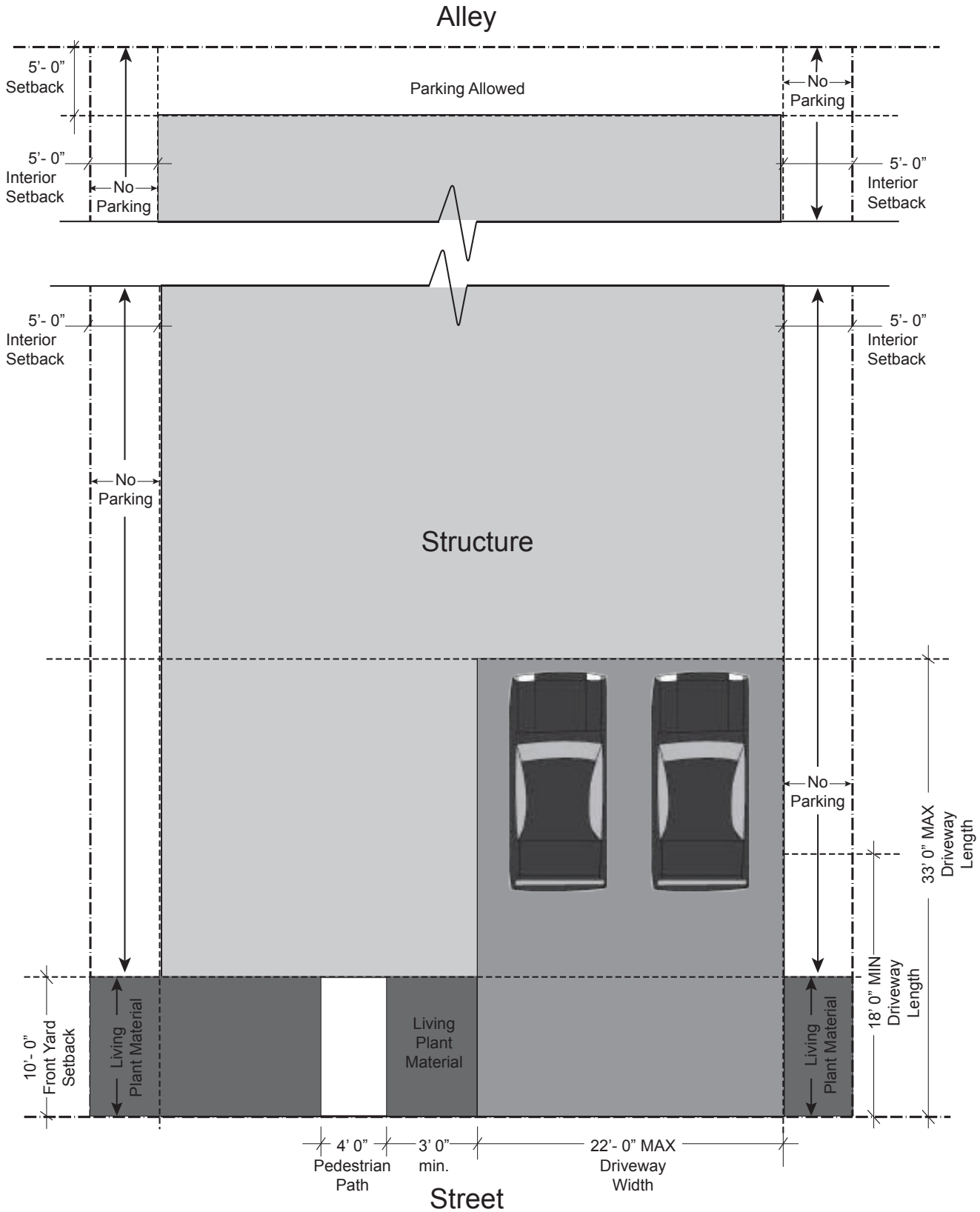


Figure  
9.2751(15)(a)2.a

# Accessory Buildings - Interior Yard Setbacks

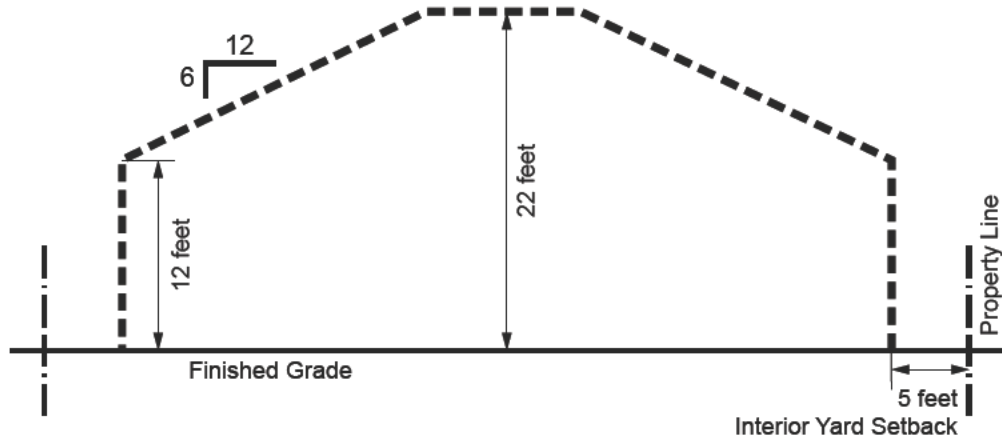


Exhibit D

Figure 9.2751(16)(b)5.a

**Detached Secondary Dwellings  
- Interior Yard Setbacks**

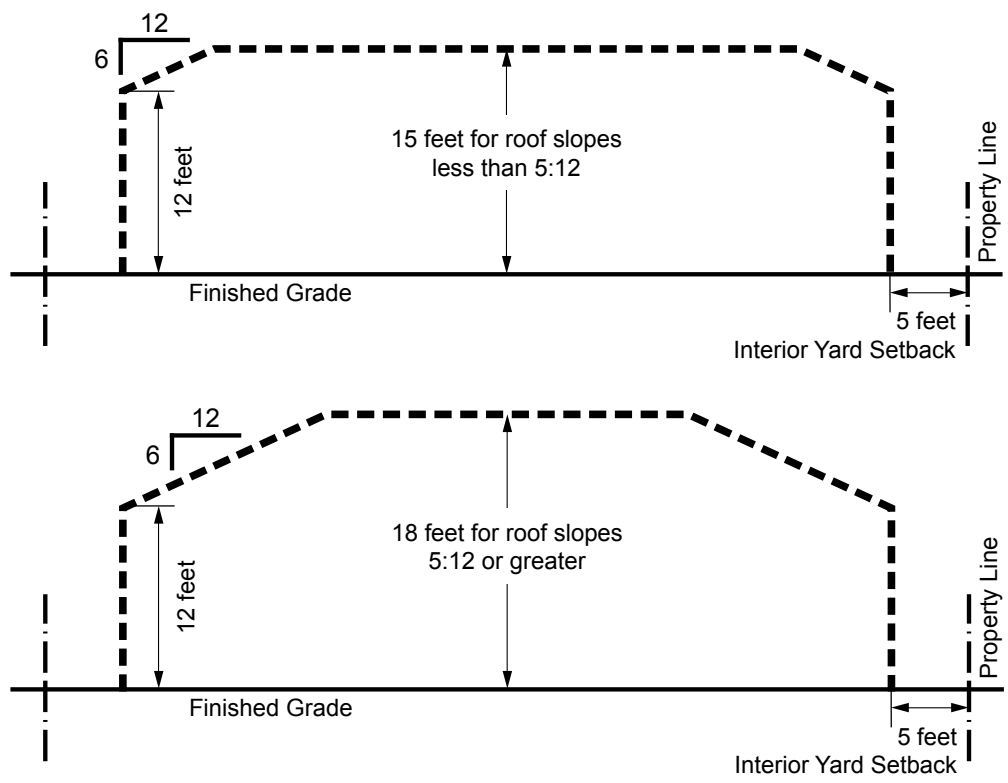


Figure  
9.2779(4)(e)1

# Interior Yard Setbacks for Alley Access Lots

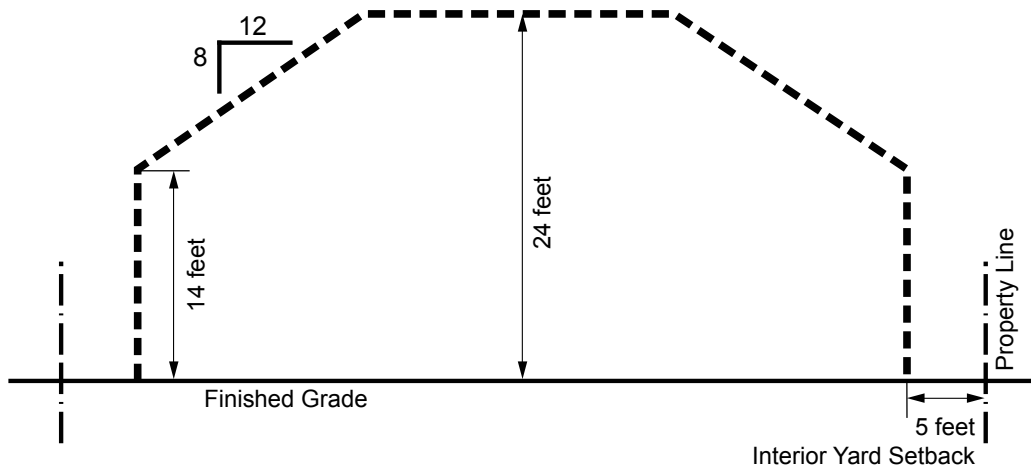
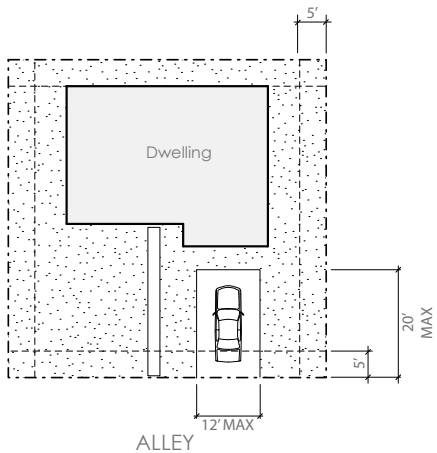


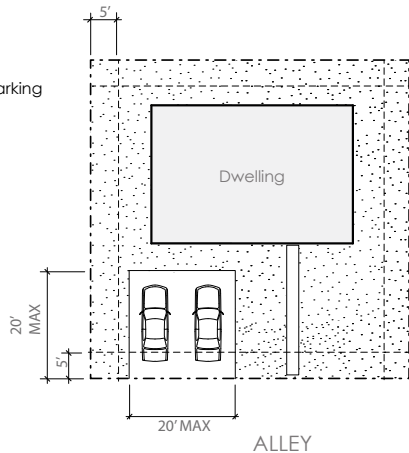
Figure 9.2779(4)(k)

# Parking and Driveway for Alley Access Lots

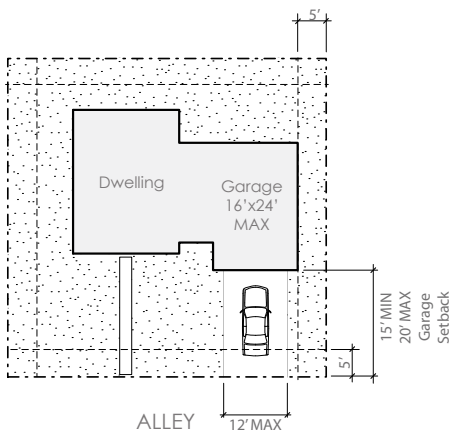
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



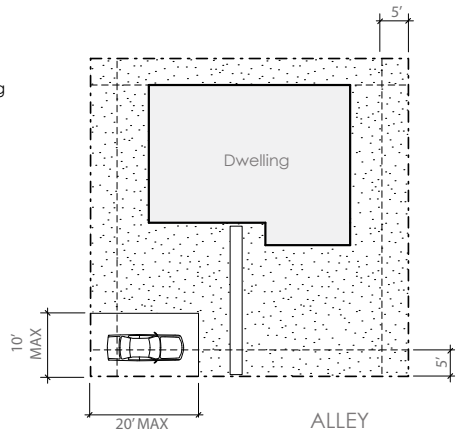
**OPTION B:**  
Side by Side Parking  
400 SF MAX



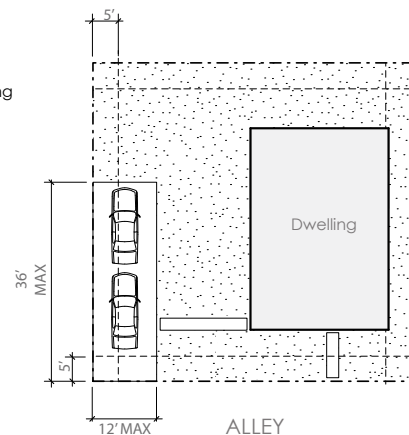
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - - Setbacks

## Preliminary Findings

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

#### Overview

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

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

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

#### Land Use Code Amendments (CA 13-1)

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

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

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

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

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

The initial code concepts were largely influenced by the previous work of the ICS project, specifically the Single-Family Dwelling Subcommittee and R-1 Infill/Flag Lot Implementation Team (RIFLIT), as well as the Neighborhood Livability Working Group, best practices from other cities, and a review of Eugene land use code. Once drafted, the code concepts were reviewed and vetted by an external



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advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLT team.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Applicable Metro Plan Policies**

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

#### **Residential Land Use and Housing Element**

##### *Residential Density Policies:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Housing Type and Tenure Policies*

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

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

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

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

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### *Design and Mixed Use Policies*

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

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

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

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

### Transportation Element

#### *Land Use Policies*

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

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

#### *Transportation System Improvements: Roadway Policies*

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

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

#### *Transportation System Improvements: Bicycle Policies*

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



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*facilities for both new development and redevelopment/expansion.*

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

### *Transportation System Improvements: Pedestrian Policies*

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

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

### **Applicable Refinement Plans**

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

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

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

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

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

### **Fairmount/U of O Special Area Study (1982)**

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

#### Low Density Residential

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

### **Jefferson Far West Refinement Plan (1983)**

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

*2.0 Increase the opportunity for home ownership in the area.*

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

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

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

#### *2. Central Low-Density Residential Area*

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

#### *4. South Low-Density Residential Area*

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

#### *15. Low Density Residential Area*

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

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

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

### **River Road-Santa Clara Urban Facilities Plan (1987)**

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

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

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

### **Willakenzie Area Plan (1992)**

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

#### *Residential Policies*

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

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

### **TransPlan (2002)**

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

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

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

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

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

## NOTE:

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

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

ORDINANCE NO. \_\_\_\_\_

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

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

**A.** As part of Envision Eugene, the City is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to addresses impacts from proximity to the University of Oregon. However, this work is not slated to begin until following the local adoption of Envision Eugene, including a Eugene-specific urban growth boundary. Interim protection measures in the form of code amendments are intended to limit further negative impacts until the area planning process is completed.

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

**NOW, THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

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

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

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

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

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

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

<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	R-1	R-1.5	R-2	R-3	R-4
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					

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

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

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

**9.2741 Special Use Limitations for Table 9.2740.**

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

- ~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~
- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
  - ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
  - ~~3. There shall be at least 1 off-street parking space on the property.~~
  - ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
  - ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~
- ~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~
- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
  - ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
  - ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
  - ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
  - ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~

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

- (3) **Rowhouses.**
  - (a) In R-1, new rowhouses are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
  - (b) In R-1.5, rowhouses shall comply with all of the following:
    - ~~(a)1.~~ Maximum Building Size: Eight rowhouses in a building, no more than 180 feet in width.
    - ~~(b)2.~~ Minimum Interior or Rear Open Space Required: 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.
    - ~~(c)3.~~ Auto access and parking shall be provided from the alley to the rear of the lot; there shall be no auto access from the front of the lot.
    - ~~(d)4.~~ Siting requirements of EC 9.2735.
- (4) **Duplex.** When located in R-1, a duplex shall conform to 1 of the following standards below, except that new duplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
  - (a) The duplex was legally established on August 1, 2001.
  - (b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.
  - (c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.
- (5) **Triplex.** When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision, except that new triplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (6) **Four[-]plex.** When located in R-1, a fourplex shall be on a lot that was identified as a four[-]plex lot in a subdivision, except that new fourplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

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

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

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

<b>Table 9.2750 Residential Zone Development Standards</b>					
<b>(See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	R-1	R-1.5	R-2	R-3	R-4
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units



<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5)</b>					
Main Building. Includes Secondary Dwellings Within the Main Building, <b>but does not include main building on an Alley Access Lot.</b>	30 feet	35 feet	35 feet	50 feet	120 feet
<b>Main Building on Alley Access Lot</b>	<b>See EC 9.2779(4)</b>	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] <b>See (15)</b>	20 feet	25 feet	30 feet	30 feet
<b>Secondary Dwelling Detached from Main Building</b>	<b>See (16)</b>	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11)</b>					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports [(12)](11)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See EC 9.2779(4)</b>	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage</b>					
All Lots, Excluding <b>Alley Access Lots in R-1 and Rowhouse Lots</b>	50% of Lot	--	50% of Lot	--	--
<b>Alley Access Lots in R-1</b>	<b>See EC 9.2779(4)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area [(13)](12)</b>					

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
<b>Fences [(14)](13)</b>					
[(})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
<b>Driveways and Parking Areas [(15)](14)</b>					
General Standards	--	--	--	See [(15)] (14)(b)	See [(15)] (14)(b)
<b><u>Area-Specific</u></b>	<b><u>See (14)(a)</u></b>	<b><u>==</u></b>	<b><u>==</u></b>	<b><u>==</u></b>	<b><u>==</u></b>
<b>Accessory Buildings in R-1 (15)</b>					
<b><u>General Standards</u></b>	<b><u>See (15)(a)</u></b>	<b><u>--</u></b>	<b><u>--</u></b>	<b><u>--</u></b>	<b><u>--</u></b>
<b><u>Area-Specific</u></b>	<b><u>See (15)(b)</u></b>	<b><u>==</u></b>	<b><u>==</u></b>	<b><u>==</u></b>	<b><u>==</u></b>
<b>Secondary Dwelling Units (16)</b>					
<b><u>General Standards</u></b>	<b><u>See (16)</u></b>	<b><u>--</u></b>	<b><u>--</u></b>	<b><u>--</u></b>	<b><u>--</u></b>
<b>Maximum Bedroom Count (17)</b>					
<b><u>Area-specific</u></b>	<b><u>See (17)</u></b>	<b><u>==</u></b>	<b><u>==</u></b>	<b><u>==</u></b>	<b><u>==</u></b>

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

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

**9.2751 Special Development Standards for Table 9.2750.**

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

- (a) R-1 Zone. Within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:**
- 1. A lot shall have no more than one driveway accessed from a street.**
  - 2. The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.**
  - 3. The driveway and associated parking shall be perpendicular**

to the street.

- 4. A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.**
- 5. Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.**
- (b) R-3 and R-4 Zones.** Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.
- ~~(a)~~ **1.** Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
- ~~(b)~~ **2.** Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.
- ~~(c)~~ **3.** Except for a driveway and associated parking area shared by two adjoining lots ("shared driveway"), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
- ~~(d)~~ **4.** Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
- ~~(e)~~ **5.** When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
- ~~(f)~~ **6.** Except for shared driveways and as provided in ~~(h)~~ **8.** below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.
- ~~(g)~~ **7.** Except as provided in ~~(h)~~ **8.** below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.
- ~~(h)~~ **8.** When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.
- ~~(i)~~ **9.** All portions of required front yard setbacks not otherwise covered by a legal driveway or by projecting building features as allowed per EC 9.6745(3) shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the street to the entrance of a

dwelling. The pedestrian path shall be separated from any vehicle use areas by a minimum of 3 feet. The area between the vehicle use area and the pedestrian path shall be landscaped and maintained with living plant material.

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

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

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

(15) **Accessory Buildings in R-1.**

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

1. **Building Size.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, the maximum square footage of all accessory buildings shall not exceed 1,000 square feet.*
- b. *For accessory buildings on development sites (with a dwelling) that are greater than 13,500 square feet and less than 43,560 square feet, the maximum square footage of all accessory buildings shall be 10 percent of the area of the development site but in no case shall the total square footage of all accessory buildings exceed 3,000 square feet.*
- c. *For accessory buildings on development sites 43,560 square feet or greater in area, or on development sites with a non-residential use, there is no building size limitation.*

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

2. **Building Height/Setback.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(15)(a)2.a.)*
- b. *For accessory buildings on development sites greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 pitch horizontally away from the property line to a maximum building height of 25 feet.*

3. **Use.** *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing*

fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:

- a. The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.
  - b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
  - c. The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.
4. **Pre-existing Structures.** Legally established accessory buildings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [effective date of ordinance] are subject to Table 9.1245 Legal Pre-Existing Structures.
  5. **Adjustment Review.** The standards in EC 9.2751(16)(a)1. and 2. regarding building size and building height/setback may be adjusted, based on the criteria at EC 9.8030(34). For accessory buildings in the R-1, these are the only standards that may be adjusted.
- (b) Area-specific Standards. The following standards apply to all new accessory buildings associated with a dwelling in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association that are detached or that share a common wall with the primary dwelling for less than 8 feet:**
1. **In addition to any accessory buildings legally established prior to \_\_\_\_\_ [effective date of ordinance], one accessory building is allowed.**
  2. **The accessory building shall not exceed 400 square feet in area.**
  3. **The accessory building shall not exceed 18 feet in height.**
  4. **An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for every 12 inches horizontally.**
  5. **No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.**
  6. **The accessory building shall not include more than one plumbing fixture.**
  7. **For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:**
    - a. **The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.**

- b. If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and remove the plumbing fixture from the building.
  - c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
  - d. The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.
  - e. The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.
- (17) Maximum Bedroom Count. In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, no more than 3 bedrooms shall be allowed in a dwelling. This standard applies to new dwellings and to building additions, expansions and alterations of existing dwellings, the maximum allowable number of bedrooms in a dwelling shall be as follows:
- a. New dwellings approved after \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms; or
  - b. Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on [date of ordinance adoption] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for the addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:
    - 1. The maximum number of unrelated individuals living in dwelling shall be limited to 3.
    - 2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
    - 3. The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.

**Section 8.** Subsections (3), (4), and (11) of Section 9.2761 of the Eugene Code, 1971, are amended to provide as follows:

**9.2761 Special Standards for Table 9.2760.**

**(3) Rowhouse Lots.**

- (a)** In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density in the subdivision complies with Table 9.2750

- Residential Zone Development Standards, **except that the creation of new rowhouse lots is prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
- (b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.
- (4) **Flag Lots.**
- (a) No variances to residential flag lot standards are allowed.
- (b) ~~Minimum lot area excludes the pole portion of the lot.~~ **The creation of new flag lots is prohibited in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
- (c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
- (11) **Alley Access Lots.**
- (a) **The creation of new alley access lots is prohibited in the R-1 zone within the boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
- (b) **Alley access lots shall comply with other alley access lot standards. (See EC 9.2779 Alley Access Lot Standards.)**

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

**9.6410 Motor Vehicle Parking Standards.**

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

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

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

**9.6745 Setbacks-Intrusions Permitted.**

- (6) **Driveways.** Except as provided in EC 9.2751[(45)](14)(e)(b)3. **Driveways and Parking Areas in R-3 and R-4,** in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.
- (7) **Parking Spaces in Required Setbacks.**
- (a) Except as provided in EC 9.2751[(45)](14) **Driveways and Parking Areas in R-3 and R-4,** in areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:
1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
  2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
  3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
  4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
- (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

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

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



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

- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751~~[(15)](14)~~~~(b)9~~ may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.

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

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

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

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

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

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

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

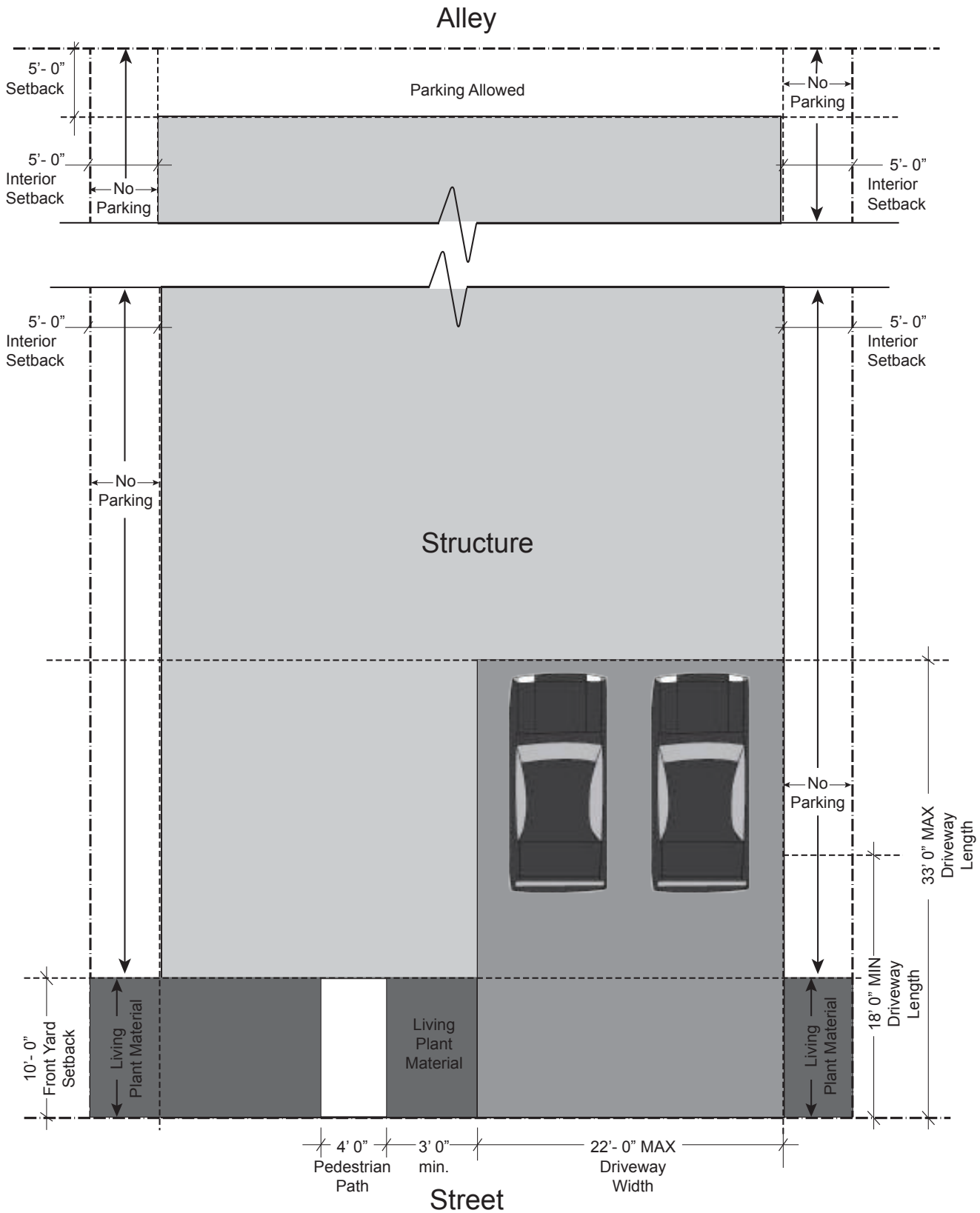
**Passed by the City Council this**  
\_\_\_\_ day of \_\_\_\_\_, 2013

**Approved by the Mayor this**  
\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

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



## Preliminary Findings

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

#### Overview

This package of land use code amendments of the R-1 Low Density Residential zone provides interim protection measures in the Amazon, Fairmount and South University neighborhoods to prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed.

As part of Envision Eugene, the city is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to address impacts from being proximate to the University of Oregon. However, this work is not slated to begin until following the local adoption of Envision Eugene, meaning that an adopted University Area Plan is likely two to three years away. Protection measures in the form of code amendments are intended to limit further negative impacts until the area planning process is completed. These measures focus on the R-1 zoned areas in the South University, Fairmount and Amazon neighborhoods, which have experienced a substantial increase in unintended housing associated with the demand for student housing close to campus. These interim measures are intended to be replaced by a more comprehensive set of development and design standards established as part of the area planning effort.

#### Land Use Code Amendments (CA 13-1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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would:

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

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

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

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

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

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

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

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



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

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

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

#### **Applicable Metro Plan Policies**

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

#### *Existing Housing Supply and Neighborhoods Policies*

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

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

#### **Applicable Refinement Plans**

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

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### **Fairmount/U of O Special Area Study (1982)**

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

#### *Low Density Residential*

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

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

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

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

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

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

**Secondary Dwelling Units**

- Building Size: Change primary residence to principal residence *[General agreement, no vote taken]*
- Ownership/Occupancy: Use majority ownership instead of percentage when determining ownership *[General agreement, no vote taken]*
- Minimum Wall Length: Modify to require a 2 foot deep by 5 foot wide minimum articulation on walls over 25 feet in length. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists). *[Straw vote 6-0-1 with Steve Baker indicating he was neutral]*

**Alley Access Lots**

- Distance from Street/Fire Access: Clarify distance requirement for lot and modify to require sprinklers in dwelling if any portion of house is beyond 150 feet of alley/street intersection *[Straw vote 7 to 0]*
- Lot Standards: Establish maximum lot size for new alley access lot size as 5,000 square feet *[General agreement, no vote taken]*
- Development Standards: Allow windows, dormers and balconies on second story of alley lot dwelling on any non-alley facing property line only with the written approval of the affected adjacent property owner, in lieu of requiring an adjustment review. *[Straw vote 7 to 0]*

**Accessory Buildings**

- Building size/setbacks: For lots 13,500 square feet or less in area, limit the total square footage of all accessory buildings to 1000 square feet. For lots greater than 13,500 square feet to 43,560 square feet, limit the total square footage of all accessory buildings to 10 percent of the lot area, not to exceed 3,000 square feet, and require 10 foot setback and 10:12 roof pitch. For lots greater than 43,600 square feet (one acre) in size, no limit on square footage of accessory buildings, but require 10 foot setback and 10:12 roof pitch. *[Straw vote 7 to 0]*

**University Area Interim Protection Measures**

- Timing/Sunset: Establish sunset date that interim measures would remain in effect for 42 months after the date of adoption. *[Straw vote 7 to 0]*
- Bedroom Count: Support 3 bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond 3 bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to 3 (instead of 5) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such. *[Straw vote 7 to 0]*
- Occupancy: Add provision to require property owner to provide city with copy of current lease(s) or rental agreement(s) as a means of verifying occupancy (add as city wide provision) *[Straw vote 6 to 0]*
- Secondary Dwelling Units: Add development standards (see Exhibit 1 for draft development standards) to allow for secondary dwellings during the interim, subject to the 42 month sunset date. *[Straw vote 6 to 1 with John Jaworski voting in opposition due to preference for shorter sunset date.]*

**Other Deliberation Topics**

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

**Secondary Dwelling Units**

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

**Alley Access Lots**

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

**University Area Interim Protection Measures**

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

## Proposed Code Language for University Area Interim Secondary Dwelling Standards

November 12, 2013

*Red italic text* = Proposed Interim Secondary Dwelling Standards

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

**9.2741 Special Use Limitations for Table 9.2740.**

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

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
<b>Secondary Dwelling Units (16)</b>					
<i>General Standards</i>	See (16)(a)-(b)	--	--	--	--
<i>Area-Specific</i>	See (16)(c)	--	--	--	--

(16) **Secondary Dwelling.**

- (a) **General Standards for Attached Secondary Dwellings.** Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. **Lot Area.** To allow for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.
  2. **Building Size.** The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
  3. **Minimum Attachment.** The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
  4. **Maximum Bedrooms.** The secondary dwelling unit shall contain no more than 2 bedrooms.
  5. **Dog Keeping.** No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog

- for up to 6 months in any 12-month period.
6. **Ownership/Occupancy Requirements.** *Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*
  7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.*
  8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
    - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*

- b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
  - c. *The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:*
- 1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  - 2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  - 3. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
  - 4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
  - 5. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
  - 6. **Building Height/Sloped Setback.**
    - a. *For detached secondary dwellings located within 20 feet of a property line:*
      - (1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*
      - (2) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback*

*shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.*

- b. For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*
  - c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(16)(b)5.a.)*
- 7. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**
- (c) Area-specific Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood:**
- 1. Lot Area. To allow for secondary dwelling, the lot shall contain at least 7,500 square feet.**
  - 2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.**
  - 3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.**
  - 4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, is 20 percent of the total lot area.**
  - 5. Building Size. For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.**
  - 6. Minimum Attachment. The standards at EC 9.2751(16)(a)3. are applicable.**
  - 7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.**



8. **Maximum Occupancy.** For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
  9. **Building Height/Interior Sloped Setback.** For detached secondary dwellings:
    - a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from vertical) away from the lot line until a point not to exceed a maximum building height of 18 feet.
    - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.
  10. **Dog Keeping.** The standards at EC 9.2751(16)(a)5. are applicable.
  11. **Ownership/Occupancy Requirements.** The standards at EC EC 9.2751(16)(a)6. are applicable.
  12. **Temporary Leave.** The standards at EC 9.275(16)(a)7. are applicable.
  13. **Deed Restriction.** The standards at EC 9.2751(16)(a)8. are applicable. In addition, the applicable occupancy limitation at EC 9.2751(16)(c)8. above must be included in the deed restriction.
  14. **Verification.** The standards at EC 9.2751(16)(a)9. are applicable.
  15. **Parking.** For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
  16. **Alley Access Parking and Driveway.** The standards EC 9.2779(4)(k) are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
  17. **Pedestrian Access.** The standards at EC 9.2751(16)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.
  18. **Primary Entrance.** The standards at EC 9.2751(16)(b)3. are applicable to detached secondary dwellings only.
  19. **Outdoor Storage/Trash.** The standards at EC 9.2751(16)(b)4. are applicable to detached secondary dwellings only.
  20. **Maximum Wall Length.** The standards at EC 9.2751(16)(b)7. are applicable for detached secondary dwellings only.
- (d) **Adjustment Review.** The standards in EC 9.2751(15)(a)7. regarding

*temporary leave and in EC 9.2751(15)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, these are the only standards that may be adjusted. **These standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood.***

- (e) Pre-Existing Structures.** Legally established accessory buildings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [date of ordinance adoption] are subject to Table 9.1245 Legal Pre-Existing Structures.
- (f) Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Work Session on Envision Eugene Implementation: An Ordinance Concerning Single Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings, and for Protection Measures Specific to the University Area; Amending Sections 9.0500, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.3125, 9.3626, 9.6105, 9.6410, 9.6505, 9.6745, 9.6775, 9.6870, 9.8030, 9.8405 and 9.8415 of the Eugene Code, 1971; Adding Sections 9.1245, 9.2737 and 9.2779 to that Code; and Providing an Effective Date. (City File CA 13-3)

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Meeting Date: November 27, 2013  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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## ISSUE STATEMENT

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

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

## BACKGROUND

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

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

estimated that approximately 125 additional single-family homes (approximately 40 alley access lots and 85 additional secondary dwellings) over 20 years could be accommodated within the current UGB through these strategies.

### **City Council Process**

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

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

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

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

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

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

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

### **RELATED CITY POLICIES**

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

**COUNCIL OPTIONS**

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

**CITY MANAGER'S RECOMMENDATION**

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

**SUGGESTED MOTION**

None.

**ATTACHMENTS**

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

**FOR MORE INFORMATION**

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Staff E-Mail: [alissa.h.hansen@ci.eugene.or.us](mailto:alissa.h.hansen@ci.eugene.or.us)



## Memorandum

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

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

### SECONDARY DWELLING UNITS

#### 1. Density

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

#### 2. Development Standards

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

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

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

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

**Table 1**

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

## ALLEY ACCESS LOTS

### 1. Allowance for New Alley Access Lots

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

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

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

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

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

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

### 2. Density/Lot Size Minimums

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



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

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

### 3. Compliance with ADA

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

### 4. Development Standards

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

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

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

**Table 2**

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

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

## 5. Alley Infrastructure

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

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

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

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

## UNIVERSITY AREA INTERIM PROTECTION MEASURES

### 1. Interim Standards to allow Secondary Dwellings

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

### 2. Allowance for Duplexes

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

## OTHER

### 1. Adjustment Review

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

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

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

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

### 2. Public Engagement Process

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

2007-2009

In response to City Council direction to address residential infill compatibility, the Infill Compatibility Standards Task Team was formed and met monthly from November 2007 to September 2009. The Task Team was comprised of 14 neighborhood association representatives, a Housing Policy Board representative, and five additional members with the perspectives of builders, developers, and designers of market-rate and affordable infill housing.

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

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

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

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

- Marilyn Mohr (Former River Road board member; invited, but did not attend)
- November 2012 Planning Commission Work Session on progress of Single Family Code Amendments
- December 2012 Project included in the Envision Eugene Implementation Update sent to Envision Eugene mailing list (525 email addresses)
- May 2013
  - Email to all neighborhood leaders asking for input on code concepts and invitation to meet
  - Project highlighted in Envision Eugene Newsletter sent to Envision Eugene mailing list
  - Meeting with members of Friendly Area Neighborhood and board to review Code concepts
  - Meeting with members of South University Neighborhood Association board to review code concepts
  - Meeting with members of Fairmount Neighbors board to review code concepts
- June 2013
  - Emails to interested parties regarding open house (distributed to 120+ emails including people interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association)
  - Meeting with members of South University Neighborhood Association board
  - Meeting with members of Fairmount Neighbors board
  - Public Open House
- July 2013
  - Email to interested parties list to update and request feedback on concepts
  - Planning Commission Work Session
  - Meeting with members of Jefferson-Westside Neighborhood board
- August 2013
  - Email to interested parties list requesting review of draft code
  - Notice of public hearing mailed to neighborhood associations and others requesting notice
  - Measure 56 Notice mailed to property owners in Amazon, Fairmount and South University neighborhoods regarding interim protection measures
  - Legal Notice in Register Guard
- September 2013
  - Emails to interested parties list regarding public hearing
  - Planning Commission public hearing on proposed code amendments
  - Email to interested parties list regarding public record left open
- October 2013
  - Planning Commission Deliberations
  - Email to interested parties list regarding Planning Commission's recommendation
  - City Council Work Session
- November 2013
  - Email to interested parties list regarding City Council Public Hearing
  - City Council Public Hearing
  - Email to interested parties list regarding public record left open

### **3. Enforcement**

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

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

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

### **4. Number of Units Estimated Per Year**

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

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

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

### **Attachments**

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

## Proposed Code Language to Clarify Density Requirements for Secondary Dwellings

November 20, 2013

***Bold italic*** = Text to be inserted

<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	R-1	R-1.5	R-2	R-3	R-4
<b>Residential</b>					
<p><b>Dwellings.</b> (All dwellings, <b><i>except secondary dwellings</i></b>, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)</p>					

## Proposed Code Language for University Area Interim Secondary Dwelling Standards November 12, 2013

*Red italic text* = Proposed Interim Secondary Dwelling Standards  
~~Strike through text~~ = Text to be removed.

- 9.2741 Special Use Limitations for Table 9.2740.**
- (2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards [below] ***beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots, and within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.***

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
<b>Secondary Dwelling Units (16)</b>					
<b>General Standards</b>	See (16)(a)-(b)	--	--	--	--
<b>Area-Specific</b>	See (16)(c)	--	--	--	--

- (16) **Secondary Dwelling.**
- (a) **General Standards for Attached Secondary Dwellings.** Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. **Lot Area.** To allow for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.
  2. **Building Size.** The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
  3. **Minimum Attachment.** The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
  4. **Maximum Bedrooms.** The secondary dwelling unit shall contain no more than 2 bedrooms.
  5. **Dog Keeping.** No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog



- for up to 6 months in any 12-month period.
6. **Ownership/Occupancy Requirements.** *Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*
  7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.*
  8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
    - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*

- b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
  - c. *The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:*
- 1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  - 2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  - 3. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
  - 4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
  - 5. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
  - 6. **Building Height/Sloped Setback.**
    - a. *For detached secondary dwellings located within 20 feet of a property line:*
      - (1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*
      - (2) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback*

*shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.*

- b. For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*
  - c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(16)(b)5.a.)*
- 7. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**
- (c) Area-specific Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood:**
- 1. Lot Area. To allow for secondary dwelling, the lot shall contain at least 7,500 square feet.**
  - 2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.**
  - 3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.**
  - 4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, is 20 percent of the total lot area.**
  - 5. Building Size. For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.**
  - 6. Minimum Attachment. The standards at EC 9.2751(16)(a)3. are applicable.**
  - 7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.**

8. **Maximum Occupancy.** For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
  9. **Building Height/Interior Sloped Setback.** For detached secondary dwellings:
    - a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from vertical) away from the lot line until a point not to exceed a maximum building height of 18 feet.
    - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.
  10. **Dog Keeping.** The standards at EC 9.2751(16)(a)5. are applicable.
  11. **Ownership/Occupancy Requirements.** The standards at EC EC 9.2751(16)(a)6. are applicable.
  12. **Temporary Leave.** The standards at EC 9.275(16)(a)7. are applicable.
  13. **Deed Restriction.** The standards at EC 9.2751(16)(a)8. are applicable. In addition, the applicable occupancy limitation at EC 9.2751(16)(c)8. above must be included in the deed restriction.
  14. **Verification.** The standards at EC 9.2751(16)(a)9. are applicable.
  15. **Parking.** For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
  16. **Alley Access Parking and Driveway.** The standards EC 9.2779(4)(k) are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
  17. **Pedestrian Access.** The standards at EC 9.2751(16)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.
  18. **Primary Entrance.** The standards at EC 9.2751(16)(b)3. are applicable to detached secondary dwellings only.
  19. **Outdoor Storage/Trash.** The standards at EC 9.2751(16)(b)4. are applicable to detached secondary dwellings only.
  20. **Maximum Wall Length.** The standards at EC 9.2751(16)(b)7. are applicable for detached secondary dwellings only.
- (d) **Adjustment Review.** The standards in EC 9.2751(15)(a)7. regarding

*temporary leave and in EC 9.2751(15)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, these are the only standards that may be adjusted. **These standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood.***

- (e) **Pre-Existing Structures.** Legally established secondary dwellings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [effective date of ordinance] are subject to Table 9.1245 Legal Pre-Existing Structures.*
- (f) **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*

## Summary of Proposed Single Family Code Amendments

### Secondary Dwelling Units

The goal is to promote legal and compatible secondary dwelling units by clarifying ownership and occupancy requirements and improving design and compatibility by addressing looming walls, privacy, and building heights. The land use code currently allows secondary dwelling units (SDUs) in the R-1 Low Density Residential zone and includes limited development standards. The amendments would establish design standards such as sloped building setbacks.

Note: A related concurrent Envision Eugene implementation project is studying the possibility of restructuring system development charges (SDCs) to incentivize secondary dwelling units. Proposed code amendments include:

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

### Accessory Buildings

The goal is to promote compatibility, and to clarify distinction between accessory buildings and dwellings. The land use code currently allows accessory buildings (such as detached garages, sheds and studios) in conjunction with a single family dwelling in the R-1 Low Density Residential zone, and includes limited development standards (building setbacks and height limits). Proposed code amendments include:

- For residential accessory buildings on lots less than 13,500 square feet, limiting building size; for lots between 13,500 and 43,560 square feet, limiting building size, requiring greater setback and sloped setback; and for lots over 43,600 square feet, requiring greater setback and sloped setback.
- Clarifying that an accessory building cannot be used as a dwelling, and limiting number of plumbing fixtures to two per building, but allowing for accessory buildings with three plumbing fixtures if property owner to signs deed restriction limiting use of building
- Limiting height, yet providing for adjustment to building height/setback or building size subject to relevant criteria

### Alley Access Lots/Houses

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

#### *Lot Standards for Creating Alley Access Lots*

- Minimum area of original lot: 9,000 square feet. Could be created from one lot or from two consolidated lots.
- Alley access lot size: minimum 2,250 square feet and not to exceed 40 percent of street lot; maximum lot size of 5,000 square feet

- Alley access lot dimensions: minimum 50 feet frontage/lot width and a minimum lot depth of 35 feet
- If original lot(s) eligible for both flag lot division and alley access division, require alley access lot
- For fire access, require nearest corner of lot to be within 125 feet from alley/street intersection
- Minimum alley width: 14 feet of right of way and 12 feet of paving
- Alley surfacing requirements: Pave or allow for gravel through a temporary surfacing permit. Consider allowing alternative paving methods.

*Design/Development Standards for Houses on new and existing Alley Access Lots*

- Limiting home size to 1,000 square feet in floor area. For one and one-half story dwellings, limit square footage on second floor to 400.
- Calculating lot coverage based on all roofed areas
- Limiting building height to 24 feet with sloped setbacks
- Limiting balconies or other second floor outdoor spaces, dormers and upper story windows
- Limiting number of bedrooms to 3
- Requiring house to be defined by a covered or roofed entrance with a minimum depth of three feet
- Requiring house to be served by a minimum three-foot wide hard-surfaced pedestrian walkway from alley or from the front street via an easement
- Requiring minimum of 1 parking space and maximum of 2 parking spaces
- Allowing options for location and types of parking and providing maximum dimensions for parking spaces and garages
- Limiting total vehicle use area (driveways and on-site parking) to a maximum of 400 square feet
- Limiting size and height of garages and other detached accessory structures to 400 square feet
- Prohibiting secondary dwelling units on alley access lots
- Allowing for overhead utility lines in certain cases (as opposed to undergrounding)
- Providing for adjustments to allow for design flexibility for building height/setback or windows, dormer, balconies subject to relevant criteria

### **University Area Interim Protection Measures**

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

Proposed code amendments include:

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

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS, AND FOR PROTECTION MEASURES SPECIFIC TO THE UNIVERSITY AREA; AMENDING SECTIONS 9.0500, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.3125, 9.3626, 9.6105, 9.6410, 9.6505, 9.6745, 9.6775, 9.6870, 9.8030, 9.8405 AND 9.8415 OF THE EUGENE CODE, 1971; ADDING SECTIONS 9.1245, 9.2737 AND 9.2779 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

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

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

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

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

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

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

**Dwelling, Secondary.** A dwelling unit that is located on the same [parcel] **lot** as a primary one-family dwelling that is clearly subordinate to the primary one-family



dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot. ***Either the secondary dwelling or the primary dwelling must be occupied by the property owner.***

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

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

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

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

**Section 3.** Section 9.2735 of the Eugene Code, 1971, is amended to provide as follows:

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

**Section 4.** Section 9.2737 of the Eugene Code, 1971, is added to provide as follows:

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

**Section 5.** The text of Section 9.2740 of the Eugene Code, 1971, and the following entry in Table 9.2740, are amended to provide as follows:

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

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

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

<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	<b>P(3)</b>	P(3)	P	P	P

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

9.2741

**Special Use Limitations for Table 9.2740.**

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

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

- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
- ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~

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

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

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

- (3) **Rowhouses.**

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

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

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

- (4) **Duplex.** When located in R-1, a duplex shall conform to 1 of the following

standards **below, except that new duplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:**

- (a) The duplex was legally established on August 1, 2001.
  - (b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.
  - (c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.
- (5) **Triplex.** When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision, **except that new triplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
- (6) **Four[-]plex.** When located in R-1, a fourplex shall be on a lot that was identified as a four[-]plex lot in a subdivision, **except that new fourplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**

**Section 7.** Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

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

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

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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Secondary Dwelling Detached from Main Building</b>	See (16)	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11)</b>					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports [(12)](11)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	See EC 9.2779(4)	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage</b>					
All Lots, Excluding <b>Alley Access Lots in R-1 and</b> Rowhouse Lots	50% of Lot	--	50% of Lot	--	--
<b>Alley Access Lots in R-1</b>	See EC 9.2779(4)	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area [(13)](12)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
<b>Fences [(14)](13)</b>					
[(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
<b>Driveways and Parking Areas [(15)](14)</b>					
General Standards	--	--	--	See [(15)] (14)(b)	See [(15)] (14)(b)

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	R-1	R-1.5	R-2	R-3	R-4
<i>Area-Specific</i>	See (14)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (15)</b>					
<i>General Standards</i>	See (15)(a)	--	--	--	--
<i>Area-Specific</i>	See (15)(b)	≡	≡	≡	≡
<b>Secondary Dwelling Units (16)</b>					
<i>General Standards</i>	See (16)	--	--	--	--
<b>Maximum Bedroom Count (17)</b>					
<i>Area-specific</i>	See (17)	--	--	--	--

**Section 8.** Figure 9.2751(14)(b)1. is relabeled as Figure 9.2751(13)(b)1. as shown on Exhibit A attached hereto; Figure 9.2751(15) is relabeled as Figure 9.2751(14)(b) as shown on Exhibit B attached hereto; Figure 9.2751(15)(a)2.a. is added as shown on Exhibit C attached hereto; Figure 9.2751(16)(b)5.a. is added as shown on Exhibit D attached hereto.

**Section 9.** Subsections (3) and (8) of Section 9.2751 of the Eugene Code, 1971, are amended; subsection (11) is deleted and subsections (12) – (15) are renumbered as (11) - (14) respectively; renumbered subsections (13) and (14) are amended; and new subsections (15), (16) and (17) are added to provide as follows:

**9.2751 Special Development Standards for Table 9.2750.**

**(3) Building Height.**

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**

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

**(See Figure 9.2751(3)).**

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

- (8) Area-Specific Interior Yard Setback.** For R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south and that are abutting or across an alley from R-1 zoned property:

- (a) The interior yard setback shall be a minimum of 10 feet from the property line abutting or across an alley from R-1 zoned property; and  
 (b) At a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting or across an alley from R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b).

The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in (a) and (b) above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(8))**

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

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

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

**(143) Fences.**

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751[(14)](13)(b)1.)**
  2. Fences up to 6 feet in height are permitted within the required interior yard setback.
  3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.

4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.
- (154) Driveways and Parking Areas [in R-3 and R-4].**
- (a) *R-1 Zone. Within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:***
- 1. *A lot shall have no more than one driveway accessed from a street.***
  - 2. *The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.***
  - 3. *The driveway and associated parking shall be perpendicular to the street.***
  - 4. *A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.***
  - 5. *Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.***
- (b) *R-3 and R-4 Zones.*** Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.
- ~~(a)~~ **1.** Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
  - ~~(b)~~ **2.** Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.
  - ~~(c)~~ **3.** Except for a driveway and associated parking area shared by two adjoining lots ("shared driveway"), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
  - ~~(d)~~ **4.** Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
  - ~~(e)~~ **5.** When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
  - ~~(f)~~ **6.** Except for shared driveways and as provided in [~~(h)~~] **8.** below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.



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

(See Figure 9.2751[~~(45)~~](14)(b))

**(15) Accessory Buildings in R-1.**

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

1. **Building Size.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, the maximum square footage of all accessory buildings shall not exceed 1,000 square feet.*
- b. *For accessory buildings on development sites (with a dwelling) that are greater than 13,500 square feet and less than 43,560 square feet, the maximum square footage of all accessory buildings shall be 10 percent of the area of the development site but in no case shall the total square footage of all accessory buildings exceed 3,000 square feet.*
- c. *For accessory buildings on development sites 43,560 square feet or greater in area, or on development sites with a non-residential use, there is no building size limitation.*

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

2. **Building Height/Setback.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade,*

- the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(15)(a)2.a.)*
- b. For accessory buildings on development sites greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 pitch horizontally away from the property line to a maximum building height of 25 feet.*
- 3. Use. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
- a. The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
- b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
- c. The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*
- 4. Pre-existing Structures. Legally established accessory buildings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [effective date of ordinance] are subject to Table 9.1245 Legal Pre-Existing Structures.*
- 5. Adjustment Review. The standards in EC 9.2751(15)(a)1. and 2. regarding building size and building height/setback may be adjusted, based on the criteria at EC 9.8030(34). For accessory buildings in the R-1, these are the only standards that may be adjusted.*
- (b) Area-specific Standards. The following standards apply to all new accessory buildings associated with a dwelling in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association that are detached or that share a common wall with the primary dwelling for less than 8 feet:*
- 1. In addition to any accessory buildings legally established prior to \_\_\_\_\_ [effective date of ordinance], one accessory building is allowed.*
- 2. The accessory building shall not exceed 400 square feet in area.*
- 3. The accessory building shall not exceed 18 feet in height.*
- 4. An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for*

every 12 inches horizontally.

5. **No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.**
  6. **The accessory building shall not include more than one plumbing fixture.**
  7. **For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:**
    - a. **The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.**
    - b. **If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and remove the plumbing fixture from the building.**
    - c. **Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.**
    - d. **The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.**
    - e. **The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.**
- (16) **Secondary Dwelling.**
- (a) **Attached Secondary Dwellings. Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:**
    1. **Lot Area. To allow for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.**
    2. **Building Size. The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.**
    3. **Minimum Attachment. The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.**
    4. **Maximum Bedrooms. The secondary dwelling unit shall contain no more than 2 bedrooms.**
    5. **Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.**
    6. **Ownership/Occupancy Requirements. Either the primary**

- dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*
7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.*
8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
- a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
  - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*

- c. *The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:*
1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  3. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
  4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
  5. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
  6. **Building Height/Sloped Setback.**
    - a. *For detached secondary dwellings located within 20 feet of a property line:*
      - (1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*
      - (2) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the*

- property line until a point not to exceed a maximum building height of 18 feet.*
- b. For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*
  - c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(16)(b)5.a.)*
- 7. Maximum Wall Length.** *Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).*
- (c) Adjustment Review. The standards in EC 9.2751(16)(a)7. regarding temporary leave and in EC 9.2751(16)(b)6. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, these are the only standards that may be adjusted.*
  - (d) Pre-Existing Structures. Legally established secondary dwellings that conform to the development standards required in the R-1 zone prior to \_\_\_\_\_ [effective date of ordinance] are subject to Table 9.1245 Legal Pre-Existing Structures.*
  - (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.*
- (17) Maximum Bedroom Count.** *In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, no more than 3 bedrooms shall be allowed in a dwelling. This standard applies to new dwellings and to building additions, expansions and alterations of existing dwellings, the maximum allowable number of bedrooms in a dwelling shall be as follows:*
- (a) New dwellings approved after \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms; or*
  - (b) Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for the addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*

1. ***The maximum number of unrelated individuals living in dwelling shall be limited to 3.***
2. ***The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.***
3. ***The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.***

**Section 10.** Section 9.2760 of the Eugene Code, 1971, is amended to provide as follows:

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

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	R-1	R-1.5	R-2	R-3	R-4
<b>Lot Area Minimum (1)</b>					
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots, <b><i>Alley Access Lots</i></b>	4,500 square feet	--	4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD	--	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 square feet	--	--	--	--

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	--	6,000 square feet	6,000 square feet	6,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet	--	3,600 square feet	3,600 square feet	3,600 square feet
<b>Alley Access Lot (11) (Existing lot or lots shall be at least 9,000 square feet)</b>	<b>2,250 square feet</b>	--	--	--	--
<b>Lot Frontage Minimum (1)</b>					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35feet (9)	35feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)					
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot (11)</b>	<b>0 feet</b>	--	--	--	--
<b>Lot Width Minimum (1)</b>					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet		--	--	
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot (11)</b>	<b>50 feet</b>	--	--	--	--
<b>Lot Area Maximum (5)</b>					
[[New subdivisions and partitions only]], <b>except for Alley Access Lots</b>	13,500 square feet	--	--	--	--
<b>Alley Access Lot</b>	<b>5,000 square feet</b>	--	--	--	--
<b>Housing Mix Maximum (6)</b>					
Duplex	See EC 9.2741(4)	--	--	--	--
Triplex	See EC 9.2741(5)	--	--	--	--
Four[-]plex	See EC 9.2741(6)	--	--	--	--



**Section 11.** Subsections (2), (3), (4) and (8) of Section 9.2761 of the Eugene Code, 1971, are amended, and a new subsection (11) is added, to provide as follows:

**9.2761 Special Standards for Table 9.2760.**

- (2) **Small Lots.** Lots shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.)
- (3) **Rowhouse Lots.**
  - (a) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density in the subdivision complies with Table 9.2750 Residential Zone Development Standards, **except that the creation of new rowhouse lots is prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
  - (b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.
- (4) **Flag Lots.**
  - (a) No variances to residential flag lot standards are allowed.
  - (b) ~~[Minimum lot area excludes the pole portion of the lot.]~~ **The creation of new flag lots is prohibited in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
  - (c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
- (8) **Duplex Division Lots.** Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)
- (11) **Alley Access Lots.**
  - (a) **The creation of new alley access lots is prohibited in the R-1 zone within the boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.**
  - (b) **Alley access lots shall comply with other alley access lot standards. (See EC 9.2779 Alley Access Lot Standards.)**

**Section 12.** Figure 9.2779(4)(e)1. is added as shown on Exhibit E attached hereto; Figure 9.2779(4)(k) is added as shown on Exhibit F attached hereto; and Section 9.2779 of the Eugene Code, 1971, is added to provide as follows:

**9.2779 Alley Access Lot Standards**

- (1) **Purpose.** *To provide opportunities for single family housing variety and choice, home ownership, and affordable housing, and to promote the efficient use of residential land by allowing the creation of a lot that fronts an alley rather than a street. Development standards are included to specifically address design considerations and compatibility.*
- (2) **Land Division Regulations.**
  - (a) **Original Lot.** *The original lot or lots shall be a minimum of 9,000 square feet in area prior to the creation of the alley access lot. If*

- the original lot(s) meet(s) the required lot area and dimensions to create a flag lot or an alley access lot, only an alley access lot shall be created.*
- (b) **Front Lot.** *The street fronting lot shall meet the lot standards for R-1 lots*
  - (c) **Lot Area.** *The alley access lot shall be a minimum of 2,250 square feet, a maximum of 5,000 square feet and shall not exceed 40 percent of the area of the original lot.*
  - (d) **Lot Width.** *The alley access lot shall have a minimum width of 50 feet, and shall abut the alley for a minimum width of 50 feet.*
  - (e) **Lot Depth.** *No portion of the alley access lot shall have a depth of less than 35 feet.*
  - (f) **Distance from Street.** *The corner of the alley access lot closest to the street shall be a maximum of 125 feet from the centerline of the alley where it intersects with the curb of the street.*
  - (g) **Alley Improvement.** *The minimum improvement width for the alley shall be 12 feet.*
- (3) **Use Regulations.** *Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling unit.*
- (4) **Development Standards.**
- (a) **Applicability.** *The following standards apply to all alley access lots existing as of \_\_\_\_\_ [effective date of ordinance] and to new alley access lots.*
  - (b) **General.** *All base zone requirements must be met, unless otherwise stated in this section.*
  - (c) **Building Size.** *An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.*
  - (d) **Lot Coverage.** *Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.*
  - (e) **Building Height/Interior Setback.**
    1. *Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.*
    2. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.  
(See Figure 9.2779(4)(e)1.)*
  - (f) **Windows, Dormers and Balconies.**

1. ***Any window on the upper story must be located a minimum of 10 feet from any property line.***
  2. ***Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.***
  3. ***Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.***
  4. ***Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.***
- (g) ***Bedrooms. The dwelling shall contain no more than 3 bedrooms.***
- (h) ***Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.***
- (i) ***Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.***
- (j) ***Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.***
- (k) ***Parking and Driveway.***
1. ***Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.***
  2. ***The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.***
  3. ***The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.***
  4. ***The maximum width for a driveway accessing a garage or carport shall be 12 feet.***
  5. ***The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.***
  6. ***The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.***
  7. ***The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.***

- 8. **Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.**
- 9. **The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.**
- 10. **No parking shall occur outside of the vehicle use area. (See Figure 9.2779(4)(k))**
- (l) **Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.**
- (m) **Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.**
- (n) **Accessory buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(15), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.**
- (5) **Adjustment Review. The development standards in subsections EC 9.2779(4)(e) regarding building height/setback, may be adjusted in accordance with EC 9.8030(36). For alley access lots, this is the only standard that may be adjusted.**

**Section 13.** The following entries in Table 9.3125(3)(g) of Section 9.3125 of the Eugene Code, 1971, are amended to provide as follows:

<b>Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)</b>			
	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
<b>Fences - Maximum Height</b>			
Front Yard	(See EC 9.2170(6))	42 inches (See EC 9.2751[(44)] (13))	42 inches (See EC 9.2751[(44)] (13))
Interior Yard	(See EC 9.2170(6))	6' (See EC 9.2751[(44)] (13))	6' (See EC 9.2751[(44)] (13))

**Section 14.** Subsection (8) of Section 9.3626 of the Eugene Code, 1971, is amended to provide as follows:

**9.3626 Special Development Standards for Table 9.3625.**

**(8) Fences.**

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
  - 1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751[(14)](13)(b)1.)**
  - 2. Fences up to 6 feet in height are permitted within the required interior yard setback.
  - 3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
  - 4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.

**Section 15.** The following entry in Table 9.6105(5) of Section 9.6105 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 4 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
<b>Lodging</b>		
Hotel, Motel, and similar business providing overnight accommodations	1 per 10 guest [bed]rooms.	75% long term 25% short term

**Section 16.** Subsection (1) of Section 9.6410 of the Eugene Code, 1971, and the following entry in Table 9.6410 of Section 9.6410 are amended to provide as follows:

**9.6410 Motor Vehicle Parking Standards.**

- (1) **Location of Required Off-Street Parking Spaces.** Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.
  - (a) All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. The off-street parking space requirement for a multi-family dwelling may be satisfied through an agreement that provides parking located on another multi-

family dwelling’s development site only if the party requesting approval demonstrates that, after the agreement is executed, both development sites will meet the current code’s minimum off-street parking space requirement. Each parking space provided through a city approved agreement must have a permanent sign of at least 1 square foot that indicates the name or address of the multi-family dwelling for which the parking is reserved.

- (b) Except as provided in EC 9.2751[(45)(e)](14)(b)3. Driveways and Parking Areas in R-3 and R-4, parking areas may be located in required setbacks only as permitted in EC 9.6745 Setbacks - Intrusions Permitted.
- (c) Tandem parking spaces may be utilized to meet off-street parking requirements for multi-family dwellings in the R-3 and R-4 zones within the boundaries of the [G]city recognized West University Neighbors and South University Neighborhood Association. Those tandem spaces may only be located in an underground parking area or at least 30 feet from a public street within a parking area that can be accessed only from an alley. **(For tandem parking on alleys, see Figure 9.6410(1)(c)).** Tandem parking spaces may not be utilized to meet off-street parking requirements for other types of development in any area.

<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Lodging</b>	
Hotel, Motel, and similar business providing overnight accommodations	1 per guest [bed]room.

**Section 17.** Subsection (3) of Section 9.6505 of the Eugene Code, 1971, is amended to provide as follows:

**9.6505 Improvements - Specifications.** All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:

**(3) Streets and Alleys.**

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided

the [C]city makes findings to demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.

- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (d) ***Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site with a temporary surface, designed and constructed in accordance with the city's adopted temporary surface permit procedures.***

**Section 18.** Subsections (6) and (7) of Section 9.6745 of the Eugene Code, 1971, are amended to provide as follows:

**9.6745 Setbacks-Intrusions Permitted.**

- (6) **Driveways.** Except as provided in EC 9.2751[(15)(e)](14)(b)3. Driveways and Parking Areas in R-3 and R-4, in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.
- (7) **Parking Spaces in Required Setbacks.**
  - (a) Except as provided in EC 9.2751[(15)](14) Driveways and Parking Areas [in R-3 and R-4], in areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:
    1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
    2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
    3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
    4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
  - (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones,

parking spaces and parking areas are permitted in any required interior yard setback.

**Section 19.** Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

**9.6775 Underground Utilities.**

- (1) **Exemptions from Underground Utility Standards.** *The following are exempt from the undergrounding requirement of this section:*
- (a) *Temporary uses on a development site.*
  - (b) *New utility connections to structures or buildings with legally established above ground utility service.*
  - (c) *Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.*
  - (d) *Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.*
- (2) **Underground Utility Standards.** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

**Section 20.** Table 9.6870 in Section 9.6870 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.6870 Right-of-Way and Paving Widths</b>		
<b>Type of Street or Alley</b>	<b>Right-of-Way (for Public Streets and Alleys only)</b>	<b>Paving Width</b>
Major Arterials	100' – 120'	68' – 94'
Minor Arterials	65' – 100'	46' 70'
Major Collector	60' – 75'	32' – 44'
Neighborhood Collector	40' 55'	20' – 43'
Bicycle and Pedestrian Accessway:		
With Fire Accessibility	20'	20'
Without Fire Accessibility	10'	10'
Local Streets		
Alley (secondary access <b>or access to an alley access lot in R-1</b> ) <del>[only]</del>	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'



Table 9.6870 Right-of-Way and Paving Widths		
Type of Street or Alley	Right-of-Way (for Public Streets and Alleys only)	Paving Width
Cul-de-sac Bulb Radius:		
Residential	48.5'	35'
Non-residential	62'	50'
*Measured from face to face of curbs		

**Section 21.** Subsection (30) of Section 9.8030 of the Eugene Code, 1971, is amended, and subsections (34), (35) and (36) are added, to provide as follows:

- 9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.
- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751[(15)(i)](14)(b)9. may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.
- (34) Accessory Buildings in R-1. Building Height/Setback or Building Size.** *Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the building height/setback or building size standards may be adjusted upon demonstration of all of the following:*
- (a) The location and design of the accessory building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
  - (b) The exterior design of the building maintains the scale of the neighborhood.*
  - (c) The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*
- (35) Secondary Dwellings.** *Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*
- (a) Temporary Leave. A property owner make exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.*
  - (b) Conversion of Existing Building. A legally established building existing as of \_\_\_\_\_ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:*
    - 1. The secondary dwelling is limited to 800 square feet in total building square footage, and occupies the first floor of a multi-story building or is limited to one-story.*

2. *The exterior design of the building is compatible with the existing dwelling on the lot, such as through building form, height, and construction materials.*
  3. *The exterior design of the building maintains the scale of the neighborhood.*
  4. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
- (c) **Building Height.** *A detached secondary dwelling may be located above a detached accessory building if the secondary dwelling is limited to 500 square feet in area, the building does not exceed 24 feet in building height, and complies with all of the following:*
1. *The exterior design of the building is compatible with the primary dwelling on the lot, such as through building form, height, and construction materials.*
  2. *The exterior design of the building maintains the scale of the neighborhood.*
  3. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
  4. *Access stairs, decks, balconies, entry doors and large windows are oriented to the primary dwelling to the greatest extent possible, or to an alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.*
  5. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*
- (36) **Alley Access Lots. Building Height/Interior Setback.** *Where this land use code provides that the development standards for alley access lots in R-1 may be adjusted, the building height/interior setback may be adjusted upon demonstration of all of the following:*
- (a) *The exterior design of the dwelling maintains the scale of the neighborhood.*
  - (b) *The location and design of the dwelling maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
  - (c) *The impacts of windows or balconies to the privacy of the neighboring side or rear yard have been minimized such as through design, location, open space or landscaping.*
  - (d) *The design of the dwelling does not visually dominate the surrounding properties.*

**Section 22.** Subsection (3) of Section 9.8405 of the Eugene Code, 1971, is amended to provide as follows:

**9.8405 Applicability of Property Line Adjustment Applications.**

- (3)** A property line adjustment application may not be utilized to create flag lots **or alley access lots.**

**Section 23.** Subsection (6) of Section 9.8415 of the Eugene Code, 1971, is added to provide as follows:

**9.8415 Property Line Adjustment Approval Criteria.** The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria:

- (6) *Within the R-1 zone in the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, property lines may only be adjusted up to 5 feet, measured perpendicularly from the current location of the property line. A Property Line Adjustment allowed under this section may be up to 10 feet if the adjustment is necessary to accommodate an encroachment that existed as of \_\_\_\_\_[effective date of ordinance].***

**Section 24.** The findings set forth in Exhibit G attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 25.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 26.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 27.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**

**Approved by the Mayor this**

\_\_\_\_ day of \_\_\_\_\_, 2013

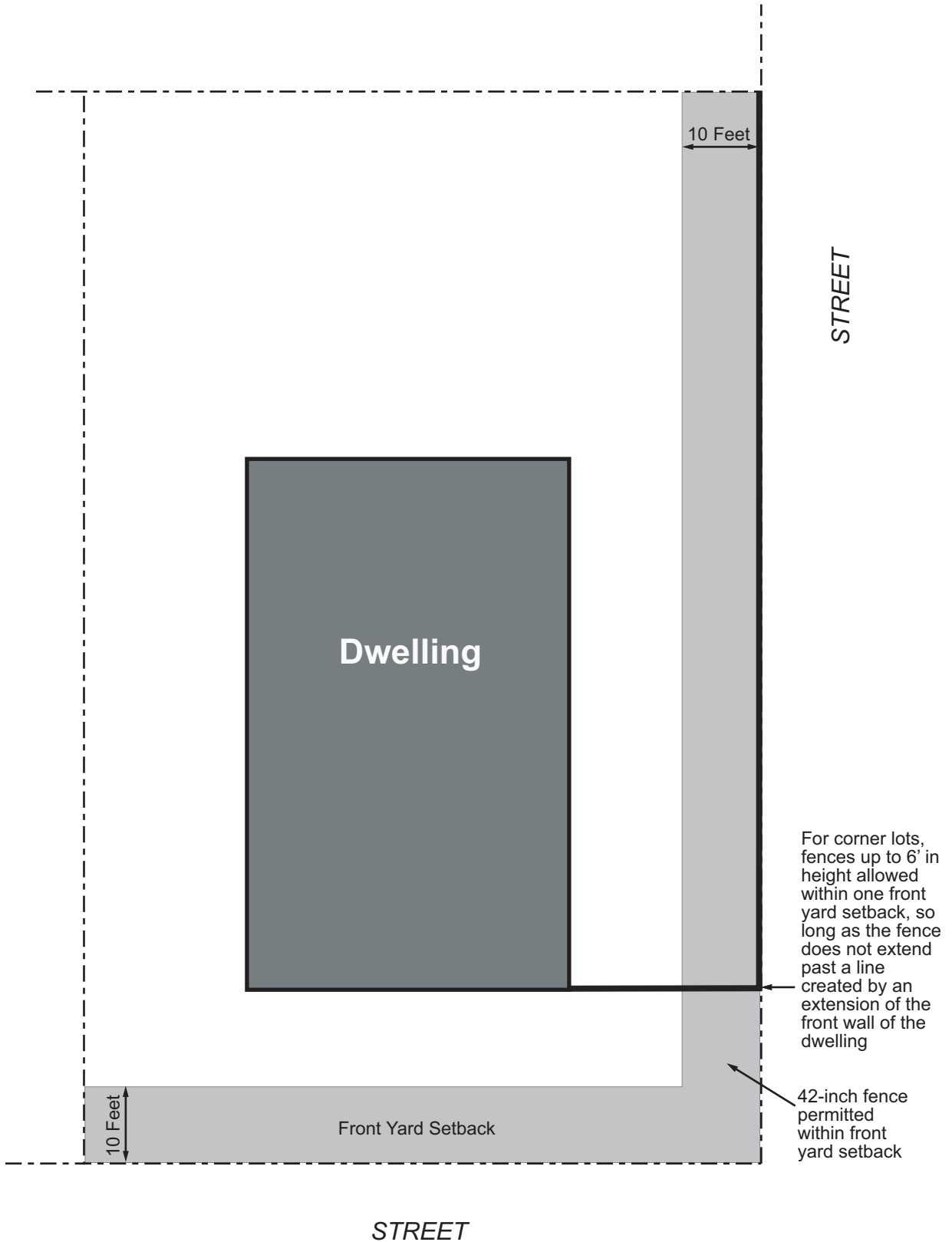
\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure 9.2751(13)(b)1.

# Fences



**Figure 9.2751(14)(b) Driveways and Parking Areas in R-3 and R-4**

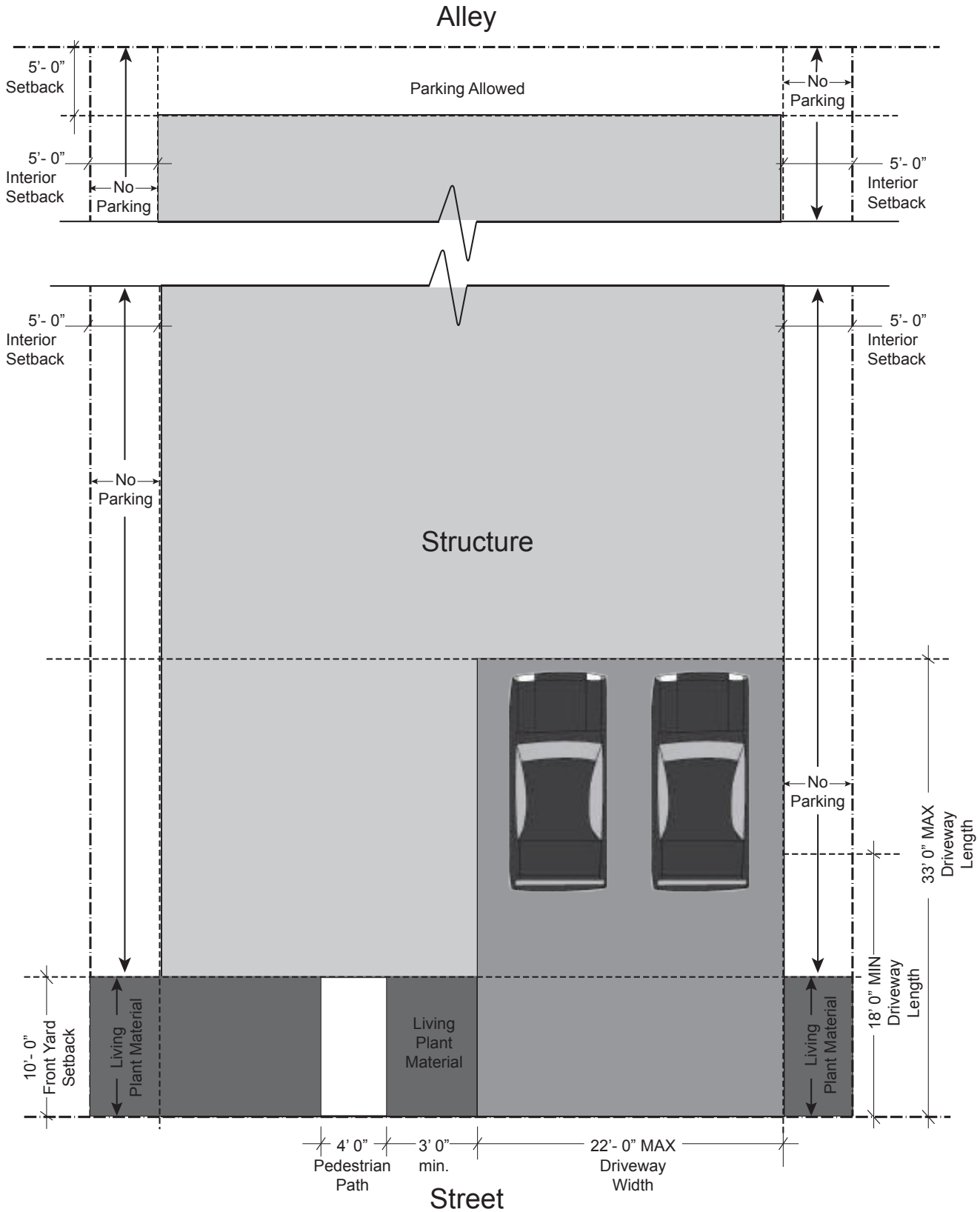


Figure  
9.2751(15)(a)2.a

# Accessory Buildings - Interior Yard Setbacks

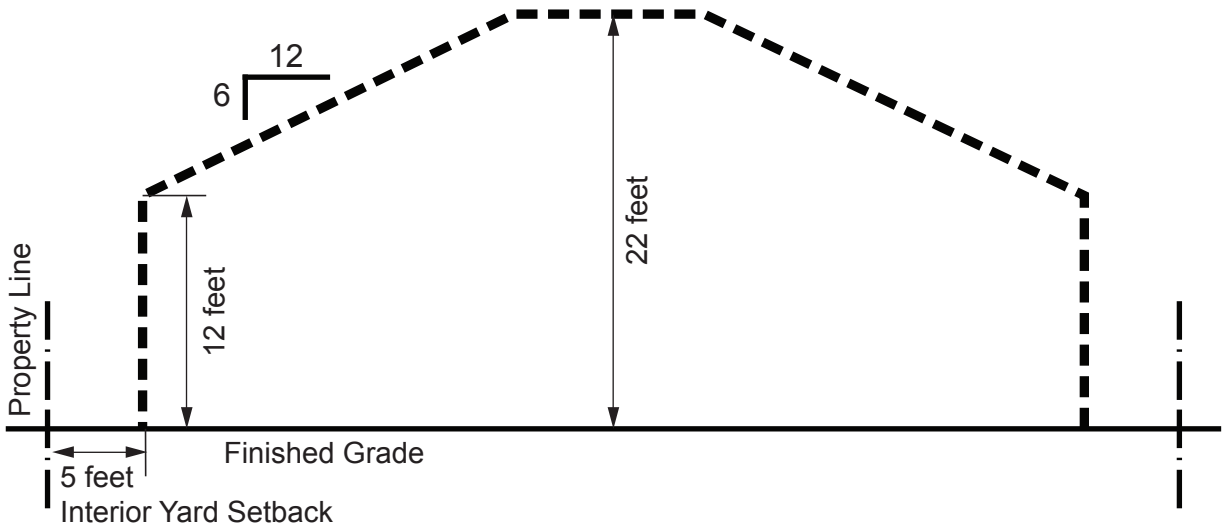






Figure 9.2779(4)(e)1

# Interior Yard Setbacks for Alley Access Lots

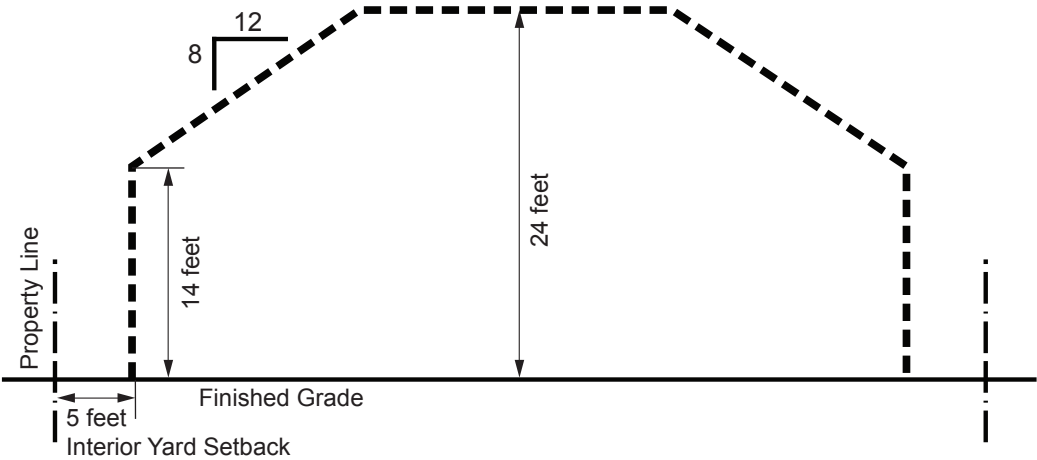
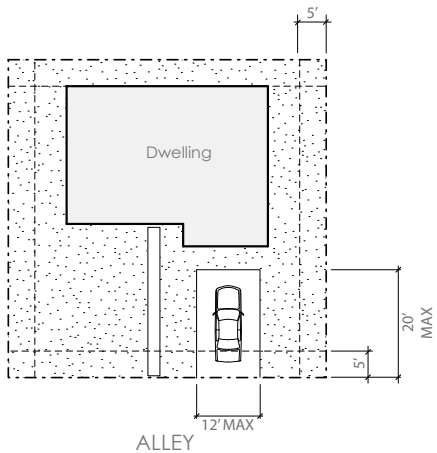


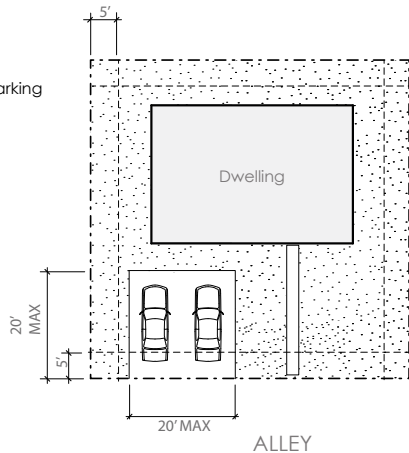
Figure 9.2779(4)(k)

# Parking and Driveway for Alley Access Lots

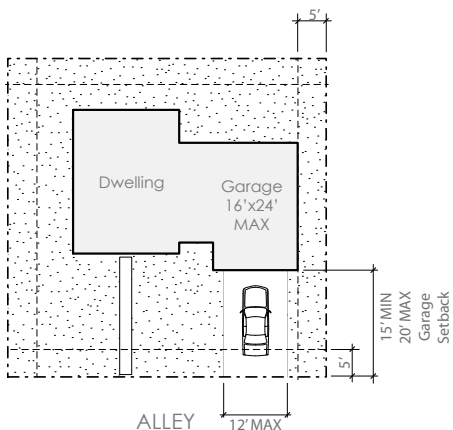
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



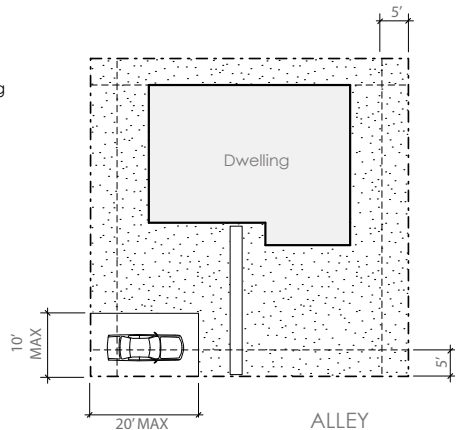
**OPTION B:**  
Side by Side Parking  
400 SF MAX



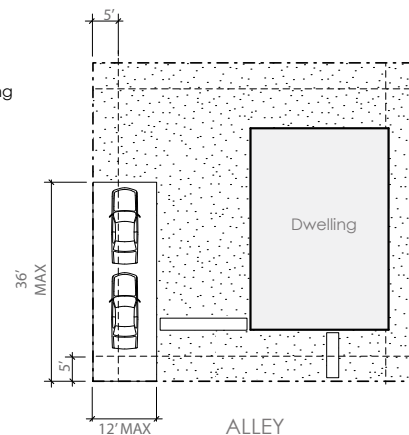
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - - Setbacks

## Preliminary Findings

### Single Family Land Use Code Amendments (City File CA 13-3)

#### Overview

The goal of these amendments is to implement several Envision Eugene strategies under the housing affordability and neighborhood livability pillars. These amendments are also necessary as part of the city's strategy to accommodate more of the city's 20 year need for single-family housing (low density residential) inside the current urban growth boundary (UGB). Specifically, these amendments are part of a package of land use efficiency strategies the city is relying on to accommodate approximately 125 additional single-family homes inside the UGB.

This package of land use code amendments of the R-1 Low Density Residential zone achieves the following:

- Improves compatibility standards for secondary dwellings, alley access lots and accessory buildings
- Allows for new alley access lots in limited areas
- Provides interim protection measures in the Amazon, Fairmount and South University neighborhoods to prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed.

#### Land Use Code Amendments (CA 13-1)

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

*Goal 1 - Citizen Involvement.* *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

The early concepts for these amendments emerged out of the city's Infill Compatibility Standards (ICS) project (beginning in 2007), which was led by a task team that included 14 neighborhood association representatives, a Housing Policy Board representative, and five additional members with the perspectives of builders, developers, and designers of market-rate and affordable infill housing.

The initial code concepts were largely influenced by the previous work of the ICS project, specifically the Single-Family Dwelling Subcommittee and R-1 Infill/Flag Lot Implementation Team (RIFLIT), as

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well as the Neighborhood Livability Working Group, best practices from other cities, and a review of Eugene land use code. Once drafted, the code concepts were reviewed and vetted by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLT team.

The concepts for the protection measures are a result of numerous conversations and processes held over the past several years, including Envision Eugene, the Neighborhood Livability Working Group, Infill Compatibility Standards project and other code amendment processes, relating to the intense development pressures currently experienced in the single family neighborhoods surrounding the university.

Prior to the start of the formal adoption process, the code concepts were sent out for broad public feedback to over 120 individuals that are interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association. Other engagement and information opportunities included an open house in June 2013, highlighting the project in the May edition of the Envision Eugene e-newsletter, an open invitation to neighborhood leaders and other interested parties to meet about the amendments, and the establishment of a project web page.

The Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

*Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

*Goal 3 - Agricultural Lands. To preserve agricultural lands.*

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The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. *To conserve open space and protect natural and scenic resources.*

*OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

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Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. As the amendments are specific to residential development standards in the R-1 Low Density Residential zone, which implements the low density residential Metro Plan designation, the amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing. *To provide for the housing needs of citizens of the state.*

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The proposed amendments related to accessory buildings, alley access lots and secondary dwellings do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Rather, the amendments increase the capacity of existing residential land, increasing the number of dwelling units without adversely impacting the residential land inventory.

The proposed amendments related to the University area protection measures do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. The proposed changes could potentially decrease the number of residential units that can be accommodated on certain parcels of residentially designated land. However, it is projected that the changes could result in only 22 fewer homes being built. The existing surplus of residential land, based on various actions Eugene and Springfield have taken to decrease the amount of acreage (approximately 1250 to 178 acres, considering a low or high demand assumption), is sufficient to accommodate the possible 22 displaced dwellings.

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Accordingly, the amendments do not impact the supply or availability of residential lands included in the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

*Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City’s provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

*Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.*

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
  - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will remain essentially the same as a result of these amendments, with the exception of up to 22 dwellings as a result of the

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University are protection measures, and thus will not result in the degradation of any transportation facility. The relatively small number of homes that are expected to be developed as a result of the secondary dwelling unit and alley access lot provisions will have a negligible impact on any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

*Goal 13 - Energy Conservation.* *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

*Goal 14 - Urbanization.* *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

*Goal 15 - Willamette River Greenway.* *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

*Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.*

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

***(2) The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***

### **Applicable Metro Plan Policies**

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

### **Residential Land Use and Housing Element**

#### *Residential Density Policies:*

- A.9 *Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.*



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*Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)*

*Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes.)*

*High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)*

This policy was raised in public testimony. The proposed code amendments apply to the city's R-1 Low Density Residential Zone, which implements the Metro Plan's low density residential land use plan designation. The Eugene Code density provisions for the R-1 zone, which are not proposed to be changed as part of these amendments, are consistent with the above policy in that they allow for a maximum of 14 units per net acre. Consistent with this policy, the proposed single-family code amendments do not change or conflict with the density range for low density residential.

Testimony identified the proposed lot size for new alley access lots as being in conflict with the above density range for low density residential. When applying the Eugene Code density provisions to a land divisions (partitions and subdivisions), they are applied to the development site being divided. In the case of a 9,000 square foot development site (the minimum proposed size for the original lot prior to creation of an alley access lot) being divided into two lots, the resulting density is 9.68 or 10 (rounded) units per net acre. A net density of 10 units per acre is consistent with Eugene Code density provisions for the R-1 zone, and falls within the appropriate range above.

Testimony also identified that the existing provisions for secondary dwellings units do not comply with the density requirements for R-1 zoning in the land use code or with the low density residential designation in the Metro Plan. Secondary dwellings are currently permitted outright in the R-1 zone, subject to certain development standards. These include minimum lot area, which require a minimum lot size of 4,500 square feet to allow for an attached secondary dwelling and 6,000 square feet to allow for a detached secondary dwelling unit. Testimony states that allowing two units on the specific minimum lot area exceeds maximum allowable density in the R-1 zone and low density residential plan designation (14 units per net acre). These minimum lot area requirements, which were adopted in 2002 (Ordinance No. 20270) are not proposed to be changed as part of these code amendments.

Secondary dwellings (previously called accessory dwellings prior to the 2001 land use code update) have long been permitted within the City of Eugene's R-1 zone as a means to promote opportunities for small scale infill, to make efficient use of land, and to fulfill the Metro Plan's overall goals and policies to increase overall residential density. The City of Eugene typically approves building permits for an average of 9 secondary dwellings per year. Historically, these dwellings have not been counted when calculating residential density. This approach is consistent with how many communities across the state treat secondary dwellings (including City of Springfield and Portland) and is supported by

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Department of Land Conservation and Development (DLCD) staff.

Regarding consistency with the Metro Plan, the above policy provides a density range that depends on “dwelling units” for its density calculation. However, it does not dictate how that calculation is done and what dwelling units are counted in that calculation. The city has had a long practice of not counting secondary dwelling units (whether attached or detached) in the density “dwelling per net acre” calculation. The City of Springfield, which also does not count secondary dwellings towards density requirements, calculates density the same way and therefore interprets the Metro Plan density language in the same way the City of Eugene has historically interpreted it. While the historical practice alone is not enough to justify the city’s policy not to count secondary dwelling units, it goes a long way in explaining the rationale behind the practice.

This approach is further supported by other text and policies in the Metro Plan, including text that calls for an overall average of about six units per gross acre for new construction (page II-G-3), and policy A.13 that calls for increasing overall residential density by creating more opportunities for effectively designed infill (see full text of policy below). Allowing for secondary dwellings without counting them towards residential density provisions is an effective means of gradually increasing overall average density on a city wide scale. The proposed code amendments strengthen the current design standards (including lowering building heights and adding sloped setbacks) and address neighborhood compatibility.

Additionally, Policy A.16, which allows for the development of zoning districts which overlap the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts, lends support to the City’s practice regarding secondary dwellings and density. While not entirely germane to the City’s current allowance for secondary dwellings in the current R-1 Low Density Residential zone, this policy acknowledges that the City of Eugene (and Springfield) can develop zoning that overlaps with the above density ranges.

In 2002, the City adopted a package of amendments concerning secondary dwellings and flag lots. As part of that package, the City Council adopted provisions related to minimum lot area. The provisions, with some exceptions, allowed attached secondary dwellings to be constructed on lots at least 4,500 square feet in area. For detached secondary dwellings, the minimum lot size was set at 6,000 square feet. The allowance of two dwelling units on 4,500 and 6,000 square foot lots exceeded the density range in the Metro Plan. However, the approach of not counting the secondary dwelling unit in the density calculation was found, at that time, to be consistent with the applicable Metro Plan policies and Statewide Planning Goals, and was subsequently acknowledged by the state.

The City Council is entitled to interpret the Metro Plan and to determine how density calculations are done. Given all of the above findings, the City Council finds that the density ranges set forth in Metro Plan Residential Density Policy A.9 do not dictate or preclude any particular method of calculating net density. The City’s past practice, other provisions of the Metro Plan (specifically those promoting small-scale infill), and assumptions made by the City Council in adopting previous code provisions, support the current practice. Accordingly, the City Council affirms the practice of not counting secondary dwelling units in the calculation of residential net density and finds the City’s practice, now clearly codified in the code, is consistent with Metro Plan Residential Density Policy A.9.

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- A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.*

This policy was raised in public testimony. To the extent that allowing for alley access lots in limited areas in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the provision of adequate infrastructure and services will be reviewed through the land division process for each individual proposal for the creation of an alley access lot. The approval criteria for partitions and subdivisions, as provided for in the Eugene Code, require compliance with the City's standards for streets, alleys and other public ways and for public improvement.

- A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

The intent of the amendments pertaining to secondary dwellings and alley access lots is to allow for compatible infill, consistent with this policy. The addition of standards addressing building height and sloped setbacks for secondary dwellings and alley access lots is to ensure that such has minimal impact on surrounding properties in existing neighborhoods.

### *Housing Type and Tenure Policies*

- A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.*
- A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.*
- A.20 Encourage home ownership of all housing types, particularly for low-income households.*

Consistent with these policies, the amendments provide for more opportunities for smaller housing types for both rental (secondary dwelling units) and homeownership (alley access lots) within existing single family neighborhoods.

### *Design and Mixed Use Policies*

- A.23 Reduce impacts of higher density residential and mixed-use development on surrounding use by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.*

This policy was raised in public testimony. To the extent that allowing for alley access lots in limited areas in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the amendments are consistent with this policy in that they add design

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standards to address building height, setbacks, upper story windows, dormers and balconies, parking area and building size. These standards will also apply to existing alley access lots (created when such lots were previously allowed in the R-1 zone), which are currently subject to the development standards that apply to typical R-1 lots.

- A.24 Considering adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space and other community concerns.*

Consistent with this policy direction, the amendments related to secondary dwellings, accessory buildings and alley access lots all include clear and objective design standards that address compatibility and aesthetics, and also include a discretionary path (adjustment review) to allow for flexibility, while maintaining compatibility, under certain circumstances.

### *Existing Housing Supply and Neighborhoods Policies*

- A.25 Conserve the metropolitan area's supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support planned densities in these areas.*

- A.26 Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.*

Consistent with these policies, the intent of the University area interim protection measures is to conserve the supply of existing affordable housing in the Amazon, Fairmount and South University neighborhoods, as well as increase the stability in these three neighborhoods, which have experienced an increase in unintended housing associated with the demand for student housing and the proximity of the University of Oregon. The type of development experienced recently in these areas, including remodels to increase the number of bedrooms in single-family homes, as well as the construction of single family homes with five or more bedrooms, is geared towards students. As such, these homes are no longer viable options in terms of affordability or functionality for other populations. The proliferation of high-occupancy student housing and loss of a variety of housing types is causing instability. The interim protection measures are intended to limit this type of development and stabilize the neighborhoods until more comprehensive planning can be completed.

### Transportation Element

#### *Land Use Policies*

- F.4. Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use and multi-unit residential development.*

This policy was raised in public testimony. This policy is not applicable to the proposed code amendments because the amendments do not involve or affect commercial, public, mixed use or

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multi-unit residential development.

### *Transportation System Improvements: Roadway Policies*

*F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.*

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. This policy is not applicable to alleys, because, as stated in TransPlan, this policy is relevant to the region's roadway system, which is comprised of arterial and collector streets.

### *Transportation System Improvements: Bicycle Policies*

*F.22 Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.*

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. As stated in TransPlan, the bicycle policies are focused on directing bicycle system improvements, such as expansion of the existing regional network, the provision of safety improvements and the addition of adequate support facilities. This policy is not applicable to the proposed amendments for alley access lots, as it applies to system improvements at the regional level rather than individual sites.

### *Transportation System Improvements: Pedestrian Policies*

*F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance safety, comfort, and convenience of walking.*

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. This policy is not applicable to the proposed amendments for alley access lots as it is intended to apply on a broader scale (system improvements) than an individual single family lot.

### **Applicable Refinement Plans**

Given the broad applicability of these amendments (R-1 Low Density Residential zoning applies throughout the city), all adopted refinement plans were reviewed for consistency. It is noted that the secondary dwelling unit and accessory buildings amendments apply citywide. Areas with existing alley access lots or where new alley access lots could potentially be created, given the existence of alleys, include areas covered by the Fairmount/U of O Special Area Study, Jefferson/Far West Refinement Plan, South Hills Study and the Whitaker Plan. Additionally, new alleys could be created through a subdivision process citywide. The University area protection measures fall within the areas covered by the Fairmount/U of O Special Area Study (1982), the 19th and Agate Special Area Study (1988) and the South Hills Study (1974).

No relevant policies were found in the following adopted refinement plans:

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Central Area Transportation Study (2004)
- Comprehensive Stormwater Management Plan (1993)

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- Eugene Commercial Lands Study (1992)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- TransPlan (2002)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)
- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (1984)
- Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

Findings addressing relevant provisions of applicable refinement plans are provided below.

### **Fairmount/U of O Special Area Study (1982)**

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the below text from the Land Use Diagram Text of the plan is relevant to the University area interim protection measures, as they relate to the Fairmount neighborhood. As these amendments apply within the Low Density Residential area, and are intended to preserve and maintain the existing single family character, they are consistent with, and supported by this text.

#### *Low Density Residential*

*This area generally encompasses the south and east portions of the special study area. This area is to remain in low-density residential use with emphasis on preserving and maintaining the single-family character which currently exists.*

### **Jefferson Far West Refinement Plan (1983)**

The following residential policies in the Land Use Element of the plan lend general support for the amendments:

*2.0 Increase the opportunity for home ownership in the area.*

*3.0 Encourage a mixture of housing densities and types to allow a diverse population group to live in the area.*

The amendments related to secondary dwelling units and alley access lots are consistent with these policies in that they provide the opportunity for smaller single family housing types, and the alley access lot provisions provide the opportunity for home ownership.

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Additionally, the following policies in Land Use Element (following the land use diagram) are relevant:

### *2. Central Low-Density Residential Area*

*The low-density designation recognizes existing residential development and land uses. The City shall continue to recognize the residential character of the area and provide incentives for public and private rehabilitation of rundown structures. In addition, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.*

### *4. South Low-Density Residential Area*

*This area shall be recognized as appropriate for low-density residential use. The City shall encourage the rehabilitation of rundown structures, block planning, infilling, and shared housing.*

### *15. Low Density Residential Area*

*This area shall be recognized as appropriate for low-density residential use. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.*

Within all three of these low density residential subareas of the plan, the City is directed to encourage infilling. Consistent with this policy direction, the amendments related to secondary dwellings and alley access lots are intended to encourage compatible infill housing. Additionally, the amendments to allow for alley access lots and the associated compatibility standards are consistent with the policy direction to accommodate access to housing units off alleys when not in conflict with other policies and goals.

### **River Road-Santa Clara Urban Facilities Plan (1987)**

The following policies from the Residential Land Use section are relevant:

*1.0 Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.*

*2.0 Provide a diversity of housing types in the area. Available techniques include encouraging reinvestment and rehabilitation of existing housing stock and the use of development standards that provide for clustering or planned unit development.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing a diversity of housing types in the area, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this small single-family housing type, they also include standards to improve the compatibility of these dwellings.

### **Willakenzie Area Plan (1992)**

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following land use policy lends general support for the

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amendments:

### *Residential Policies*

- 1. Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*
- 
- 
- 4. Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing housing for all income levels, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this housing type, they also include standards to improve the compatibility of these dwellings.

### **TransPlan (2002)**

Several policies from TransPlan were raised in public testimony as applying to the proposed amendments. Those policies are addressed above under the Metro Plan, as identical policies are included in the Metro Plan. Those findings are incorporated herein by reference as demonstration of compliance with these policies.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

### ***(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Work Session and Possible Action: Envision Eugene Implementation - An Ordinance Concerning Single-Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings

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Meeting Date: May 14, 2014  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: B  
Staff Contact: Alissa Hansen  
Contact Telephone Number: 541-682-5508

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#### **ISSUE STATEMENT**

The City Council will deliberate and possibly take action on a package of land use code amendments related to single-family housing in the R-1 Low Density Residential zone. These would apply citywide, except for the three neighborhoods covered by the recently adopted university area protection measures. The proposed amendments would:

1. Improve compatibility standards for structures that are already allowed, including secondary dwellings, dwellings on existing alley access lots and accessory buildings; and
2. Allow for new alley access lots in limited areas, subject to compatibility standards.

#### **BACKGROUND**

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary dwellings and allow for new alley access lots. These amendments directly implement several Envision Eugene strategies under the housing affordability, neighborhood livability and climate change/energy resiliency pillars related to smaller homes.

During the public engagement process for the Envision Eugene recommendation, there was strong and broad support voiced for more opportunities for smaller homes. Subsequent research confirmed that this sentiment is consistent with changing trends in demographics and housing preferences. In particular, singles, couples, and retirees are seeking smaller housing options, which provide more affordable, flexible and energy efficient housing than traditional single-family homes. A recent video produced by the Oregon Department of Environmental Quality describes the benefits of smaller housing options and specifically mentions the programs offered in Eugene and Portland. This video can be watched at this [link](#) or via <http://vimeo.com/87717129>.

Unfortunately, these smaller housing types are not widely available in Eugene, in part due to costly and/or uncertain regulations. As a result, the Envision Eugene recommendations call for the promotion of these housing types through modifying regulations and providing incentives to create more opportunities, while improving compatibility.

#### **Citywide Amendments for Secondary Dwellings, Alley Access Lots and Accessory Buildings**

The proposed amendments represent the culmination of many years of public engagement and considerable community input, with the ultimate goal of fulfilling a strong community desire and long-standing interest to improve the compatibility of small-scale infill in this community's neighborhoods. Because of the broad applicability of these proposed standards (they would apply in all R-1 neighborhoods with the exception of Amazon, Fairmount and South University), and the diverse nature and character of the community's neighborhoods, they necessarily represent a balanced approach. It is essential that the proposed standards provide enough flexibility to ensure they work citywide in a variety of situations. In addition, care was taken to ensure that the proposed standards were not so restrictive that they would unduly discourage the construction of these development types.

### **City Council Process**

Following a unanimous recommendation for approval by the Eugene Planning Commission in October 2013, the City Council held a work session and a public hearing on the entire package of single-family code amendments (the citywide compatibility standards and the university area protection measures). Following the November 18, 2013, public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. Written testimony received at the public hearing and during the open record period was provided previously to the City Council under separate cover.

At the February 12, 2014, work session on the entire package of single-family code amendments, the City Council directed staff to return with a separate ordinance which on its own would accomplish the interim protection measures. Subsequently, on March 12, 2014, the City Council adopted the university area interim protection measures, which became effective on April 12, 2014. Those code amendments apply to the existing single-family neighborhoods surrounding the University of Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university. As adopted, they prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed, as committed to through Envision Eugene.

The single family code amendments as originally proposed at the City Council's November 2013 public hearing -- which are amendments unanimously recommended by the Planning Commission -- are contained in the proposed ordinance and exhibits provided as Attachment A. The proposed ordinance and exhibits contain some minor revisions from those originally posted for the public hearing, including organizational and format changes of the code sections, as well as code citation references, as a result of the interim protection measures being adopted first.

In addition to separating the interim protection measures from the remainder of the single-family code amendments, the City Council expressed interest in reviewing other modifications being suggested by neighborhood leaders. These suggested changes are included as Attachment B. Staff has prepared a matrix that summarizes the current land use code provisions, the proposed amendments (as contained in the attached ordinance) and the changes suggested for each building type. The final column includes some of the effects of the changes suggested. This matrix is provided as Attachment C. During the work session, staff will walk the City Council through the matrix.

If the council chooses to pursue the changes suggested by the university area neighbors,

additional process steps will need to be taken prior to adoption, including required public notice to property owners of lots that would no longer be eligible for secondary dwellings. Given the extent of those alternative changes, and to provide for a transparent and equitable process, staff recommends that the proposed changes return to the Planning Commission for a new public hearing process. Due to staff resources and priorities, this process would not begin until following local adoption of Envision Eugene (including a Eugene-specific urban growth boundary). While the number of single-family dwellings anticipated to occur as a result of these amendments (approximately 40 alley access lots and 85 secondary dwellings) is small, they would not be counted as land efficiency measures to accommodate housing within the current urban growth boundary. Instead, this number of housing units (125) would necessarily be added to the city's land need.

### **RELATED CITY POLICIES**

Findings addressing the applicable approval criteria, including Statewide Planning Goals, the Metro Plan, and applicable refinement plans, are provided as an exhibit to the ordinance in Attachment A.

### **COUNCIL OPTIONS**

Following deliberations, the City Council may consider the following options:

1. Approve the ordinance as provided in Attachment A
2. Approve the ordinance with specific modifications as determined by the City Council
3. Deny the ordinance

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends approval of the ordinance as provided in Attachment A.

### **SUGGESTED MOTION**

Move to adopt Council Bill 5115, an ordinance concerning single-family code amendments for accessory buildings, alley access lots and secondary dwellings, contained in Attachment A.

### **ATTACHMENTS**

- A. Proposed Ordinance and Findings
- B. Draft R-1 Code Amendments Recommendations, provided by Carolyn Jacobs, SUNA
- C. Summary Comparison Matrix

### **FOR MORE INFORMATION**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS; AMENDING SECTIONS 9.0500, 9.1245, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.6505, 9.6775, 9.8030, AND 9.8405 OF THE EUGENE CODE, 1971; ADDING SECTION 9.2779 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The following definitions in Section 9.0500 of the Eugene Code, 1971, are amended to provide as follows:

**9.0500** **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

**Accessory Building.** Any authorized, detached building subordinate to the main building on the same development site. ***In addition,*** [F]for the purposes of EC 9.2700 through [9.2777]**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.** [A]***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.

**Kenel.** An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and a secondary dwelling unit, the “premises” means the lot. **(See [EC 9.2741(2)(a)5. and ]EC 9.2751(17)(j)(a)5. 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.

<b>Table 9.1245 Legal Pre-Existing Structures</b>		
<b>R-1 Low Density Residential</b>	<b>Secondary Dwelling</b>	<b>Limited to those in existence on _____ [effective date of ordinance]</b>
<b>R-1 Low Density Residential</b>	<b>Accessory Building</b>	<b>Limited to those in existence on _____ [effective date of ordinance]</b>
<b>R-1 Low Density Residential</b>	<b>Alley Access Lot Dwelling</b>	<b>Limited to those in existence on _____ [effective date of ordinance]</b>
R-1 Low Density Residential [within the] within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on April 12, 2014

**Section 3.** 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 5 of this Ordinance:

**9.2741 Special Use Limitations for Table 9.2740.**

(2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards [below] **beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots.**

~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~

- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
- ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~

- (b) ~~In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~
- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
  - ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
  - ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
  - ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed perch.~~
  - ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~
- ~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

**Section 4.** 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]~~ **9.2779** 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.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
Main Building. Includes Secondary Dwellings [W] within the [M] main [B] building, <b>but does not include main building on an Alley Access Lot</b>	30 feet	35 feet	35 feet	50 feet	120 feet
<b>Main Building on Alley Access Lot</b>	<b>See (18)</b>	--	--	--	--

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] <b>See (16)</b>	20 feet	25 feet	30 feet	30 feet
<b>Secondary Dwelling Detached from Main Building</b>	<b>See (17)</b>	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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	--	--	--	--
<b>Interior Yard Setback for Secondary Dwellings</b>	<b>See (17)</b>	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, [Excluding Rowhouse Lots] <b>except where specifically addressed below</b>	50% of Lot	--	50% of Lot	--	--
<b>Lots with Secondary Dwellings (Area Specific)</b>	<b>See (17)(c)</b>	--	--	--	--
<b>Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 feet

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
<b>General Standards</b>	<b>See (16)(a)</b>	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings [Units] (17)</b>					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
<b>General Standards</b>	<b>See (18)(a)</b>				
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
Area-Specific	See (19)	--	--	--	--

**Section 5.** 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(17)(b)6. is added as shown on Exhibit C attached hereto; Figure 9.2751(18)(a)5. is added as shown on Exhibit D attached hereto; Figure 9.2751(18)(k) is relabeled to Figure 9.2751(18)(a)11. as shown on Exhibit E 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 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:

1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
  - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
  - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**

- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> 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 [~~in the R-1 zone,~~] or development on alley access lots [~~within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].

- (11) **Alley Access Lots/Parcels.** [~~Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks.~~] There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards **in R-1** [~~within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].)

- (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 in the R-1 zone that are detached or that share a common wall with the primary dwelling for less than 8 feet:*

1. **Building Size.**

- a. ***For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, the maximum square footage of all accessory buildings shall not exceed 1,000 square feet.***
- b. ***For accessory buildings on development sites (with a dwelling) that are greater than 13,500 square feet and less than 43,560 square feet, the maximum square footage of all accessory buildings shall be 10 percent of the area of the development site but in no case shall the total square footage of all accessory buildings exceed 3,000 square feet.***
- c. ***For accessory buildings on development sites 43,560 square feet or greater in area, or on development sites***

*with a non-residential use, there is no building size limitation.*

*For the purposes of calculating area, all floors of a multi-story structure shall be included.*

2. **Building Height/Interior Setback.**
    - a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(16)(a)2.a.)*
    - b. *For accessory buildings on development sites greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at a rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet.*
  3. **Use.** *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
    - a. *The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
    - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
    - c. *The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*
  5. **Adjustment Review.** *The standards in EC 9.2751(16)(a)1. and 2. regarding building size and building height/interior setback may be adjusted, based on the criteria at EC 9.8030(34). For accessory buildings in the R-1, these are the only standards that may be adjusted. These standards are not adjustable for accessory buildings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (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 that are detached or that share a common*

wall with the primary dwelling for less than 8 feet:

- ~~(a)~~1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
- ~~(b)~~2. The accessory building shall not exceed 400 square feet in area.
- ~~(c)~~3. Building Height/Interior [~~Sloped~~] Setback.
  - ~~1.~~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.
  - ~~2.~~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))~~(c)1.~~(b)3.)**

- ~~(d)~~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.
- ~~(e)~~5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
- ~~(f)~~6. The accessory building shall not include more than one plumbing fixture.
- ~~(g)~~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:
  - ~~1.~~a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
  - ~~2.~~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.
  - ~~3.~~c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
  - ~~4.~~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.
  - ~~5.~~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 for a secondary dwelling, the lot shall**

- contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.
2. **Building Size.** The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
  3. **Minimum Attachment.** The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
  4. **Maximum Bedrooms.** The secondary dwelling shall contain no more than 2 bedrooms.
  5. **Dog Keeping.** No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.
  6. **Ownership/Occupancy Requirements.** Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.
  7. **Temporary Leave.** Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is

*temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(35).*

8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
    - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
    - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
    - c. *The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
  9. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 6. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for Detached Secondary Dwellings.** *In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following, except as provided in subsection (c) below:*
1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  2. **Building Size.** *Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
  3. **Pedestrian Access.** *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.*
  4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
  5. **Outdoor Storage/Trash.** *Outdoor storage and garbage areas*

*shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*

**6. Building Height/Interior Setback.**

**a. For detached secondary dwellings located within 20 feet of a property line:**

**(1) Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.**

**(2) Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.**

**b. For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.**

**c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(17)(b)6.)**

**d. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(35).**

**7. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**

**(c) Area-Specific 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:**

**(a)1. Lot Area. To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.**

**(b)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.**

**(c)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.

- (d)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.
- (e)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.
- (f)6. 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.]~~ **The standards at EC 9.2751(17)(a)3. are applicable.**
- (g)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.
- (h)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.
- (i)9. Building Height/Interior [Sloped] Setback. For detached secondary dwellings:
  - 1.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.
  - 2.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)(c)4.(b)3.)**

- (j)10. 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.]~~ **The standards at EC 9.2751(17)(a)5. are applicable.**
- (k)11. 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.] **The standards at EC 9.2751(17)(a)6. are applicable.**

(j) **12. Temporary Leave.** [Notwithstanding subsection (k) 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.] **The standards at EC 9.2751(17)(a)7. are applicable.**

(m) **13. 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:

1. 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.
2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
3. The deed restriction may be terminated, upon approval by the City, when 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.

In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.] **The standards at EC 9.2751(17)(a)8. are applicable.**

(n) **14. 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 (k) 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.] **The standards at EC 9.2751(17)(a)9. are applicable.**

- ~~(o)~~ **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.
- ~~(p)~~ **16. Alley Access Parking and Driveway.** The standards at EC 9.2751(18)~~[(k)]~~**(a)11.** are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
- ~~(q)~~ **17. 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. The standards in this subsection (q) 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.]~~ **The standards at EC 9.2751(17)(b)3. 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.**
- ~~(r)~~ **18. 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. The standards in this subsection [(r)] are applicable to detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.**
- ~~(s)~~ **19. 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. The standards in this subsection [(s)] are applicable to detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)5. are applicable to detached secondary dwellings only.**
- ~~(t)~~ **20. 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). The standards in this subsection [(t)] are applicable for detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)7. are applicable for detached secondary dwellings only.**
- ~~[(u)]~~ **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.]

- (d) **Adjustment Review.** The standards at EC 9.2751(17)(a)7. regarding temporary leave and at EC 9.2751(17)(b)6. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the 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)7. 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 9.0000 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 all 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 unit.
  3. **Building Size.** An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.
  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 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.
    - 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(18)(a)5.)
    - c. These standards may be adjusted in accordance with EC 9.8030(36).

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 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.*
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.*
- (b) **Area-Specific Alley Access Lot Standards in R-1.** ~~[(a) Applicability. The following standards apply]~~ ***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)5. Building Height/Interior Setback, the following applies:***
- ~~[(b) General. All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are not allowed.~~
  - ~~[(c) Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.~~
  - ~~[(d) Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.]~~
  - ~~[(e) Building Height/Interior Setback.]~~

1. The interior yard setbacks shall be at least 5 feet from all lot lines (including the alley frontage). In addition, at a point that is 8 feet above finished grade, the setbacks from all lot lines, except the alley frontage, 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.
2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

**(See Figure 9.2751(16)[(c)1.](b)3.)**

**3. *This standard may not be adjusted.***

~~(f) Windows, Dormers and Balconies.~~

- ~~1. Any window on the upper story must be located a minimum of 10 feet from any property line.~~
- ~~2. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.~~
- ~~3. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.~~
- ~~4. Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.~~

~~(g) Bedrooms. The dwelling shall contain no more than 3 bedrooms.~~

~~(h) Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.~~

~~(i) Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard surfaced/hardscaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.~~

~~(j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.~~

~~(k) Parking and Driveway.~~

- ~~1. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.~~
- ~~2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.~~
- ~~3. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area~~

between the garage and the alley shall be counted towards one parking space.

4. ~~The maximum width for a driveway accessing a garage or carport shall be 12 feet.~~
  5. ~~The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.~~
  6. ~~The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.~~
  7. ~~The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.~~
  8. ~~Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.~~
  9. ~~The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.~~
  10. ~~No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(k))~~
- (l) ~~Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.~~
- (m) ~~Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.~~
- (n) ~~Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.]~~

**Section 6.** Section 9.2760 of the Eugene Code, 1971, is amended to provide as follows:

**9.2760 Residential Zone Lot Standards.** The following Table 9.2760 sets forth residential zone lot standards, subject to the special standards in EC 9.2761.

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	R-1	R-1.5	R-2	R-3	R-4
<b>Lot Area Minimum (1)</b>					

**Table 9.2760 Residential Zone Lot Standards  
(See EC 9.2761 Special Standards for Table 9.2760.)**

	R-1	R-1.5	R-2	R-3	R-4
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots, <b>Alley Access Lots</b>	4,500 square feet	--	4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD		2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 square feet	--	--	--	--
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	--	6,000 square feet	6,000 square feet	6,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet		3,600 square feet	3,600 square feet	3,600 square feet
<b>Alley Access Lot (Existing lot or lots shall be at least 9,000 square feet)</b>	<b>2,250 square feet</b>	--	--	--	--
<b>Lot Frontage Minimum (1)</b>					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35feet (9)	35feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)					

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot</b>	<b>0 feet</b>	--	--	--	--
<b>Lot Width Minimum (1)</b>					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet		--	--	
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Alley Access Lot</b>	<b>50 feet</b>	--	--	--	--
<b>Lot Area Maximum (5)</b>					
[({})New subdivisions and partitions only({})], <b>except for Alley Access Lots</b>	13,500 square feet	--	--	--	--
<b>Alley Access Lots</b>	<b>5,000 square feet</b>	--	--	--	--
<b>Housing Mix Maximum (6)</b>					
Duplex	See EC 9.2741(4)	--	--	--	--
Triplex	See EC 9.2741(5)	--	--	--	--
Four[-]plex	See EC 9.2741(6)	--	--	--	--

**Section 7.** Section 9.2779 of the Eugene Code, 1971, is added to provide as follows:

**9.2779 Alley Access Lot Standards**

- (1) **Purpose.** *To provide opportunities for single family housing variety and choice, home ownership, and affordable housing, and to promote the efficient use of residential land by allowing the creation of a lot that fronts an alley rather than a street. Development standards are included to specifically address design considerations and compatibility.*
- (2) **Applicability.** *The creation of new alley access lots is prohibited in the R-1 zone within the boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (3) **Land Division Regulations.**
  - (a) **Original Lot.** *The original (existing) lot or lots shall be a minimum of 9,000 square feet in area prior to the creation of the alley access lot. If the original lot(s) meet(s) the required lot area and dimensions to create a flag lot or an alley access lot, only an alley access lot shall be created.*
  - (b) **Front Lot:** *The street fronting lot shall meet the lot standards for R-1 lots*
  - (c) **Lot Area.** *The alley access lot shall be a minimum of 2,250 square feet, a maximum of 5,000 square feet and shall not exceed 40*



- percent of the area of the street fronting lot.*
- (d) **Lot Width.** *The alley access lot shall have a minimum width of 50 feet, and shall abut the alley for a minimum width of 50 feet.*
  - (e) **Lot Depth.** *No portion of the alley access lot shall have a depth of less than 35 feet.*
  - (f) **Distance from Street.** *The corner of the alley access lot closest to the street shall be a maximum of 125 feet from the centerline of the alley where it intersects with the curb of the street.*
  - (g) **Alley Improvement.** *The minimum improvement width for the alley shall be 12 feet.*

**Section 8.** Subsection (3) of Section 9.6505 of the Eugene Code, 1971, is amended to provide as follows:

**9.6505** **Improvements - Specifications.** All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:

**(3) Streets and Alleys.**

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided the City makes findings to demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (d) ***Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site with a temporary surface, designed and constructed in accordance with the city's adopted temporary surface permit procedures.***

**Section 9.** Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

**9.6775 Underground Utilities.**

- (1) **Exemptions from Underground Utility Standards.** *The following are exempt from the undergrounding requirement of this section:*
- (a) *Temporary uses on a development site.*
  - (b) *New utility connections to structures or buildings with legally established above ground utility service.*
  - (c) *Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.*
  - (d) *Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.*
- (2) **Underground Utility Standards.** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

**Section 10.** Table 9.6870 in Section 9.6870 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.6870 Right-of-Way and Paving Widths</b>		
<b>Type of Street or Alley</b>	<b>Right-of-Way (for Public Streets and Alleys only)</b>	<b>Paving Width</b>
Major Arterials	100' – 120'	68' – 94'
Minor Arterials	65' – 100'	46' 70'
Major Collector	60' – 75'	32' – 44'
Neighborhood Collector	40' 55'	20' – 43'
Bicycle and Pedestrian Accessway:		
With Fire Accessibility	20'	20'
Without Fire Accessibility	10'	10'
Local Streets		
Alley (secondary access <b>or access to an alley access lot in R-1</b> ) <del>[only]</del>	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'
Cul-de-sac Bulb Radius:		
Residential	48.5''	35'
Non-residential	62'	50'

\*Measured from face to face of curbs

**Section 11.** Subsections (34), (35) and (36) 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) Accessory Buildings in R-1. Building Height/Interior Setback or Building Size.** *Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the building height/setback or building size standards may be adjusted upon demonstration of all of the following:*

- (a) The location and design of the accessory building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
- (b) The exterior design of the building maintains the scale of the neighborhood.*
- (c) The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*

**(35) Secondary Dwellings.** *Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*

- (a) Temporary Leave. A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.*
- (b) Conversion of Existing Building. A legally established building existing as of \_\_\_\_\_ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:*
  - 1. The secondary dwelling is limited to 800 square feet in total building square footage, and occupies the first floor of a multi-story building or is limited to one-story.*
  - 2. The exterior design of the building is compatible with the existing dwelling on the lot, such as through building form, height, and construction materials.*
  - 3. The exterior design of the building maintains the scale of the neighborhood.*
  - 4. The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
- (c) Building Height. A detached secondary dwelling may be located above a detached accessory building if the secondary dwelling is limited to 500 square feet in area, the building does not exceed 24 feet in building height, and complies with all of the following:*

1. *The exterior design of the building is compatible with the primary dwelling on the lot, such as through building form, height, and construction materials.*
  2. *The exterior design of the building maintains the scale of the neighborhood.*
  3. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*
  4. *Access stairs, decks, balconies, entry doors and large windows are oriented to the primary dwelling to the greatest extent possible, or to an alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.*
  5. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*
- (36) **Alley Access Lots. Building Height/Interior Setback.** *Where this land use code provides that the development standards for alley access lots in R-1 may be adjusted, the building height/interior setback may be adjusted upon demonstration of all of the following:*
- (a) *The exterior design of the dwelling maintains the scale of the neighborhood.*
  - (b) *The location and design of the dwelling maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
  - (c) *The impacts of windows or balconies to the privacy of the neighboring side or rear yard have been minimized such as through design, location, open space or landscaping.*
  - (d) *The design of the dwelling does not visually dominate the surrounding properties.*

**Section 12.** Subsection (3) of Section 9.8405 of the Eugene Code, 1971, is amended to provide as follows:

**9.8405 Applicability of Property Line Adjustment Applications.**

- (3) A property line adjustment application may not be utilized to create flag lots **or alley access lots.**

**Section 13.** The findings set forth in Exhibit F attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 14.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in

other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 15.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 16.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**

**Approved by the Mayor this**

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure 9.2751(16)(a)2.a

# Accessory Buildings - Interior Yard Setbacks

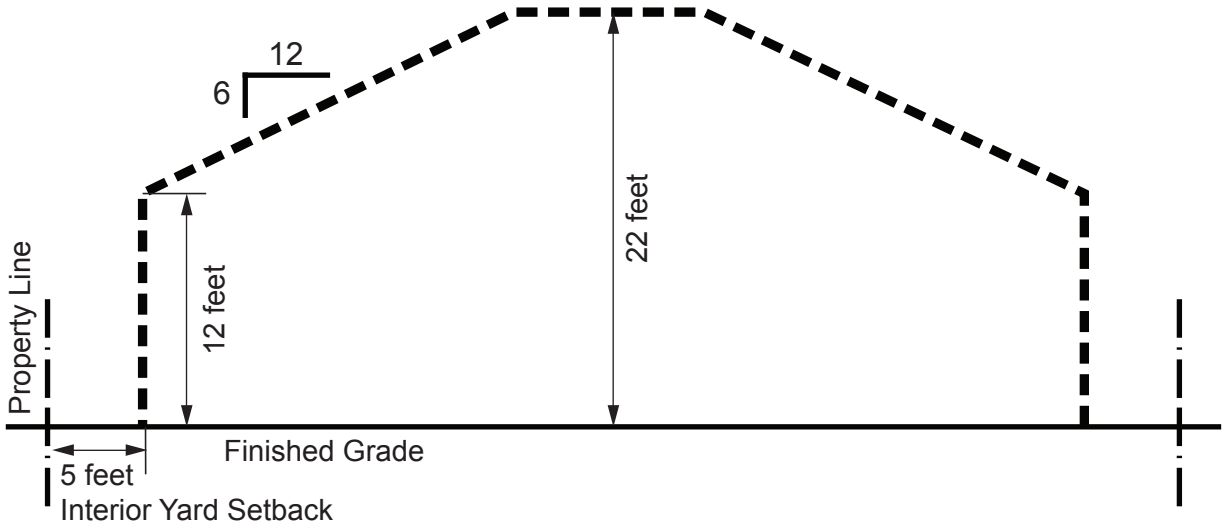


Figure  
9.2751(16)(b)3.

**Area - Specific  
Interior Yard Setbacks  
for Accessory Buildings,  
Secondary Dwellings and  
Alley Access Lots**

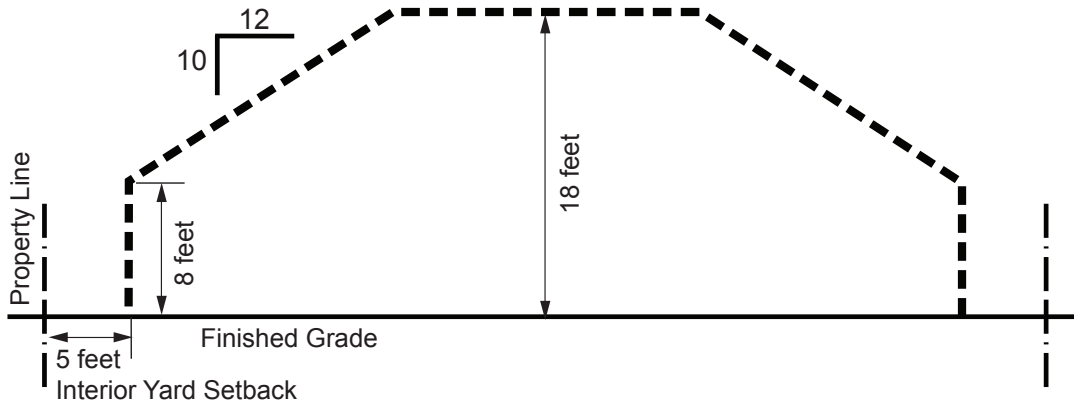


Figure 9.2751(17)(b)6.

# Detached Secondary Dwellings - Interior Yard Setbacks

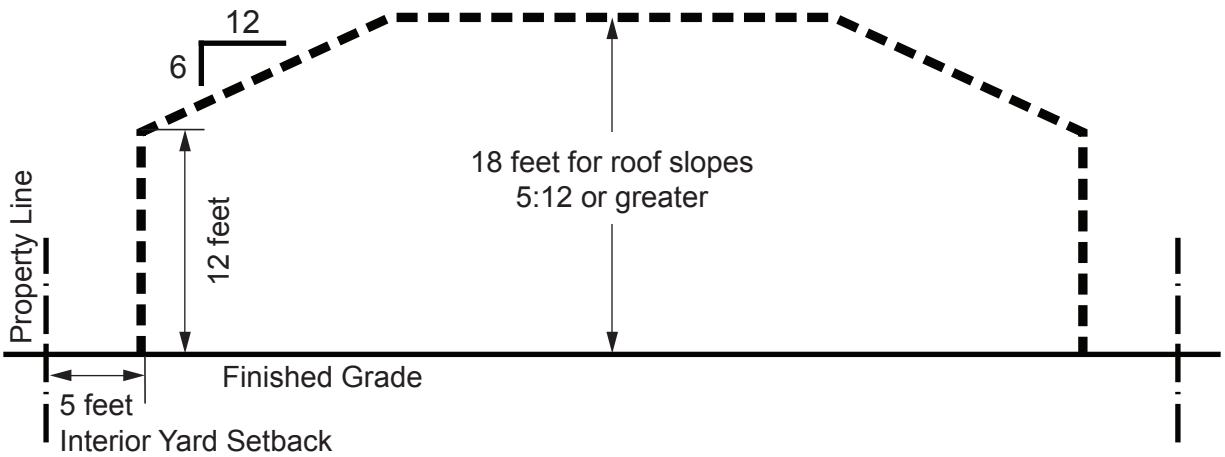
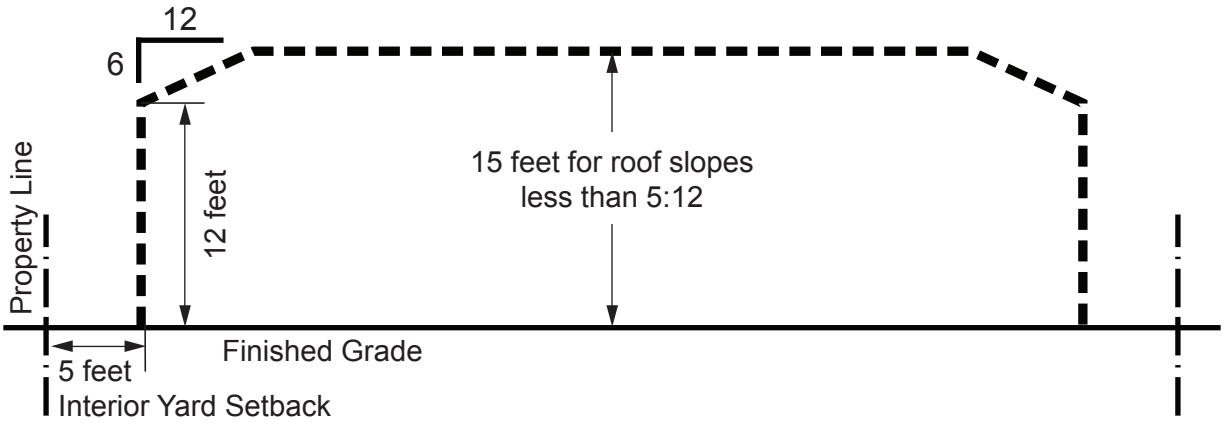




Figure  
9.2751(18)(a)5.

# Interior Yard Setbacks for Alley Access Lots

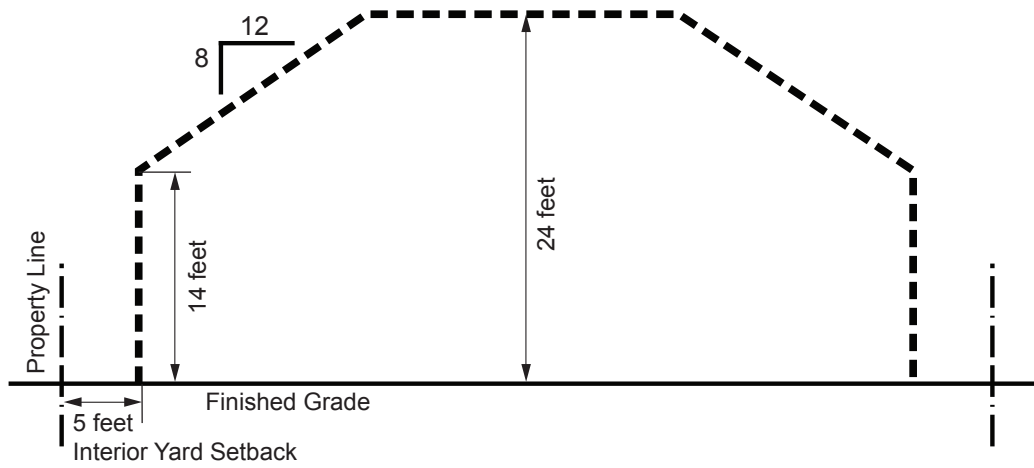
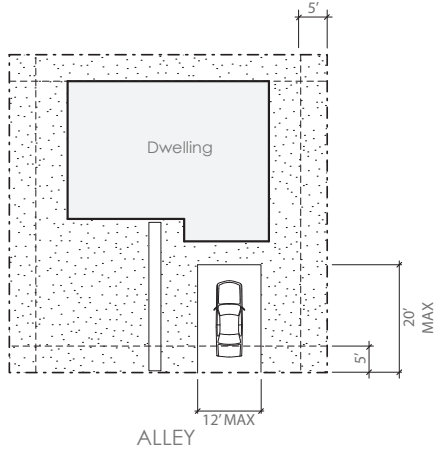


Exhibit E

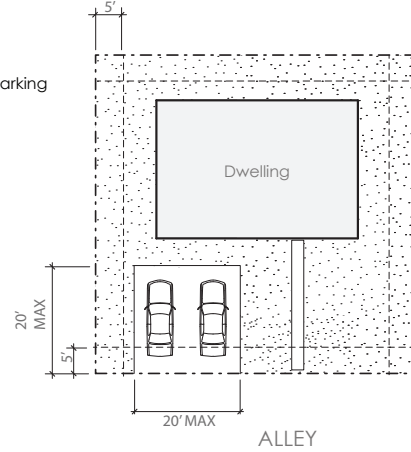
Figure 9.2751(18)(a)11.

# Parking and Driveway for Alley Access Lots

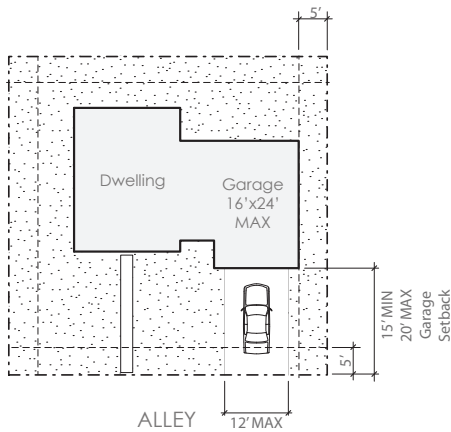
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



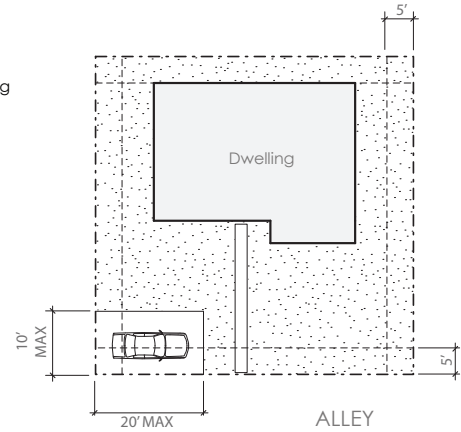
**OPTION B:**  
Side by Side Parking  
400 SF MAX



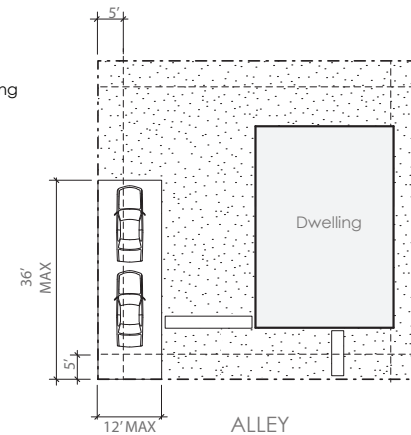
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - - Setbacks

## Exhibit F

# Findings

### Single Family Land Use Code Amendments Secondary Dwellings, Accessory Buildings and Alley Access Lots (City File CA 13-3)

#### Overview

This package of land use code amendments of the R-1 Low Density Residential zone achieves the following:

- Improve compatibility standards for structures that are already allowed, including secondary dwellings, dwellings on existing alley access lots and accessory buildings;
- Allow for new alley access lots in limited areas, subject to compatibility standards

The goal of these amendments is to implement several Envision Eugene strategies under the housing affordability, neighborhood livability and climate change/energy resiliency pillars related to smaller homes. These amendments are also included as part of the city's strategy to accommodate more of the city's 20 year need for single-family housing (low density residential) inside the current urban growth boundary. Specifically, these amendments are part of a package of land use efficiency strategies the city is relying on to accommodate approximately 125 additional single-family homes inside the urban growth boundary.

#### Land Use Code Amendments (CA 13-1)

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

***Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

The early concepts for these amendments emerged out of the city's Infill Compatibility Standards (ICS) project (beginning in 2007), which was led by a task team that included 14 neighborhood association representatives, a Housing Policy Board representative, and five additional members with the perspectives of builders, developers, and designers of market-rate and affordable infill housing.

The initial code concepts were largely influenced by the previous work of the ICS project, specifically the Single-Family Dwelling Subcommittee and R-1 Infill/Flag Lot Implementation Team (RIFLIT), as well as the Neighborhood Livability Working Group, best practices from other cities, and a review of

## Exhibit F

Eugene land use code. Once drafted, the code concepts were reviewed and vetted by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLT team.

Prior to the start of the formal adoption process, the code concepts were sent out for broad public feedback to over 120 individuals that are interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association. Other engagement and information opportunities included an open house in June 2013, highlighting the project in the May edition of the Envision Eugene e-newsletter, an open invitation to neighborhood leaders and other interested parties to meet about the amendments, and the establishment of a project web page.

The Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

*Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

*Goal 3 - Agricultural Lands. To preserve agricultural lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

*Goal 4 - Forest Lands. To conserve forest lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities.

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Therefore, Statewide Planning Goal 8 does not apply.

*Goal 9 - Economic Development.* *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. As the amendments are specific to residential development standards in the R-1 Low Density Residential zone, which implements the low density residential Metro Plan designation, the amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

*Goal 10 - Housing.* *To provide for the housing needs of citizens of the state.*

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The proposed amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Rather, the amendments increase the capacity of existing residential land, increasing the number of dwelling units without adversely impacting the residential land inventory. Accordingly, the amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

*Goal 11- Public Facilities and Services.* *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

*Goal 12- Transportation.* *To provide and encourage a safe, convenient and economic transportation system.*

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it*

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would:

- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
  - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
  - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
  - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will remain essentially the same as a result of these amendments. The relatively small number of homes that are expected to be developed as a result of the secondary dwelling unit and alley access lot provisions will have a negligible impact on any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

*Goal 13 - Energy Conservation.* *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

*Goal 14 - Urbanization.* *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

*Goal 15 - Willamette River Greenway.* *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

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### Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

#### **(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***

#### **Applicable Metro Plan Policies**

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

#### **Residential Land Use and Housing Element**

##### *Residential Density Policies:*

- A.9 *Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.*

*Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)*

*Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes.)*

*High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)*

This policy was raised in public testimony. The proposed code amendments apply to the city's R-1 Low Density Residential Zone, which implements the Metro Plan's low density residential land use plan designation. The Eugene Code density provisions for the R-1 zone, which are not proposed to be changed as part of these amendments, are consistent with the above policy in that they allow for a maximum of 14 units per net acre. Consistent with this policy, the proposed single-family code amendments do not change or conflict with the density range for low density residential.

Testimony identified the proposed lot size for new alley access lots as being in conflict with the above density range for low density residential. When applying the Eugene Code density provisions to a land divisions (partitions and subdivisions), they are applied to the development site being divided. In



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the case of a 9,000 square foot development site (the minimum proposed size for the original lot prior to creation of an alley access lot) being divided into two lots, the resulting density is 9.68 or 10 (rounded) units per net acre. A net density of 10 units per acre is consistent with Eugene Code density provisions for the R-1 zone, and falls within the appropriate range above.

Testimony also identified that the existing provisions for secondary dwellings units do not comply with the density requirements for R-1 zoning in the land use code or with the low density residential designation in the Metro Plan. Secondary dwellings are currently permitted outright in the R-1 zone, subject to certain development standards. These include minimum lot area, which require a minimum lot size of 4,500 square feet to allow for an attached secondary dwelling and 6,000 square feet to allow for a detached secondary dwelling unit. Testimony states that allowing two units on the specific minimum lot area exceeds maximum allowable density in the R-1 zone and low density residential plan designation (14 units per net acre). These minimum lot area requirements, which were adopted in 2002 (Ordinance No. 20270) are not proposed to be changed as part of these code amendments.

Secondary dwellings (previously called accessory dwellings prior to the 2001 land use code update) have long been permitted within the City of Eugene's R-1 zone as a means to promote opportunities for small scale infill, to make efficient use of land, and to fulfill the Metro Plan's overall goals and policies to increase overall residential density. The City of Eugene typically approves building permits for an average of 9 secondary dwellings per year. Historically, these dwellings have not counted toward residential density provisions. This approach is consistent with how many communities across the state treat secondary dwellings (including City of Springfield) and is supported by Department of Land Conservation and Development (DLCD) staff.

Regarding consistency with the Metro Plan, the above policy provides a density range that depends on "dwelling units" for its density calculation. However, it does not dictate how that calculation is done and what dwelling units are counted in that calculation. The city has had a long practice of not counting secondary dwelling units (whether attached or detached) in the density "dwelling per net acre" calculation. The City of Springfield, which also does not count secondary dwellings towards density requirements, calculates density the same way and therefore interprets the Metro Plan density language in the same way the City of Eugene has historically interpreted it. While the historical practice alone is not enough to justify the city's policy not to count secondary dwelling units, it goes a long way in explaining the rationale behind the practice.

This approach is further supported by other text and policies in the Metro Plan, including text that calls for an overall average of about six units per gross acres for new construction (page II-G-3), and policy A.13 that calls for increasing overall residential density by creating more opportunities for effectively designed infill (see full text of policy below). Allowing for secondary dwellings without counting them towards residential density provisions is an effective means of gradually increasing overall average density on a city wide scale. The proposed code amendments strengthen the current design standards (including lowering building heights and adding sloped setbacks) and address neighborhood compatibility.

Additionally, Policy A.16, which allows for the development of zoning districts which overlap the established Metro Plan density ranges to promote housing choice and result in either maintaining or

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increasing housing density in those districts, lends support to the City's practice regarding secondary dwellings and density. While not entirely germane to the City's current allowance for secondary dwellings in the current R-1 Low Density Residential zone, this policy acknowledges that the City of Eugene (and Springfield) can develop zoning that overlaps with the above density ranges.

The provisions related to minimum lot area were adopted in 2002 as part of a package of amendments concerning secondary dwellings and flag lots. This approach was found to be consistent with the applicable Metro Plan policies and Statewide Planning Goals, and was acknowledged by the state. The city is entitled to interpret the Metro Plan and to determine how those calculations are done.

*A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.*

This policy was raised in public testimony. To the extent that allowing for alley access lots in limited areas in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the provision of adequate infrastructure and services will be reviewed through the land division process for each individual proposal for the creation of an alley access lot. The approval criteria for partitions and subdivisions, as provided for in the Eugene Code, require compliance with the City's standards for streets, alleys and other public ways and for public improvement.

*A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

The intent of the amendments pertaining to secondary dwellings and alley access lots is to allow for compatible infill, consistent with this policy. The addition of standards addressing building height and sloped setbacks for secondary dwellings and alley access lots is to ensure that such has minimal impact on surrounding properties in existing neighborhoods.

### *Housing Type and Tenure Policies*

*A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.*

*A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.*

*A.20 Encourage home ownership of all housing types, particularly for low-income households.*

Consistent with these policies, the amendments provide for more opportunities for smaller housing types for both rental (secondary dwelling units) and homeownership (alley access lots) within existing single family neighborhoods.

## Exhibit F

### *Design and Mixed Use Policies*

- A.23 Reduce impacts of higher density residential and mixed-use development on surrounding use by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.*

This policy was raised in public testimony. To the extent that allowing for alley access lots in limited areas in the R-1 Low Density Residential zone constitutes higher density residential development as referenced in this policy, the amendments are consistent with this policy in that they add design standards to address building height, setbacks, upper story windows, dormers and balconies, parking area and building size. These standards will also apply to existing alley access lots (created when such lots were previously allowed in the R-1 zone), which are currently subject to the development standards that apply to typical R-1 lots.

- A.24 Considering adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space and other community concerns.*

Consistent with this policy direction, the amendments related to secondary dwellings, accessory buildings and alley access lots all include clear and objective design standards that address compatibility and aesthetics, and also include a discretionary path (adjustment review) to allow for flexibility, while maintaining compatibility, under certain circumstances.

### Transportation Element

#### *Land Use Policies*

- F.4. Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use and multi-unit residential development.*

This policy was raised in public testimony. This policy is not applicable to the proposed code amendments because the amendments do not involve or affect commercial, public, mixed use or multi-unit residential development.

#### *Transportation System Improvements: Roadway Policies*

- F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.*

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. This policy is not applicable to alleys, because, as stated in TransPlan, this policy is relevant to the region's roadway system, which is comprised of arterial and collector streets.

#### *Transportation System Improvements: Bicycle Policies*

## Exhibit F

*F.22 Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.*

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. As stated in TransPlan, the bicycle policies are focused on directing bicycle system improvements, such as expansion of the existing regional network, the provision of safety improvements and the addition of adequate support facilities. This policy is not applicable to the proposed amendments for alley access lots, as it applies to system improvements at the regional level rather than individual sites.

### *Transportation System Improvements: Pedestrian Policies*

*F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance safety, comfort, and convenience of walking.*

This policy was raised in public testimony as applying to the proposed amendments to allow for alley access lots. This policy is not applicable to the proposed amendments for alley access lots as it is intended to apply on a broader scale (system improvements) than an individual single family lot.

### **Applicable Refinement Plans**

Given the broad applicability of these amendments (R-1 Low Density Residential zoning applies throughout the city), all adopted refinement plans were reviewed for consistency. It is noted that the secondary dwelling unit and accessory buildings amendments apply citywide. Areas with existing alley access lots or where new alley access lots could potentially be created, given the existence of alleys, include areas covered by the Fairmount/U of O Special Area Study, Jefferson/Far West Refinement Plan, South Hills Study and the Whitaker Plan. Additionally, new alleys could be created through a subdivision process citywide.

No relevant policies were found in the following adopted refinement plans:

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Central Area Transportation Study (2004)
- Comprehensive Stormwater Management Plan (1993)
- Eugene Commercial Lands Study (1992)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- TransPlan (2002)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)

## Exhibit F

- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (1984)
- Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

Findings addressing relevant provisions of applicable refinement plans are provided below.

### **Fairmount/U of O Special Area Study (1982)**

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the below text from the Land Use Diagram Text of the plan is relevant. As these amendments apply within the Low Density Residential area, and are intended to preserve and maintain the existing single family character, they are consistent with, and supported by this text.

#### Low Density Residential

*This area generally encompasses the south and east portions of the special study area. This area is to remain in low-density residential use with emphasis on preserving and maintaining the single-family character which currently exists.*

### **Jefferson Far West Refinement Plan (1983)**

The following residential policies in the Land Use Element of the plan lend general support for the amendments:

*2.0 Increase the opportunity for home ownership in the area.*

*3.0 Encourage a mixture of housing densities and types to allow a diverse population group to live in the area.*

The amendments related to secondary dwelling units and alley access lots are consistent with these policies in that they provide the opportunity for smaller single family housing types, and the alley access lot provisions provide the opportunity for home ownership.

Additionally, the following policies in Land Use Element (following the land use diagram) are relevant:

#### *2. Central Low-Density Residential Area*

*The low-density designation recognizes existing residential development and land uses. The City shall continue to recognize the residential character of the area and provide incentives for public and private rehabilitation of rundown structures. In addition, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.*

#### *4. South Low-Density Residential Area*

*This area shall be recognized as appropriate for low-density residential use. The City shall encourage the rehabilitation of rundown structures, block planning, infilling, and shared housing.*

#### *15. Low Density Residential Area*

## Exhibit F

*This area shall be recognized as appropriate for low-density residential use. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.*

Within all three of these low density residential subareas of the plan, the City is directed to encourage infilling. Consistent with this policy direction, the amendments related to secondary dwellings and alley access lots are intended to encourage compatible infill housing. Additionally, the amendments to allow for alley access lots and the associated compatibility standards are consistent with the policy direction to accommodate access to housing units off alleys when not in conflict with other policies and goals.

### **River Road-Santa Clara Urban Facilities Plan (1987)**

The following policies from the Residential Land Use section are relevant:

- 1.0 Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.*
- 2.0 Provide a diversity of housing types in the area. Available techniques include encouraging reinvestment and rehabilitation of existing housing stock and the use of development standards that provide for clustering or planned unit development.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing a diversity of housing types in the area, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this small single-family housing type, they also include standards to improve the compatibility of these dwellings.

### **Willakenzie Area Plan (1992)**

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following land use policy lends general support for the amendments:

#### *Residential Policies*

- 1. Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*
- 4. Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*

The amendments attempt to strike a balance between maintaining the character of existing low density neighborhoods and providing housing for all income levels, consistent with this policy. While the amendments continue to allow for secondary dwellings in recognition of the importance of this housing type, they also include standards to improve the compatibility of these dwellings.

### **TransPlan (2002)**

## Exhibit F

Several policies from TransPlan were raised in public testimony as applying to the proposed amendments. Those policies are addressed above under the Metro Plan, as identical policies are included in the Metro Plan. Those findings are incorporated herein by reference as demonstration of compliance with these policies.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

**(3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.

**Draft R-1 Code Amendment Recommendations**  
**16-Feb-2014**

**INTRODUCTION**

The following is a response to the City Manager's request for specific direction from councilors on changes they want to see in the draft R-1 ordinance that was presented by staff.

**Summary of all recommendations.**

- **Interim Protection Measures** – Put in a separate ordinance, based on the revised code e-mailed to council on February 14 by university neighborhood leaders. Ordinance should have an immediate effective date, and the effective date must not be dependent on DLCD acknowledgement.
- **Creation of new alley access only lots** – Remove all code that would allow creation of new alley access only lots. Hold off on further work on this concept until it can be dealt with as part of developing or revising specific neighborhood plans.
- **Owner occupancy standards for SDUs** – Adopt these as part of the ordinance that implements Interim Protection Measures. Make them permanent and city-wide when the city-wide amendments for SDU development standards are adopted.
- **Lot and development standards for SDUs** – Revise as described below.
- **Development standards for existing alley access only lots** – Revise as described below.
- **Development standards for accessory buildings** – Revise as described below.

**SUMMARY OF RECOMMENDATIONS IN THIS DOCUMENT****Lot and development standards for SDUs.**

Make the following changes to the draft code:

- Count SDUs when calculating density.
- Increase minimum lot sizes to maintain density within the ***Metro Plan*** Low Density Residential range. Allow smaller lots through existing PUD provisions.
- Disallow SDUs on “flag lots.”
- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.

**Development standards for existing alley access only lots**

- Use the same setback, height and massing standards that are used for detached SDUs.

**Development standards for accessory buildings**

- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.



## DETAILS OF RECOMMENDATIONS IN THIS DOCUMENT

### Lot and development standards for SDUs.

Amend Table 9.2740 to count SDUs when calculating density:

“All dwellings, *including secondary dwellings*, shall meet minimum and maximum density requirements in accordance with Table 9.2750.”

Other than the above, the SDU standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “**Secondary Dwellings**” subsection, in the following subsections:

- **Lot area.** Require a minimum of 6,100<sup>1</sup> square feet for an SDU, whether attached or detached. Allow smaller lots through a PUD, as long as overall density remains within **Metro Plan** Low Density Residential range. Do not allow SDUs on flag lots.
- **Building size.** Allow a maximum total square footage of 10% of lot area, not to exceed 800 s.f., for both attached and detached SDUs.
- **Building Height/Setback.** For detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line:

The dwelling (or portion of dwelling) shall be limited by interior yard setbacks that are five feet, with an inflection point at 8 feet height and a sloped setback from that height that increases at the rate of 10 inches vertically for every additional 12 inches horizontally. (*Note that setbacks are sloped. They do not have “pitch” – that is a term that applies to roofs and other structures, not setback planes. It confuses people who may think that the setback slope is a limit to roof pitch, when it is not.*)

With this setback configuration, it’s reasonable to allow a maximum building height of 18 feet on all lots for both detached SDUs and affected portions of attached SDUs. (An 18 foot height would have to be 13 feet from the adjacent property.)

Do not allow any intrusions into the setback areas other than eaves and chimneys.

- Rewrite **adjustment** (35) to clarify criteria and set maximum extent of allowable adjustments, as follows:

**Conversion of Existing Building.** Obviously, allow conversion if the structure meets all SDU standards. For structures that would conform to all standards, *except the sloped setback plane*, allow only for total square footage no more than 600 s.f. and no portion of structure more than 15’ above grade. Allow conversion of such structures that are closer than five feet to an interior lot line, only if the adjacent property owner grants an easement.

**Building Height.** Allow a max height of 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.

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<sup>1</sup> Councilors may want to adopt a slightly different minimum lot size. Here are the relevant factors:

- The **Metro Plan** Low Density Residential density maximum is 14.28 dwellings per net acre (du/na), which is equivalent to one dwelling per 3,050 square feet or two dwellings per 6,100 square feet.
- The City’s R-1 Low Density Residential Zone maximum density is 14 du/na, which is equivalent to one dwelling per 3,111 square feet or two dwellings per 6,222 square feet.

### Development standards for existing alley access only lots

These standards are mostly specified in the proposed code under section **9.2779 Alley Access Lot Standards** under the “Development Standards.” Subsection. The following proposed subsections should be changed to be the same as for detached SDUs:

- **Building Size.**
- **Building Height/Interior Setback.**

In addition to using the same Building Height standards, use the same **adjustment** for building height. (i.e., replace adjustment (36) with the rewritten adjustment (35).)

### Development standards for accessory buildings

These standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “Accessory Buildings in R-1” subsection, in the following subsections:

- **Building Size.** Simplify accessory building size limits as 10% of lot size for all lots, regardless of lot size or development site size. Allow alternatives for larger development sites only through PUDs.
- **Building Height/Setback.** Simplify and provide adequate protection by having interior yard setbacks be five feet, with an inflection point of 8 feet and a sloped setback that increases at the rate of 10 inches vertically for every additional 12 inches horizontally.

With this setback configuration, it’s reasonable to allow a maximum building height of 25 feet on all lots. (A 25 foot height would have to be 19 feet from the adjacent property.) This should be stated as: “No part of the building (except chimneys), shall be more than 25 feet above grade.”

- Rewrite **adjustment (34)** to allow only up to a five foot increase in height in a PUD and as long as the entire structure meets the sloped setback standards. (*With a 25 foot max height, as suggested, there is no great need, and there is significant potential impact, for allowing higher accessory buildings unless they’re part of a PUD. PUD approval criteria already require development to be “compatible” and have “minimal impact” on surrounding areas.*)

**Secondary Dwellings**

The following table (Table 1) provides a summary comparison of the current code provisions for secondary dwelling units (SDUs), the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing, and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

**Table 1**

Secondary Dwellings				
Development Standard	Current Code	As Proposed in Ordinance	Suggested Changes	Implications of Suggested Changes
Minimum Lot Size/Density	<p><i>For attached SDUs:</i> Except for flag lots, the lot shall be at least 4,500 square feet to allow for an SDU.</p> <p><i>For detached SDUs:</i> Except for flag lots, the lot shall be at least 6,000 square feet.</p> <p>Flag lots: Must contain at least 13,500 square feet to allow for any SDU</p> <p>Density: The City’s long standing practice, supported by the Metro Plan, does not include SDUs when calculating density at the time of permit. They are counted in the City’s supply of housing.</p>	<p>No changes to minimum lot size</p> <p>Flag lots: No changes</p> <p>Density: Continue current practice, supported by the Metro Plan, of not counting SDUs when calculating density.</p>	<p>Increase minimum lot size to 6,100 square feet to allow for any SDU</p> <p>Flag lots: Prohibit SDUs on all flag lots</p> <p>Density: Add code language that requires SDUs to be counted when calculating density</p>	<p>By increasing minimum lot and calculating towards density, approximately 5,160 lots or approximately 11% of all lots currently eligible for an SDU would no longer be eligible for an SDU</p> <p>Flag lots: If SDUs are prohibited on flag lots, approximately 300 lots would no longer be eligible for SDUs.</p> <p>This proposed restriction on lots that currently are eligible for an SDU would require a legal notice to those property owners and a new public hearing.</p>
Building Size	800 square feet, unless occupying an entire story of a multi-story home	Limits all SDUs 800 square feet. Clarifies how to measure	Limit total square footage to 10% of lot area, not to exceed 800 square feet.	<p>For lots less than 8,000 square feet, SDU would be required to be less than 800 sq. ft.</p> <p>For a 6,100 square foot lot, the SDU would be limited to 610 square feet. To provide for two bedrooms, 750 square feet is a more realistic size.</p>
Building Height	<p><i>Attached SDUs:</i> 30 feet or 37 feet for roof slopes 6:12 or steeper (same as main house)</p> <p><i>Detached SDUs:</i> 15 feet or 22 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line (Allows for 2 story)</p> <p>20 feet or 27 feet for roof slopes 6:12 or steeper if located greater than 20 feet</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line. (Allows for 1 story)</p> <p>24 feet, if located greater than 20 feet from any property line, (Allows for 2 story)</p>	<p><i>Attached SDUs:</i> 18 feet for any portion of an attached SDU that is more than 60 feet from a front property line. No change for attached SDUs within 60 feet from front property line.</p> <p><i>Detached SDUs:</i> 18 feet</p>	<p>Lowers height for attached SDUs more than 60 feet from front property line (street) to 18 feet, regardless of height of the home containing the SDU.</p> <p>Attached SDUs can include garage conversions, which are likely to be located within 60 feet from a front property line. If the existing garage exceeds 18 feet in</p>

	from a property line.			height, such a conversion would not be permitted.  Although difficult to quantify, this would presumably result in a significant reduction in the number of lots that can currently do an attached SDU through a garage conversion.
Sloped Interior Yard Setbacks	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	For detached SDUs located within 20 feet of a property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.  For a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.	For all detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet), and use a maximum slope of 10:12 (83%). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines.	The suggested change for sloped setback/building height is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures. Taking into account that normal ceiling height in residential construction is 8 to 9 feet, not including the typical crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.  Attached SDUs are commonly contained within an existing home (such as an attic or basement or through garage conversion). If the existing home/garage does not meet sloped setback, SDU would not be permitted, except through an adjustment review, and would be further limited in building size and height by adjustment review criteria.
Setback Intrusions	Allows for building features, such as eaves, awnings, chimneys, bays, bay windows and porches, to project into interior yard setbacks up to 2 feet	Limit setback intrusions to eaves, chimneys and gables.	Limit setback intrusions to eaves and chimneys	Would not allow gables to project into sloped setback.
Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. Provides allowance for temporary leave under certain circumstances.	Adopt as proposed in ordinance	
Adjustment Review	None	Allows for adjustment review in limited situations: temporary leave, to allow conversion	To allow for conversion, if the structure meets all SDU standards except the sloped	For conversion of existing structures, would place additional limits on building size and

		<p>of existing accessory building into secondary dwelling and to allow a secondary dwelling over an accessory building (height).</p> <p>To allow for conversion of existing building that does not meet all of SDU standards; the SDU must be limited to 800 square feet and must be limited to one story or on ground floor of 2 story building. Other relevant compatibility criteria apply.</p> <p>To allow for a SDU over an accessory building (such as a garage), limit SDU size to 500 square feet, limit building height to 24 feet. Other relevant compatibility criteria apply.</p>	<p>setback, limit SDU to 600 square feet in building size and 15 feet in height. If closer than 5 feet from interior property line, allow if adjacent property owner grants easement.</p> <p>To allow for a SDU over an accessory building, limit height to 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>height (beyond those for new SDUs). Whereas a new SDU could be 800 square feet and 18 feet in height (assuming an 8,000 square foot or greater sized lot), an existing building to be converted to an SDU could not exceed 600 square feet and 15 feet in height.</p> <p>To allow for a SDU over an accessory building, the building would need to be at least 20 feet from all interior property lines and fit within sloped setback established above.</p> <p>Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently do an attached SDU through a garage conversion.</p>
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**Alley Access Lots**

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on existing alley lots, the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing (that would apply to existing and new lots), and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

**Table 2**

<b>Alley Access Lots</b>				
<b>Development Standard</b>	<b>Current Code (applies to existing lots)</b>	<b>Proposed Change (to apply to existing and newly created lots)</b>	<b>Suggested Changes (to apply to existing lots; prohibit new lots)</b>	<b>Implications of Suggested Changes</b>
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.	Same as suggested above for detached SDUs: Limit total square footage to 10% of lot area, not to exceed 800 square feet.	Existing alley access lots are typically less than 5,000 square feet in area, which means that homes would be limited to 500 square feet or less.  Homes on alley access lots are a different housing type than SDUs. Limiting the homes to such a small size (and height) will limit the desirability of these homes for owner-occupancy.  The recently adopted University Area Interim Protection Measures allow provide for a maximum building size of 1,000 square feet on existing alley access lots.
Building Height	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet	18 feet	Same as suggested above for detached SDUs
Sloped setback	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade.  Starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 14 feet), and change maximum slope to 10:12 (instead of 8:12). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines (instead of 20 feet).	Same as suggested above for detached SDUs, which is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.  Taking into account that normal ceiling height in residential construction is 8 to 9 feet, not including the typical crawl space and required, an 8 foot building height is not feasible for construction.
Adjustment Review	None	Provide for adjustment review to building	Provide for adjustment review to allow	Existing alley access lots are typically less than

		<p>height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the dwelling in the context of adjacent properties.</p>	<p>dwelling up to maximum height of 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>5,000 square feet and 50 feet in width. As such, it may not be possible or practicable to create a dwelling that is 20 feet from all interior property lines. Due to the suggested change for building size to 10% of lot area (see above), which results in a small home, it is unlikely a property owner would need or desire to seek an increase in height.</p>
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**Accessory Buildings**

The following table (Table 3) provides a summary comparison of the current code provisions for accessory buildings (such as garages, sheds and greenhouses), the proposed changes as contained in the draft ordinance provided at the November 2013 public hearing, and the changes suggested by university area neighbors following the City Council’s February 2014 work session on the topic. The final column includes some of the implications of the changes suggested by the university area neighbors.

**Table 3**

<b>Accessory Buildings</b>				
<b>Development Standard</b>	<b>Current Code</b>	<b>As Proposed in Ordinance</b>	<b>Suggested Changes</b>	
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, limit total square footage to 1,000 square feet</p> <p>On development sites (with a dwelling) that are between 13,501 square feet and 43,559 square feet, limit total square footage to 10 percent of development site, not to exceed 3,000 square feet.</p> <p>On development sites 43,560 square feet (one acre) or greater in area, or on development sites with a non-residential use (such as a park, church or school), no building size limitation.</p>	<p>Limit to 10% of lot size for all lots</p> <p>Allow alternative for large development sites through PUDs</p>	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. PUDs are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.</p>
Building Height	20 feet or 27 feet for roof slopes 6:12 or steeper	<p>22 feet for development sites (with a dwelling) that are 13,500 square feet or less in area</p> <p>25 feet for development sites greater than 13,500 square feet in area or on development sites with a non-residential use.</p>	25 feet for all lots regardless of size	Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.
Sloped setback	No sloped setback (which means the building can reach maximum building height at a point 5 feet in from the interior property line)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 6:12 horizontally away from the property line to a maximum building height of 22 feet.</p> <p>On development sites greater than 13,500 square feet in area or on development sites with</p>	Creates a building envelope for all sized lots that requires a building to slope away from a five foot interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet). Use maximum slope of 10:12 (83%) regardless of lot size. This would result in the ridge (tallest point) of the building being a minimum of 19 feet from the interior property lines.	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requires same 8 foot building height at interior yard setback as suggested for secondary dwellings and alley access lots.</p> <p>Results in a 25 foot tall building 19 feet from</p>



		a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 horizontally away from the property line to a maximum building height of 25 feet.		property line (as opposed to 25 feet from property line).
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the building in the context of adjacent properties.	Allow up to a five foot increase in height only through an approved planned unit development application and as long as the entire structure meets the sloped setback standard.	Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. Planned unit developments are a two-step land use application process that require tentative approval by the City's Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Public Hearing: 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, 9.6775, and 9.8030; and Providing an Effective Date (City File CA 13-3)

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Meeting Date: June 16, 2014  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 5  
Staff Contact: Alissa Hansen  
Contact Telephone Number: 541-682-5508

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### **ISSUE STATEMENT**

The City Council will hold a public hearing to consider a package of land use code amendments related to single-family housing in the R-1 Low Density Residential zone. The proposed amendments would revise development standards for secondary dwellings, dwellings on existing alley access lots, and accessory buildings citywide (except within Amazon, Fairmount and South University neighborhoods).

### **BACKGROUND**

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary dwellings and allow for the creation of new alley access lots. As initiated, these amendments were intended to create additional capacity within the urban growth boundary (UGB) and implement several Envision Eugene strategies under the housing affordability, neighborhood livability and climate change/energy resiliency pillars related to smaller homes.

### **Planning Commission Process**

Following two work sessions and a September 2013 public hearing, the Planning Commission conducted extensive deliberations on the entire package of single-family code amendments (the citywide compatibility standards and the university area protection measures) over the course of three meetings. While there were a handful of straw votes on specific details where the Planning Commissioners were not in complete agreement, there was substantial agreement on the vast majority of the amendments, including nearly unanimous agreement on the Planning Commission's recommended modifications, see Attachment A. To that end, the entire Planning Commission voted (7 to 0) to forward to the City Council a recommendation to approve the entire package of code amendments.

### **City Council Process**

The City Council held a work session on October 30, 2013, and a public hearing on November 18, 2013, on the entire package of amendments. At the February 12, 2014, work session, the City

Council directed staff to return with a separate ordinance which on its own would accomplish the interim protection measures. Subsequently, on March 12, 2014, the City Council adopted the university area interim protection measures, which became effective on April 12, 2014. Those code amendments apply to the existing single-family neighborhoods surrounding the University of Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university. As adopted, they prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed, as committed to through Envision Eugene.

At the May 14, 2014, work session on the remaining single-family amendments, the City Council directed staff to return with a revised ordinance incorporating an alternative proposal provided to the City Council by community/neighborhood leaders, and to schedule a June 2014 public hearing. A revised ordinance reflecting the City Council's direction is provided as Attachment B. The revisions are based on the alternative proposal contained in Attachment C, which was provided to the council on February 16, 2014. In summary, the revised ordinance includes the following changes from the Planning Commission's recommendation:

- Increase the minimum lot size required for construction of a secondary dwelling
- Limit the building size of secondary dwellings and dwellings on alley access lots to 10 percent of the total lot area, not to exceed 800 square feet
- Prohibit secondary dwellings on flag lots (currently allowed on flag lots that are 13,500 square feet or greater in size)
- Change the maximum building height/interior yard sloped setback for secondary dwellings and for dwellings on existing alley access lots to be identical to those adopted as part of the University Area Interim Protection Measures
- Not allow the creation of new alley access lots
- Limit the size of accessory buildings to 10 percent of the total lot area
- Establish maximum building height of 25 feet for all accessory buildings, and change the interior yard sloped setback to be identical to that adopted as part of the University Area Interim Protection Measures
- Limit extent of adjustment reviews

Staff prepared a matrix that contains a summary comparison of the current land use code provisions, the amendments contained in the Planning Commission's recommendation and the alternative proposal (as contained in the revised ordinance). The final column of the matrix includes some of the effects of the alternative proposal. This matrix is provided as Attachment D.

Previously, these code amendments were considered part of the land use efficiency measures to accommodate additional single-family housing within the current urban growth boundary. However, based on the elimination of new alley access lots, the increase in minimum lot size required for secondary dwellings and the prohibition of secondary dwellings on larger flag lots, these amendments result in a reduction in the number of housing units expected within the current urban growth boundary. The final number assigned will be dependent on the analysis of the final adopted package.

### **Public Notice**

Because two of the proposed changes would limit the ability of property owners of certain sized lots to construct secondary dwellings, Oregon Revised Statute 227.186 (commonly referred to as

Measure 56) requires that notice be mailed to owners of property potentially affected by those specific changes. Notice was mailed to owners of 4,532 R-1 zoned lots within the city limits (between 4,500 and 6,099 square feet in area) and owners of approximately 279 R-1 zoned flag lots (13,500 square feet or greater) within the city limits that would no longer be eligible for secondary dwellings due to the proposed increase in the minimum lot size required for secondary dwellings, and the proposed prohibition of secondary dwellings on flag lots, respectively. Notice of the public hearing was also mailed to interested parties, per Eugene Code requirements.

As a result of the Measure 56 notice, over 35 property owners have contacted staff as of June 6, 2014 (via emails or telephone calls) regarding the proposed changes. Generally, the comments range from no concerns (because the property owner does not have plans for building a secondary dwelling or because there are already two units on the property) to those who expressed concern about the proposed changes due to loss of housing possibilities, and because limiting secondary dwellings seems counter to the City's goals of compact urban growth. All written testimony received by staff through June 9, 2014, is provided as Attachment D. Written testimony received at the City Council's November 2013 public hearing and during the one-week subsequent open record period is available on the project webpage: <http://www.eugene-or.gov/index.aspx?NID=2088>

#### **RELATED CITY POLICIES**

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an exhibit to the revised ordinance (Exhibit D of Attachment B).

#### **COUNCIL OPTIONS**

This item is scheduled for a public hearing only. No options are proposed at this time.

#### **CITY MANAGER'S RECOMMENDATION**

This item is scheduled for a public hearing only. No recommendation is proposed at this time.

#### **SUGGESTED MOTION**

This item is scheduled for a public hearing only. No motion is proposed at this time.

#### **ATTACHMENTS**

- A. Record of Planning Commission Deliberations
- B. Revised Ordinance and Findings
- C. Draft R-1 Code Amendments Recommendations, provided by Carolyn Jacobs, SUNA
- D. Summary Comparison Matrix
- E. Written Testimony Received through June 9, 2014

#### **FOR MORE INFORMATION**

Staff Contact: Alissa Hansen

Telephone: 541-682-5508  
Staff E-Mail: [alissa.h.hansen@ci.eugene.or.us](mailto:alissa.h.hansen@ci.eugene.or.us)

**Summary of Planning Commission Recommendation  
Single Family Code Amendments  
October 21, 2013**

The Planning Commission voted unanimously (7 to 0) to recommend approval of the Single Family Code Amendments, with the following modifications:

**Secondary Dwelling Units**

- Building Size: Change primary residence to principal residence *[General agreement, no vote taken]*
- Ownership/Occupancy: Use majority ownership instead of percentage when determining ownership *[General agreement, no vote taken]*
- Minimum Wall Length: Modify to require a 2 foot deep by 5 foot wide minimum articulation on walls over 25 feet in length. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists). *[Straw vote 6-0-1 with Steve Baker indicating he was neutral]*

**Alley Access Lots**

- Distance from Street/Fire Access: Clarify distance requirement for lot and modify to require sprinklers in dwelling if any portion of house is beyond 150 feet of alley/street intersection *[Straw vote 7 to 0]*
- Lot Standards: Establish maximum lot size for new alley access lot size as 5,000 square feet *[General agreement, no vote taken]*
- Development Standards: Allow windows, dormers and balconies on second story of alley lot dwelling on any non-alley facing property line only with the written approval of the affected adjacent property owner, in lieu of requiring an adjustment review. *[Straw vote 7 to 0]*

**Accessory Buildings**

- Building size/setbacks: For lots 13,500 square feet or less in area, limit the total square footage of all accessory buildings to 1000 square feet. For lots greater than 13,500 square feet to 43,560 square feet, limit the total square footage of all accessory buildings to 10 percent of the lot area, not to exceed 3,000 square feet, and require 10 foot setback and 10:12 sloped setback. For lots greater than 43,600 square feet (one acre) in size, no limit on square footage of accessory buildings, but require 10 foot setback and 10:12 sloped setback. *[Straw vote 7 to 0]*

**University Area Interim Protection Measures**

- Timing/Sunset: Establish sunset date that interim measures would remain in effect for 42 months after the date of adoption. *[Straw vote 7 to 0]*
- Bedroom Count: Support 3 bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond 3 bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to 3 (instead of 5) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such. *[Straw vote 7 to 0]*
- Occupancy: Add provision to require property owner to provide city with copy of current lease(s) or rental agreement(s) as a means of verifying occupancy (add as city wide provision) *[Straw vote 6 to 0]*
- Secondary Dwelling Units: Add development standards (see Exhibit 1 for draft development standards) to allow for secondary dwellings during the interim, subject to the 42 month sunset date. *[Straw vote 6 to 1 with John Jaworski voting in opposition due to preference for shorter sunset date.]*

**Other Deliberation Topics**

The Planning Commission discussed additional topics during their deliberations. However, the motions related to these topics did not pass, and as such are not included in their recommendation.

**Secondary Dwelling Units**

- Limit occupancy to 3 to 4 people and limit to 2 bedrooms *[general agreement to not add occupancy limit and to leave proposed bedroom limit]*
- Increase minimum lot size for detached secondary dwellings from 6,000 square feet to 6,225 square feet *[Straw vote 2 to 5 with Steve Baker and John Jaworski voting in favor. Those in favor indicated consistency with density requirements and concerns about compatibility, while those in opposition noted that new standards will improve compatibility, the interim standards will address pressures around the university, and satisfaction that existing requirement is consistent with density.]*

**Alley Access Lots**

- Lot Standards: Increase proposed minimum lot size from 2,250 to 3,600 square feet *[Straw vote 3 to 4 with Steve Baker, John Barofsky and John Jaworski voting in favor. Those in favor mentioned concerns about lot coverage, compatibility and density, while those in opposition noted that the proposed development standards, including building size and paving limitations would limit lot coverage, and that advisory committee looked at these issues extensively.]*
- Setbacks: Increase building setbacks from 5 feet to 10 feet from the two property lines perpendicular to alley *[Straw vote 3 to 4 with Steve Baker, John Barofsky and John Jaworski voting in favor. Those in favor indicated concerns about privacy, compatibility and transition, and noted that Portland requires 10 foot setbacks. Those in opposition noted that the proposed 5 foot setback works with the proposed sloped setbacks and other development standards to ensure compatibility, and that changing one standard in isolation may result in unintended consequences, including more two story buildings.]*

**University Area Interim Protection Measures**

- Sunset date: Set a date certain of July 31, 2017 for interim measures to automatically sunset *[Straw vote 3 to 4 with Steve Baker, Rick Duncan and John Jaworski voting in favor. Those in favor expressed support for certainty and specificity, while those in opposition noted that if the timing of the ordinance adoption changes or if the effective date changes, then the 42 month timeline provides more flexibility.]*

## ORDINANCE NO. \_\_\_\_\_

**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, 9.6775, 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,*** ~~[F]~~ for the purposes of EC 9.2700 through ~~[9.2777]~~**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.** ~~[A]~~ ***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 9.2741(2)(a)5. and ]~~EC 9.2751(17)~~[(j)]~~(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.

<b><i>R-1 Low Density Residential</i></b>	<b><i>Secondary Dwelling</i></b>	<b><i>Limited to those in existence on _____ [effective date of ordinance]</i></b>
<b><i>R-1 Low Density Residential</i></b>	<b><i>Accessory Building</i></b>	<b><i>Limited to those in existence on _____ [effective date of ordinance]</i></b>
<b><i>R-1 Low Density Residential</i></b>	<b><i>Alley Access Lot Dwelling</i></b>	<b><i>Limited to those in existence on _____ [effective date of ordinance]</i></b>
R-1 Low Density Residential [within the] within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on 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
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings, <i>including secondary dwellings</i> , shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					

**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 [below] ***beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots and flag lots.***

- ~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~
- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
  - ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
  - ~~3. There shall be at least 1 off-street parking space on the property.~~
  - ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
  - ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~
- ~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~
- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
  - ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
  - ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
  - ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
  - ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~

~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

**Section 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.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
Main Building. [Includes Secondary Dwellings Within the Main Building] <b><i>Does not include main building on Alley Access Lot</i></b>	30 feet	35 feet	35 feet	50 feet	120 feet
<b><i>Main Building on Alley Access Lot</i></b>	<b><i>See (18)</i></b>	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] <b><i>See (16)</i></b>	20 feet	25 feet	30 feet	30 feet
<b><i>Secondary Dwelling</i></b>	<b><i>See (17)</i></b>	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
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	--	--	--	--
<b>Interior Yard Setback for Accessory Buildings in R-1</b>	<b>See (16)</b>	--	--	--	--
<b>Interior Yard Setback for Secondary Dwellings</b>	<b>See (17)</b>	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, [Excluding Rowhouse Lots] <b>except where specifically addressed below</b>	50% of Lot	--	50% of Lot	--	--
<b>Lots with Secondary Dwellings (Area-Specific)</b>	<b>See (17)(c)</b>	--	--	--	--
<b>Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
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
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
<b>General Standards</b>	<b>See (16)(a)</b>	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings [Units] (17)</b>					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
<b>General Standards</b>	<b>See (18)(a)</b>				
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
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 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> 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 [~~in the R-1 zone,~~] or development on alley access lots [~~within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].

- (11) **Alley Access Lots/Parcels.** [~~Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks.~~] There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards *in R-1* [~~within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].)
- (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 [~~that are detached or that share a common wall with the primary dwelling for less than 8 feet~~]:

- ~~(a)~~ 1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
- ~~(b)~~ 2. The accessory building shall not exceed 400 square feet in area.
- ~~(c)~~ 3. Building Height/Interior [~~Sloped~~] Setback.
  - 4.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.
  - 2.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))~~(c)4-~~(b)3.)**

- ~~(d)~~ 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.
- ~~(e)~~ 5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
- ~~(f)~~ 6. The accessory building shall not include more than one plumbing fixture.
- ~~(g)~~ 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:
  - 4.a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
  - 2.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.
  - 3.c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
  - 4.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.
  - 5.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 for a secondary dwelling, the lot shall contain at least 6,100 square feet except that secondary dwellings are prohibited on alley access lots and flag lots.*
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.**
  - 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.*
- (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.**
    - 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:*
- (a)1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.*

- (b)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.
- (c)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.
- (d)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.
- (e)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.
- (f)6. 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.]~~ **The standards at EC 9.2751(17)(a)4. are applicable.**
- (g)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.
- (h)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.
- (i)9. Building Height/Interior [Sloped] Setback. For detached secondary dwellings:
- 1.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.
  - 2.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))[(e)1.](b)3.)**
- (j)10. 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.]~~ **The standards at EC 9.2751(17)(a)6. are applicable.**
- (k)11. 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.] ***The standards at EC 9.2751(17)(a)7. are applicable.***

(l) **12. Temporary Leave.** [Notwithstanding subsection (k) 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.] ***The standards at EC 9.2751(17)(a)8. are applicable.***

(m) **13. 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:

1. 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.
2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
3. The deed restriction may be terminated, upon approval by the City, when 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.

In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.] ***The***

**standards at EC 9.2751(17)(a)9. are applicable.**

- (n) ~~14.~~ 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 (k) 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.] **The standards at EC 9.2751(17)(a)10. are applicable.**
- (o) ~~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.
- (p) ~~16.~~ Alley Access Parking and Driveway. The standards at EC 9.2751(18)[(k)]**(a)11.** are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
- (q) ~~17.~~ 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. The standards in this subsection (q) 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.] **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.**
- (r) ~~18.~~ 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. The standards in this subsection [(r)] are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)3. are applicable to detached secondary dwellings only.**
- (s) ~~19.~~ 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. The standards in this subsection [(s)] are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.**
- (t) ~~20.~~ 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). The standards in this subsection [(t)] are applicable for detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)6.**

*are applicable to detached secondary dwellings only.*

- ~~[(u) **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.]~~
- (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.** ~~[(a) —Applicability. The following standard apply]~~ ***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.**
- ~~[(b) —General. All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are~~



not allowed.

- (c) ~~Building Size.~~ An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.
- (d) ~~Lot Coverage.~~ Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
- (e) ~~Building Height/Interior Setback.~~
1. ~~The interior yard setbacks shall be at least 5 feet from all lot lines (including the alley frontage). In addition, at a point that is 8 feet above finished grade, the setbacks from all lot lines, except the alley frontage, 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.~~
  2. ~~The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.~~

**(See Figure 9.2751(16)(c)1.)**

- (f) ~~Windows, Dormers and Balconies.~~
1. ~~Any window on the upper story must be located a minimum of 10 feet from any property line.~~
  2. ~~Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.~~
  3. ~~Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.~~
  4. ~~Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.~~
- (g) ~~Bedrooms.~~ The dwelling shall contain no more than 3 bedrooms.
- (h) ~~Primary Entrance.~~ The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
- (i) ~~Pedestrian Access.~~ The dwelling shall be served by a minimum three foot wide hard surfaced/hardscaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated

from the driveway or parking area.

~~(j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.~~

~~(k) Parking and Driveway.~~

~~1. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.~~

~~2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.~~

~~3. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.~~

~~4. The maximum width for a driveway accessing a garage or carport shall be 12 feet.~~

~~5. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.~~

~~6. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.~~

~~7. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.~~

~~8. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.~~

~~9. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.~~

~~10. No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(k))~~

~~(l) Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.~~

~~(m) Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.~~

~~(n) Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.]~~

**Section 7.** Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

**9.6775**     **Underground Utilities.**

- (1) ***Exemptions from Underground Utility Standards.*** *The following are exempt from the undergrounding requirement of this section:*
- (a) ***Temporary uses on a development site.***
  - (b) ***New utility connections to structures or buildings with legally established above ground utility service.***
  - (c) ***Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.***
  - (d) ***Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.***
- (2) ***Underground Utility Standards.*** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

**Section 8.** 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.*
- (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 9.** The findings set forth in Exhibit D attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 10.** 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 11.** 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 12.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**  
 \_\_\_ day of \_\_\_\_\_, 2014

**Approved by the Mayor this**  
 \_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure 9.2751(16)(a)2.a

**Building Height/  
Interior Setback for  
Accessory Buildings  
in R-1**

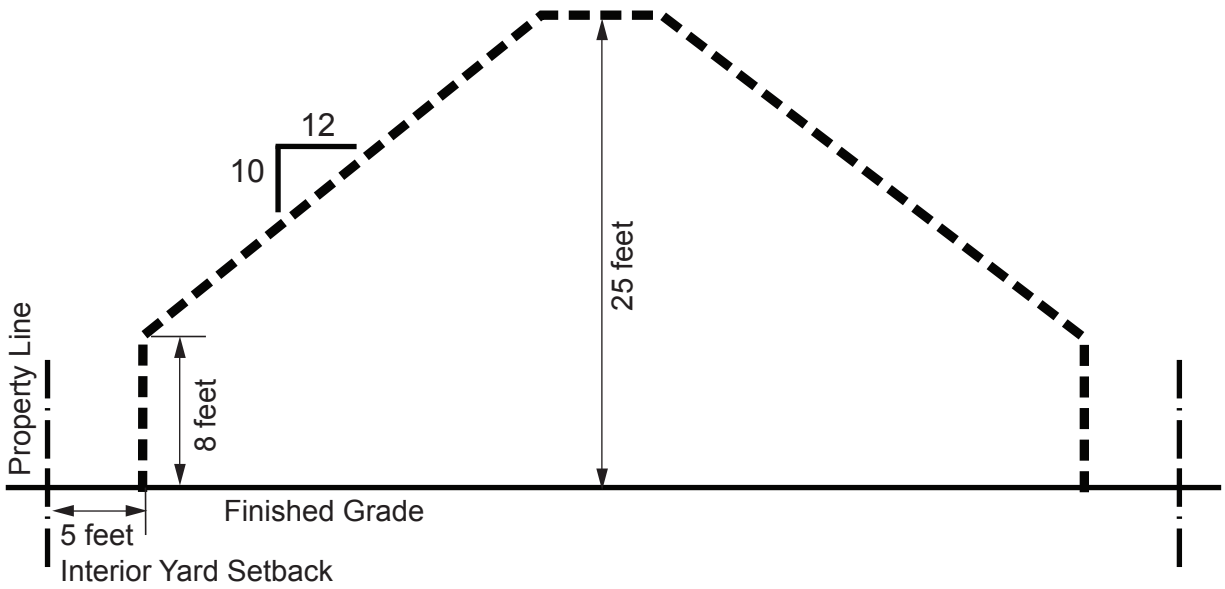


Figure 9.2751(16)(b)3.

**Building Height/Interior Setbacks for:**

- Accessory Buildings (Area-Specific)
- Secondary Dwellings (General and Area-Specific)
- Alley Access Lots (General and Area-Specific)

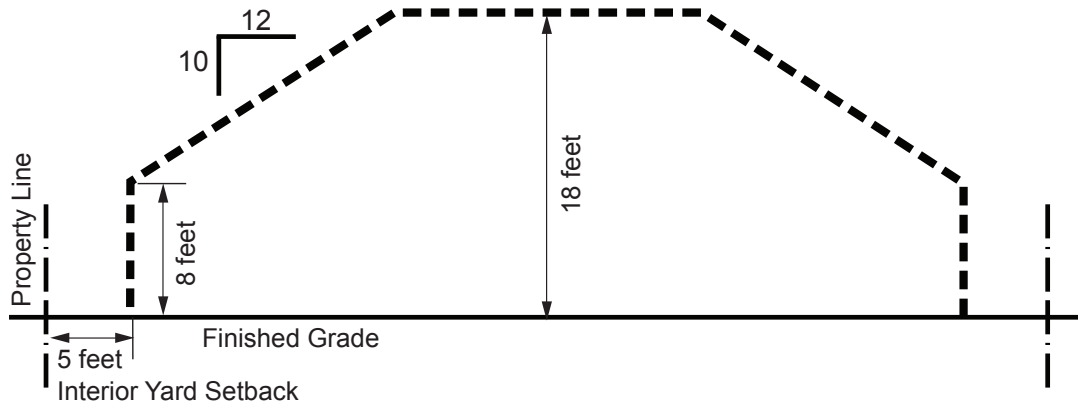
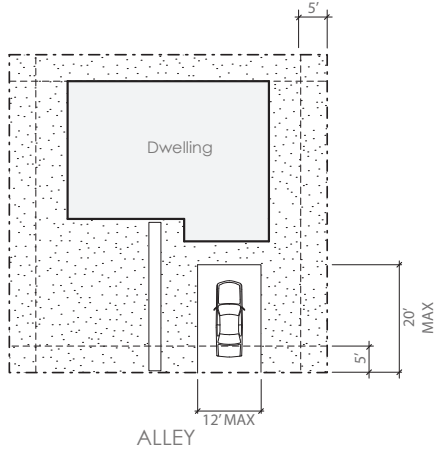


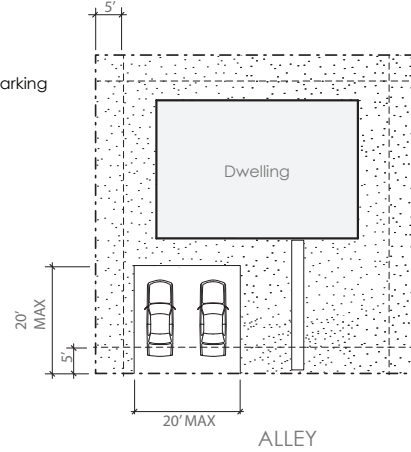
Figure 9.2751(18)(a)11.

# Parking and Driveway for Alley Access Lots

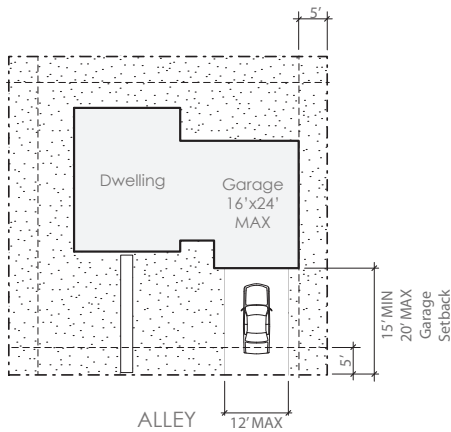
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



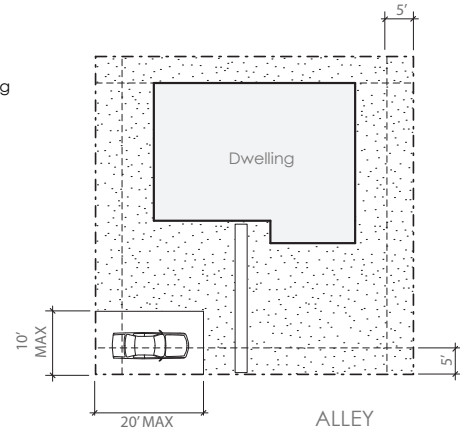
**OPTION B:**  
Side by Side Parking  
400 SF MAX



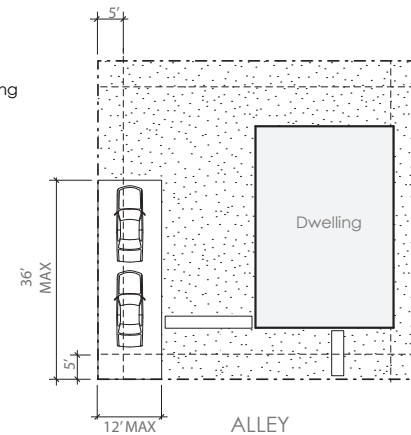
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



- - - Property Line  
- - - - - Setbacks

## Exhibit D

**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 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.*

*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*

## Exhibit D

*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) that would no longer be eligible for a secondary dwelling due to the prohibition of secondary dwellings on flag lots of that size.

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 20 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 20 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)*

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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.*

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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

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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.*

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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.

**Draft R-1 Code Amendment Recommendations**  
**16-Feb-2014**

**INTRODUCTION**

The following is a response to the City Manager's request for specific direction from councilors on changes they want to see in the draft R-1 ordinance that was presented by staff.

**Summary of all recommendations.**

- **Interim Protection Measures** – Put in a separate ordinance, based on the revised code e-mailed to council on February 14 by university neighborhood leaders. Ordinance should have an immediate effective date, and the effective date must not be dependent on DLCD acknowledgement.
- **Creation of new alley access only lots** – Remove all code that would allow creation of new alley access only lots. Hold off on further work on this concept until it can be dealt with as part of developing or revising specific neighborhood plans.
- **Owner occupancy standards for SDUs** – Adopt these as part of the ordinance that implements Interim Protection Measures. Make them permanent and city-wide when the city-wide amendments for SDU development standards are adopted.
- **Lot and development standards for SDUs** – Revise as described below.
- **Development standards for existing alley access only lots** – Revise as described below.
- **Development standards for accessory buildings** – Revise as described below.

**SUMMARY OF RECOMMENDATIONS IN THIS DOCUMENT**

**Lot and development standards for SDUs.**

Make the following changes to the draft code:

- Count SDUs when calculating density.
- Increase minimum lot sizes to maintain density within the ***Metro Plan*** Low Density Residential range. Allow smaller lots through existing PUD provisions.
- Disallow SDUs on “flag lots.”
- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.

**Development standards for existing alley access only lots**

- Use the same setback, height and massing standards that are used for detached SDUs.

**Development standards for accessory buildings**

- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.

## DETAILS OF RECOMMENDATIONS IN THIS DOCUMENT

### Lot and development standards for SDUs.

Amend Table 9.2740 to count SDUs when calculating density:

“All dwellings, *including secondary dwellings*, shall meet minimum and maximum density requirements in accordance with Table 9.2750.”

Other than the above, the SDU standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “**Secondary Dwellings**” subsection, in the following subsections:

- **Lot area.** Require a minimum of 6,100<sup>1</sup> square feet for an SDU, whether attached or detached. Allow smaller lots through a PUD, as long as overall density remains within **Metro Plan** Low Density Residential range. Do not allow SDUs on flag lots.
- **Building size.** Allow a maximum total square footage of 10% of lot area, not to exceed 800 s.f., for both attached and detached SDUs.
- **Building Height/Setback.** For detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line:

The dwelling (or portion of dwelling) shall be limited by interior yard setbacks that are five feet, with an inflection point at 8 feet height and a sloped setback from that height that increases at the rate of 10 inches vertically for every additional 12 inches horizontally. (*Note that setbacks are sloped. They do not have “pitch” – that is a term that applies to roofs and other structures, not setback planes. It confuses people who may think that the setback slope is a limit to roof pitch, when it is not.*)

With this setback configuration, it’s reasonable to allow a maximum building height of 18 feet on all lots for both detached SDUs and affected portions of attached SDUs. (An 18 foot height would have to be 13 feet from the adjacent property.)

Do not allow any intrusions into the setback areas other than eaves and chimneys.

- Rewrite **adjustment** (35) to clarify criteria and set maximum extent of allowable adjustments, as follows:

**Conversion of Existing Building.** Obviously, allow conversion if the structure meets all SDU standards. For structures that would conform to all standards, *except* the sloped setback plane, allow only for total square footage no more than 600 s.f. and no portion of structure more than 15’ above grade. Allow conversion of such structures that are closer than five feet to an interior lot line, only if the adjacent property owner grants an easement.

**Building Height.** Allow a max height of 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.

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<sup>1</sup> Councilors may want to adopt a slightly different minimum lot size. Here are the relevant factors:

- The **Metro Plan** Low Density Residential density maximum is 14.28 dwellings per net acre (du/na), which is equivalent to one dwelling per 3,050 square feet or two dwellings per 6,100 square feet.
- The City’s R-1 Low Density Residential Zone maximum density is 14 du/na, which is equivalent to one dwelling per 3,111 square feet or two dwellings per 6,222 square feet.

### Development standards for existing alley access only lots

These standards are mostly specified in the proposed code under section **9.2779 Alley Access Lot Standards** under the “Development Standards.” Subsection. The following proposed subsections should be changed to be the same as for detached SDUs:

- **Building Size.**
- **Building Height/Interior Setback.**

In addition to using the same Building Height standards, use the same **adjustment** for building height. (i.e., replace adjustment (36) with the rewritten adjustment (35).)

### Development standards for accessory buildings

These standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “Accessory Buildings in R-1” subsection, in the following subsections:

- **Building Size.** Simplify accessory building size limits as 10% of lot size for all lots, regardless of lot size or development site size. Allow alternatives for larger development sites only through PUDs.
- **Building Height/Setback.** Simplify and provide adequate protection by having interior yard setbacks be five feet, with an inflection point of 8 feet and a sloped setback that increases at the rate of 10 inches vertically for every additional 12 inches horizontally.

With this setback configuration, it’s reasonable to allow a maximum building height of 25 feet on all lots. (A 25 foot height would have to be 19 feet from the adjacent property.) This should be stated as: “No part of the building (except chimneys), shall be more than 25 feet above grade.”

- Rewrite **adjustment (34)** to allow only up to a five foot increase in height in a PUD and as long as the entire structure meets the sloped setback standards. (*With a 25 foot max height, as suggested, there is no great need, and there is significant potential impact, for allowing higher accessory buildings unless they’re part of a PUD. PUD approval criteria already require development to be “compatible” and have “minimal impact” on surrounding areas.*)

**Secondary Dwellings**

The following table (Table 1) provides a summary comparison of the current code provisions for secondary dwelling units (SDUs), the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by university area neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 1**

Secondary Dwellings				
Development Standard	Current Code	Planning Commission Recommendation	Alternative Proposal	Implications of Alternative Proposal
Minimum Lot Size/Density	<p><i>For attached SDUs:</i> Except for flag lots, the lot shall be at least 4,500 square feet to allow for an SDU.</p> <p><i>For detached SDUs:</i> Except for flag lots, the lot shall be at least 6,000 square feet.</p> <p>Flag lots: Must contain at least 13,500 square feet to allow for any SDU</p> <p>Density: The City’s long standing practice, supported by the Metro Plan, does not include SDUs when calculating density at the time of permit. They are counted in the City’s supply of housing.</p>	<p>No changes to minimum lot size</p> <p>Flag lots: No changes</p> <p>Density: Continue current practice, supported by the Metro Plan, of not counting SDUs when calculating density.</p>	<p>Increase minimum lot size to 6,100 square feet to allow for any SDU</p> <p>Flag lots: Prohibit SDUs on all flag lots</p> <p>Density: Add code language that requires SDUs to be counted when calculating density</p>	<p>By increasing minimum lot and calculating towards density, approximately 4,780 lots within the UGB or approximately 10% of all lots eligible for an SDU would no longer be eligible for an SDU.</p> <p>Flag lots: If SDUs are prohibited on flag lots, approximately 300 lots would no longer be eligible for SDUs.</p>
Building Size	800 square feet, unless occupying an entire story of a multi-story home	Limits all SDUs 800 square feet. Clarifies how to measure	Limit total square footage to 10% of lot area, not to exceed 800 square feet.	<p>For lots less than 8,000 square feet, SDU would be required to be less than 800 sq. ft.</p> <p>For a 6,100 square foot lot, the SDU would be limited to 610 square feet. To provide for two bedrooms, 750 square feet is a more realistic size.</p>
Building Height	<p><i>Attached SDUs:</i> 30 feet or 37 feet for roof slopes 6:12 or steeper (same as main house)</p> <p><i>Detached SDUs:</i> 15 feet or 22 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line (Allows for 2 story)</p> <p>20 feet or 27 feet for roof slopes 6:12 or steeper if located greater than 20 feet from a property line.</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line. (Allows for 1 story)</p> <p>24 feet, if located greater than 20 feet from any property line (Allows for 2 story)</p>	<p><i>Attached SDUs:</i> 18 feet for any portion of an attached SDU that is more than 60 feet from a front property line. No change for attached SDUs within 60 feet from front property line.</p> <p><i>Detached SDUs:</i> 18 feet</p>	<p>Lowers height for attached SDUs more than 60 feet from front property line (street) to 18 feet, regardless of height of the home containing the SDU.</p> <p>Attached SDUs often include garage, basement or other conversions of existing homes. For lots that are not located in the traditional block/rectilinear lot pattern commonly found in Eugene’s closer in neighborhoods (such as larger or hilly lots in the south hills, and larger lots north of the river) this may be problematic for conversions depending on the location of the existing home.</p> <p>If an existing home located greater than 60 feet from the street exceeds 18 feet in height, a conversion would not be allowed. Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently create an attached SDU through conversion.</p>
Sloped Interior Yard Setbacks	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	<p>For detached SDUs located within 20 feet of a property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.</p> <p>For a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of</p>	For all detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet), and use a maximum slope of 10:12 (83%). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines.	<p>The suggested change for sloped setback/building height is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.</p> <p>Taking into account that typical ceiling height in residential construction is 8 to 9 feet, not including a crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.</p>

		6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.		
Setback Intrusions	Allows for building features, such as eaves, awnings, chimneys, bays, bay windows and porches, to project into interior yard setbacks up to 2 feet	Limit setback intrusions to eaves, chimneys and gables.	Limit setback intrusions to eaves and chimneys	Would not allow gables to project into sloped setback.
Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. Provides allowance for temporary leave under certain circumstances.	Adopt as proposed in ordinance	
Adjustment Review	None	<p>Allows for adjustment review in limited situations: temporary leave, to allow conversion of existing accessory building into secondary dwelling and to allow a secondary dwelling over an accessory building (height).</p> <p>To allow for conversion of existing building that does not meet all of SDU standards; the SDU must be limited to 800 square feet and must be limited to one story or on ground floor of 2 story building. Other relevant compatibility criteria apply.</p> <p>To allow for a SDU over an accessory building (such as a garage), limit SDU size to 500 square feet, limit building height to 24 feet. Other relevant compatibility criteria apply.</p>	<p>To allow for conversion, if the structure meets all SDU standards except the sloped setback, limit SDU to 600 square feet in building size and 15 feet in height. If closer than 5 feet from interior property line, allow if adjacent property owner grants easement.</p> <p>To allow for a SDU over an accessory building, limit height to 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>For conversion of existing structures, would place additional limits on building size and height (beyond those for new SDUs). Whereas a new SDU could be 800 square feet and 18 feet in height (assuming an 8,000 square foot or greater sized lot), an existing building to be converted to an SDU could not exceed 600 square feet and 15 feet in height.</p> <p>To allow for a SDU over an accessory building, the building would need to be at least 20 feet from all interior property lines and fit within sloped setback established above.</p> <p>Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently do an attached SDU through conversion of an existing home.</p>

**Alley Access Lots**

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on alley lots, the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 2**

<b>Alley Access Lots</b>				
<b>Development Standard</b>	<b>Current Code (applies to existing lots)</b>	<b>Planning Commission Recommendation (to apply to existing and newly created lots)</b>	<b>Alternative Proposal (to apply to existing lots; prohibit new lots)</b>	<b>Implications of Alternative Proposal</b>
Creation of new lots	Not currently allowed.	Allow for creation of new alley access lots, subject to compatibility standards.	Do not allow for creation of new alley access lots	
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.	Same as suggested above for detached SDUs: Limit total square footage to 10% of lot area, not to exceed 800 square feet.	Existing alley access lots are typically less than 5,000 square feet in area, which means that homes would be limited to 500 square feet or less.  Homes on alley access lots will be smaller than secondary dwellings in most cases. Homes on alley access lots are a different housing type than SDUs. Limiting the homes to such a small size (and height) will limit the desirability of these homes for owner-occupancy.  The recently adopted University Area Interim Protection Measures allow provide for a maximum building size of 1,000 square feet on existing alley access lots.
Building Height	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet	18 feet	Same as suggested above for detached SDUs
Sloped setback	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade.  Starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 14 feet), and change maximum slope to 10:12 (instead of 8:12). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines (instead of 20 feet).	Same as suggested above for detached SDUs, which is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.  Taking into account that typical ceiling height in residential construction is 8 to 9 feet, not including a crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the dwelling in the context of adjacent properties.	Provide for adjustment review to allow dwelling up to maximum height of 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.	Existing alley access lots are typically less than 5,000 square feet and are generally 50 feet in width. As such, it may not be possible or practicable to create a dwelling that is 20 feet from all interior property lines. Due to the suggested change for building size to 10% of lot area (see above), which results in a very small home, it is unlikely a property owner would need or desire to seek an increase in height.



**Accessory Buildings**

The following table (Table 3) provides a summary comparison of the current code provisions for accessory buildings, the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by university area neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 3**

<b>Accessory Buildings</b>				
<b>Development Standard</b>	<b>Current Code</b>	<b>Planning Commission Recommendation</b>	<b>Alternative Proposal</b>	<b>Implications of Alternative Proposal</b>
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, limit total square footage to 1,000 square feet</p> <p>On development sites (with a dwelling) that are between 13,501 square feet and 43,559 square feet, limit total square footage to 10 percent of development site, not to exceed 3,000 square feet.</p> <p>On development sites 43,560 square feet (one acre) or greater in area, or on development sites with a non-residential use (such as a park, church or school), no building size limitation.</p>	<p>Limit to 10% of lot size for all lots</p> <p>Allow alternative for large development sites through PUDs</p>	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. PUDs are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.</p>
Building Height	20 feet or 27 feet for roof slopes 6:12 or steeper	<p>22 feet for development sites (with a dwelling) that are 13,500 square feet or less in area</p> <p>25 feet for development sites greater than 13,500 square feet in area or on development sites with a non-residential use.</p>	25 feet for all lots regardless of size	Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.
Sloped setback	No sloped setback (which means the building can reach maximum building height at a point 5 feet in from the interior property line)	<p>On development sites (with a dwelling) that are 13,500 sq ft or less in area, interior yard setbacks shall be at least 5’. In addition, at a point that is 12’ above finished grade, the setback shall slope at 6:12 horizontally away from the property line to a maximum building height of 22’</p> <p>On development sites greater than 13,500 sq ft in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12’ above finished grade, the setback shall slope at 10:12 horizontally away from the property line to a maximum building height of 25 feet</p>	Creates a building envelope for all sized lots that requires a building to slope away from a five foot interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet). Use maximum slope of 10:12 regardless of lot size. This would result in the ridge (tallest point) of the building being a minimum of 19 feet from the interior property lines.	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requires same 8 foot building height at interior yard setback as suggested for secondary dwellings and alley access lots.</p> <p>Results in a 25 foot tall building 19 feet from property line (as opposed to 25 feet from property line).</p>
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the building in the context of adjacent properties.	Allow up to a five foot increase in height only through an approved planned unit development application and as long as the entire structure meets the sloped setback standard.	Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. Planned unit developments are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.

**HANSEN Alissa H**

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**From:** kyle\_de@juno.com  
**Sent:** Thursday, May 29, 2014 2:53 PM  
**To:** HANSEN Alissa H  
**Subject:** Proposed Land Use Regulation Change

Hi there -

Well, I had a long involved letter written you weighing in against any regulation change that prohibits the construction of secondary dwellings on any size lot - then through an indiscriminate use of the space bar, apparently, I lost it.

So the long and short of it is, please don't do it! Since in-filling is such the better option to sprawl in the face of population expansion! In ecological terms, in economical terms such the better solution: Smaller, more efficient homes. Less demand on material resources. Plugging into existing infrastructures rather than expanding into farmland and timberland. Providing more rewarding craft-like jobs that are closer to home as opposed to production-line big-box developments where the workers are factory-hands and the money heads out of town. Development houses are either cookie-cut dingbats or vastly wasteful follies. Fitting dwellings to existing lots requires creativity and often the pride of close ownership.

So don't do it, please; don't delimitate our option to creatively provide homes for ourselves. What would the benefit of such a prohibition be? If anything, let's make it easier and less expensive to innovatively in-fill! Walk or work around any neighborhood - as I do all over town - and you will see both examples of how cool and functional secondary dwellings can be and of property that cries out for better use. I have also worked for developers and have seen how dysfunctional, even brutally dysfunctional, new sprawl can be: totally automobile-dependent living, chlorinated sprinkler systems for postage-stamp lawns that each require combustion engine mowers, natural-gas fake fireplaces (so wasteful, so inefficient!) new roads, sewers and other utilities, etc., etc. that gobble up farmland and timberland. Not to mention pre-requisite speculative boom-and-bust economies....

Okay. You see that I'm against it. Thanks you for considering my opinion.

Sincerely, Kyle DeBord  
2429 Friendly Alley  
Eugene, OR 97405

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**HANSEN Alissa H**

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**From:** mbbarrow@comcast.net  
**Sent:** Saturday, May 31, 2014 9:49 AM  
**To:** HANSEN Alissa H  
**Cc:** mb barlow  
**Subject:** Proposed SDU change

Dear Ms Hansen,

I am a concerned landlord and homeowner who is strongly in favor of cultivating in-fill density and minimizing sprawl.

I received your notice of regulation changes and find myself confused:

1. Nowhere could I find a map showing the area affected. Are these proposals limited to the university area, or, do they apply to the whole R-1 Zone?
2. What is the reasoning for the city to move away from its avowed support of infill?
3. Who submitted the Alternative Proposal?

In addition to seeking answers to my questions, I also want to state clearly that I emphatically support rules that foster in-fill via legally built SDUs in all of the R-1 area.

Small property owners and landlords have suffered in recent years from decisions favoring larger developers, resulting in eyesores and oversupply of units for students. However, the market for accessory units for students who seek quiet and the archetypal 'mother-in-law unit' remains. If University area or other homeowners have noise complaints, enforcement of existing owner-occupied laws would foster positive change by having the responsible landlord onsite to address issues. As a dreamer and supporter of individual social responsibility, I would also like to have a tie between a student's legal record involving complaints or founded charges for any violation become part of his/her student record as well as public record.

Finally, please could you mail me a copy of the table comparing the two proposals before the day of the public hearing? I am a grey hair, and the print I found when downloading was not legible to me. My address is:

2290 Monroe  
Eugene, OR  
97405

Thank you, Ms Hansen. I look forward to your specific answers.

Best,  
MB Barlow, LCSW, ACSW

**HANSEN Alissa H**

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**From:** OregonDan@comcast.net  
**Sent:** Saturday, May 31, 2014 12:27 PM  
**To:** HANSEN Alissa H  
**Subject:** Land Use Change - Reasons for Flag Lot development Prohibition

RE: Land Use Change  
Why is construction of a secondary dwelling TOTALLY PROHIBITED ON FLAG LOTS, yet permitted on smaller non-flag lots?

Dear City Planner Alissa Hansen,

The fair market value of my TWO FLAG LOTS (each larger than 16,000 sq ft) will be reduced if the proposed prohibition on construction of a secondary dwelling is enacted. Even when the area of the panhandle portion is subtracted, the remaining area of each of my flag lots exceeds 13,500 square feet.

What is the justification for singling out flag lots for the development prohibition?

Thank you for your time and attention to this matter.

Sincerely,

Daniel Ridder  
2011 Kimberly Dr., Eugene 97405  
(541) 345-5228

**HANSEN Alissa H**

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**From:** Eric Jones <ericjones2@comcast.net>  
**Sent:** Saturday, May 31, 2014 8:29 PM  
**To:** HANSEN Alissa H  
**Subject:** Concerns proposed land-use regulation change (construction of secondary dwelling on flag lots)

My wife, Linda, and I own property at 2953 Ingalls Way (tax lot 1804-1211-02301). Our property is a "flag" lot, approximately 13,682 square feet (0.36 acres) in size, and is the site of our primary dwelling.

We are concerned about the proposed changes to Eugene's land-use code that would no longer allow the construction of a secondary dwelling on flag lots that are 13,500 square feet (0.31 acres) or larger for the following reasons:

1. While the impacts of the proposed change are clear, the rationale for the change is not stated. It would appear that the overarching Council goal is to further compact urban development. Prohibiting the construction of secondary dwellings on large flag lots, assuming other development criteria can be met, seems to be inconsistent with the Council's adopted policies related to urban development.
2. Singling out large flag lots is arbitrary and capricious. We can find no stated rationale for applying this regulatory change to flag lots and not, for example, all lots greater than 13,500 square feet. It is not good policy to create blanket policies to address individual issues. If there is a specific property on which a neighborhood leader wishes to block construction of a secondary dwelling, that situation can be argued before the appropriate authorities.
3. Finally, we would like to note that the proposed change has the potential to damage us economically. If we were to sell our property at some point in the future, we would lose the existing potential value of being able to construct a secondary dwelling, assuming other development criteria could be met.

For these reasons, we request that the Council not approve land-use regulations that would prohibit the construction of secondary dwellings on flag lots 13,500 square feet or more.

Sincerely,  
Eric and Linda Jones  
2953 Ingalls Way  
Eugene, OR 97405  
541-344-8653

**HANSEN Alissa H**

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**From:** tammy@ashestobeauty.org  
**Sent:** Saturday, May 31, 2014 9:13 PM  
**To:** HANSEN Alissa H  
**Subject:** Proposed change to land use regs

I think that this is a terrible time to limit housing possibilities. There are so many homeless people many of whom are elderly and need the support of their family. Please don't disallow secondary dwellings in R-1 residential zones.

Tamara Wilhite  
541-606-5433

**HANSEN Alissa H**

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**From:** Maggie <maggie@pacinfo.com>  
**Sent:** Sunday, June 01, 2014 7:56 AM  
**To:** HANSEN Alissa H  
**Subject:** proposed ordinance

Dear Alissah,

I received a disturbing letter about a proposed ordinance change that I am told will affect my property. I have future plans to build a small home in the footprint of my garage, for me to live in when I am older. The expectation that I would be able to expand the living space of my current less than 1,000 sq. ft. home into my spacious back lot w/garage, to make room for family members in the main house, is why I bought this house and property more than ten years ago.

Please let me know how to confirm that this ordinance will affect me and what I can do to challenge it. I will be out of town for the June 16th hearing.

Many thanks.

Maggie (Margaret) Keenan  
2252 Pierce Street  
Eugene, OR 97405

**HANSEN Alissa H**

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**Subject:** FW: zoning changes issues

**From:** t spears <[spears2012@msn.com](mailto:spears2012@msn.com)>  
**Date:** June 1, 2014, 11:28:52 AM PDT  
**To:** PIERCY Kitty <[Kitty.Piercy@ci.eugene.or.us](mailto:Kitty.Piercy@ci.eugene.or.us)>  
**Subject:** zoning changes issues

Good Morning Mayor Piercy,

I recently received a letter that states my property may be rezoned to exclude building a small second home. We have a 13,800 flag lot. We bought the property in 1987. We have counted on being able to eventually build a small abode for our disabled daughter. If the rezoning is approved we will not be able to do this. Since she will, likely, never be able to live independently this would impact her in a very detrimental way. Please give some consideration to helping us and others in our situation by allowing disabled housing to be built on very large properties. It is a very positive way to reduce the future homeless population, in my opinion.

Thanks,

Tonya Spears  
2675 Benson Lane  
Eugene 97408



**HANSEN Alissa H**

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**From:** anna baio <j.annabaio@gmail.com>  
**Sent:** Monday, June 02, 2014 3:28 PM  
**To:** HANSEN Alissa H  
**Subject:** Proposed land use regulation change

Alissa,

I received a notice of proposed changes to R-1 Low Density Residential Zone, which would no longer allow secondary dwellings.

First, I want to know who is requesting this change and why have some home owners not been notified. It seems very unfair and shameful. Many home owners have considered a secondary dwelling on their properties for their grown children, extra income in their retirement or for a caretaker, if needed in the future. Now the city is proposing to take that ability away from home owners in my neighborhood.

After looking over some of the actual rules for secondary dwellings, the word, "draconian" seems to apply to the control of homeowners' freedom of movement. It sounds like the city wants to force people to sell their properties, if they need or want to be away for extended periods. Are these proposals really legal?

I watch the city give tax breaks to huge developers, like Capstone, to build ugly monstrosities in our downtown. If you look at Craigslist, these apartments are ridiculously overpriced. Not every renter in Eugene is a student or wants to live in these apartments. The small duplex market is very appealing to Eugene renters, who want to live in a quiet neighborhood away from the University, where they can have a garden and bike or walk to work. The homeowner, who provides a secondary dwelling on a alley or corner lot is a great benefit to many of these renters.

So, you tell me, why the changes? I thought the city aimed to have urban infill. Homeowners pay most of your taxes. What is going on? This whole plan smells very unsavory!!!!

I definitely will be at the June 16th meeting and so will my homeowner neighbors, who never received this notice and have properties that have qualified for a secondary dwelling.

Sincerely,

Anastasia Baio

**HANSEN Alissa H**

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**From:** Marcy Abbale <marcysweetie@gmail.com>  
**Sent:** Wednesday, June 04, 2014 9:54 AM  
**To:** HANSEN Alissa H  
**Subject:** Single-Family Housing Proposed Land Use Regulation Change



Director's Message: City Council....  
Attachment: Attachment1.doc

June 4, 2014

City Council of Eugene

Re: Notice of Proposed Land Use Regulation Change and City Council Public Hearing

To Whom It May Concern:

I am writing to voice my concern about the proposed land use regulation change regarding not being able to have the potential to build a secondary dwelling on a residential lot.

If everyone of us would open their eyes and hearts to what's happening in the world (think outside of the box of Eugene) and the shrinking value of our currency and rising food costs, they might be able to see that the stock market is volatile, the economy is at high risk, and the food supply continues to grow in demand with less agriculture landscape available to plant on, homes may need to be built smaller and families may find themselves having to live together with parents, children, grandparents, etc. To deny the possibility to build a tiny dwelling to assist others is unacceptable. I'm not speaking about the homeless here. I'm talking middle class/lower income families that struggle every day to meet ends meet.

You seem to be so concerned with the homeless...this preposterous idea contradicts that idea of thinking. If the economy doesn't turn around soon, you will find yourself faced with many additional homeless people. Why not allow families to help one another? Why not allow for strangers to help one another?

Put on your thinking caps before it's too late.

Respectfully,

Marcy Ann Abbale  
2487 Mangan Street  
Eugene OR 97402-8724  
(541)688.5650

**HANSEN Alissa H**

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**From:** sheri cannell <sheriata@yahoo.com>  
**Sent:** Wednesday, June 04, 2014 7:48 PM  
**To:** HANSEN Alissa H  
**Subject:** infill a goal

on the subject of sdu's

1. i thought a stated goal of the city is infill not extending the ugb. what happened?
2. if the existing owner occupied laws were enforced, that alone would address lots of the noise and nuisance complaints in the u area.
3. legal sdu's blend into the neighborhoods , if done according to code.
4. this new proposal favors wealthy homeowners with larger lots.

thanks, sheri cannell

Stephen Leppold  
2925 Ingalls Way  
Eugene, OR 97405  
June 6, 2014

Eugene City Council  
c/o Alissa Hansen  
99 W. 10th Avenue  
Eugene, OR 97401

Received

JUN 6 2014

City of Eugene  
Planning Division

Dear Mayor Piercy and City Councilors:

Re: Proposed code changes for secondary dwellings

Ten years ago, my wife and I purchased a flag lot (in the Crest Drive neighborhood) that was large enough to allow a Secondary Dwelling Unit, and this potential for an SDU was factored into the price we paid for the property.

Taking away the SDU option from *\*all\** flag lots, as proposed, seems arbitrary and unfair to current owners, such as my wife and I, who would like to be able to build a small SDU for ourselves when we retire.

I suggest (and request) that SDUs remain a possibility for existing flag lots, at least for current owners who purchased their flag lot prior to the date of the code changes. The current restriction on flag lot size (minimum 13,500 square feet to allow an SDU) should be sufficient.

Thank you for your consideration.

Sincerely,



Stephen Leppold

**HANSEN Alissa H**

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**From:** Randy Birzer <randybirzer@comcast.net>  
**Sent:** Saturday, June 07, 2014 10:35 AM  
**To:** HANSEN Alissa H  
**Subject:** Secondary Dwelling on Flag Lots

Alissa,

I am **opposed** to the proposed changes in Eugene's land use code that would no longer allow a secondary dwelling on flag lots that are .31 acre or larger.

I own a flag lot that is .44 acre and there is plenty of space and parking to build a secondary dwelling, which we may want to do in the future.

One of my nearby neighbors has approved plans for a "cluster development", with the movement for more density verses sprawl, it does not seem fair that they can build several houses close together and we can only have one on our .44 acre lot.

Thanks for your consideration.



**Randy Birzer**

Birzer Home Inspection LLC

541-554-1217

[EugeneInspection.com](http://EugeneInspection.com)

[Randy@Eugeneinspection.com](mailto:Randy@Eugeneinspection.com)

**HANSEN Alissa H**

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**From:** mbbarrow@comcast.net  
**Sent:** Sunday, June 08, 2014 12:02 PM  
**To:** HANSEN Alissa H  
**Cc:** mb barlow  
**Subject:** Testimony regarding proposed changes to land use code

As a local citizen and landlord, I strongly oppose the proposed changes regarding SDUs. The part of the Alternative Proposal which lifts the requirement for increased lot size is most welcome, although I do not agree that those developers who choose to build multi-unit dwellings should find relief from the fees now charged.

The goal of properly permitted and built SDUs is commensurate with the goal of infill to prevent sprawl. Limiting these to the yards of more prosperous citizens who tend to have larger lots is unfair. Losing the potential to build a legal SDU also reduces the property value of current landholders and that, too, is unfair. Why give yet another advantage to wealthier citizens when it defies the city's avowed goal of in-fill with SDUs commensurate with the existing neighborhood?

Despite the overbuilding of 'princess dorm' buildings with MUPTE privilege, there remains a market for SDUs in owner-occupied properties, in order to serve as a small income stream or close-in home for the proverbial in-law.

For those who have legitimate concerns regarding noise and nuisance from properties with SDUs, I refer to the owner-occupied mandate. If this were enforced, it would mean that the owner of the property would be onsite to regulate or evict in the face of tenant misbehavior. The law in place is more than adequate, were it enforced.

Thank you for thinking about this from the concerns of the majority, not the most vocal or best funded, segment of the community.

Respectfully submitted,

MB Barlow, LCSW, ACSW  
2290 Monroe  
97405

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Work Session: 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, 9.6775, and 9.8030; and Providing an Effective Date. (City File CA 13-3)

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Meeting Date: July 14, 2014  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
Staff Contact: Alissa Hansen  
Contact Telephone Number: 541-682-5508

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### **ISSUE STATEMENT**

The City Council will provide direction on land use code amendments related to single family housing in the R-1 Low Density Residential zone. The proposed amendments would revise development standards for secondary dwellings, dwellings on existing alley access lots, and accessory buildings citywide (except within Amazon, Fairmount and South University neighborhoods).

### **BACKGROUND**

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary dwellings and allow for the creation of new alley access lots. As initiated, these amendments were intended to create additional capacity within the urban growth boundary and implement several Envision Eugene strategies under the housing affordability, neighborhood livability and climate change/energy resiliency pillars related to smaller homes.

### **Planning Commission Process**

Following two work sessions and a September 2013 public hearing, the Planning Commission conducted extensive deliberations on the entire package of single family code amendments (the citywide compatibility standards and the university area protection measures) over the course of three meetings. While the Planning Commission was split on a couple of issues, they were supportive of the entire package and voted (7-0) to forward to the City Council a recommendation to approve the entire package of code amendments.

### **City Council Process**

The City Council held a work session on October 30, 2013, and a public hearing on November 18, 2013, on the entire package of amendments. At the February 12, 2014, work session, the City Council directed staff to return with a separate ordinance which on its own would accomplish the interim protection measures. Subsequently, on March 12, 2014, the City Council adopted the university area interim protection measures, which became effective on April 12, 2014. Those code amendments apply to the existing single-family neighborhoods surrounding the University of



Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university. As adopted, they prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed, as committed to through Envision Eugene.

At the May 14, 2014, work session on the remaining single family amendments, the City Council directed staff to return with a revised ordinance incorporating an alternative proposal provided to City Council by neighborhood leaders, and to schedule a June 2014 public hearing. A revised ordinance reflecting City Council's direction is provided as Attachment A.

On June 16, 2014, a public hearing was held on the revised ordinance. Testimony was received from 12 individuals. Four speakers, including one resident from Jefferson-Westside and three from South University, voiced support for the revised ordinance. Eight speakers, including property owners of lots that would no longer be eligible for secondary dwellings, a representative from 1,000 Friends of Oregon, an advocate for micro-housing, the Planning Commission chair, a resident of Amazon, and a representative from the Lane County Home Builders Association, expressed opposition to the revised ordinance.

Following the public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. The record was left open, in response to a request from Paul Conte to give time to develop alternative standards that would address the concerns raised about secondary dwellings on larger flag lots. Written testimony received during the open record period will be provided to the City Council under separate cover. The testimony is also available for review via the project website at: <http://www.eugene-or.gov/index.aspx?NID=2088>.

Included in the testimony received during the open record period is a set of concepts and tentative proposed standards received by Mr. Conte that would allow secondary dwellings on some larger flag lots, included as Attachment B. According to the testimony, these were developed through discussions with several flag lot property owners who submitted testimony and neighborhood leaders involved in the process. Staff has reviewed the proposed standards submitted by Mr. Conte and has conducted some preliminary analysis on how they would impact existing flag lots. Some concerns have been identified, and also communicated with Mr. Conte, that need further refinement prior to being incorporated into code. At the work session, staff will present the findings from this analysis. Based on feedback and direction at council, staff can revise the code and incorporate the standards into the final ordinance which council can take action on at the July 28 regular meeting.

## **RELATED CITY POLICIES**

Findings addressing the applicable approval criteria, including Statewide Planning Goals, the Metro Plan, and applicable refinement plans, are provided as an exhibit to the ordinance in Attachment A.

**COUNCIL OPTIONS**

No council options provided at this time, the work session is for general discussion and feedback on new testimony and information. Action is scheduled for July 28, 2014

**CITY MANAGER'S RECOMMENDATION**

No city manager recommendation at this time

**ATTACHMENTS**

- A. Ordinance and Findings (Alternative Proposal)
- B. Flag Lot Concepts and Proposed Standards (Submitted by Paul Conte)

**FOR MORE INFORMATION**

Staff Contact: Alissa Hansen  
Telephone: 541-682-5508  
Staff E-Mail: [alissa.h.hansen@ci.eugene.or.us](mailto:alissa.h.hansen@ci.eugene.or.us)

## ORDINANCE NO. \_\_\_\_\_

**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, 9.6775, 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,*** ~~[F]~~ for the purposes of EC 9.2700 through ~~[9.2777]~~**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.** ~~[A]~~ ***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 9.2741(2)(a)5. and ]~~EC 9.2751(17)(j)](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.

<i>R-1 Low Density Residential</i>	<i>Secondary Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Accessory Building</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Alley Access Lot Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
R-1 Low Density Residential [within the] within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on 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
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings, <i>including secondary dwellings</i> , shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					

**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 [below] **beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots and flag lots.**

- ~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
 
  - ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
  - ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
  - ~~3. There shall be at least 1 off-street parking space on the property.~~
  - ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
  - ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~~~
- ~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:
 
  - ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
  - ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
  - ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
  - ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
  - ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~~~

~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

**Section 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.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
Main Building. [Includes Secondary Dwellings Within the Main Building] <b><i>Does not include main building on Alley Access Lot</i></b>	30 feet	35 feet	35 feet	50 feet	120 feet
<b><i>Main Building on Alley Access Lot</i></b>	<b><i>See (18)</i></b>	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] <b><i>See (16)</i></b>	20 feet	25 feet	30 feet	30 feet
<b><i>Secondary Dwelling</i></b>	<b><i>See (17)</i></b>	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
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	--	--	--	--
<b>Interior Yard Setback for Accessory Buildings in R-1</b>	<b>See (16)</b>	--	--	--	--
<b>Interior Yard Setback for Secondary Dwellings</b>	<b>See (17)</b>	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, [Excluding Rowhouse Lots] <b>except where specifically addressed below</b>	50% of Lot	--	50% of Lot	--	--
<b>Lots with Secondary Dwellings (Area-Specific)</b>	<b>See (17)(c)</b>	--	--	--	--
<b>Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
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
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
<b>General Standards</b>	<b>See (16)(a)</b>	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings [Units] (17)</b>					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
<b>General Standards</b>	<b>See (18)(a)</b>				
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
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 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.

**(See Figure 9.2751(3)).**
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> 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 [~~in the R-1 zone,~~] or development on alley access lots [~~within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].
- (11) **Alley Access Lots/Parcels.** [~~Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks.~~] There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards *in R-1* [~~within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].)
- (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 [~~that are detached or that share a common wall with the primary dwelling for less than 8 feet~~]:

~~(a)~~ 1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.

~~(b)~~ 2. The accessory building shall not exceed 400 square feet in area.

~~(c)~~ 3. Building Height/Interior [~~Sloped~~] Setback.

4.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.

2.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))~~(c)4-~~(b)3.)**

~~(d)~~ 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.

~~(e)~~ 5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.

~~(f)~~ 6. The accessory building shall not include more than one plumbing fixture.

~~(g)~~ 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:

4.a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.

2.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.

3.c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.

4.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.

5.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 for a secondary dwelling, the lot shall contain at least 6,100 square feet except that secondary dwellings are prohibited on alley access lots and flag lots.*
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.**
  - 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.
- (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.**
    - 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:
- (a)1. **Lot Area.** To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.

- (b)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.
- (c)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.
- (d)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.
- (e)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.
- (f)6. 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.]~~ **The standards at EC 9.2751(17)(a)4. are applicable.**
- (g)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.
- (h)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.
- (i)9. Building Height/Interior [Sloped] Setback. For detached secondary dwellings:
- 1.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.
  - 2.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))[(e)1.](b)3.)**
- (j)10. 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.]~~ **The standards at EC 9.2751(17)(a)6. are applicable.**
- (k)11. 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.] ***The standards at EC 9.2751(17)(a)7. are applicable.***

(l) **12. Temporary Leave.** [Notwithstanding subsection (k) 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.] ***The standards at EC 9.2751(17)(a)8. are applicable.***

(m) **13. 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:

1. 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.
2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
3. The deed restriction may be terminated, upon approval by the City, when 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.

In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.] ***The***

**standards at EC 9.2751(17)(a)9. are applicable.**

- ~~(n)~~ **14. 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 (k) 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.] **The standards at EC 9.2751(17)(a)10. are applicable.**
- ~~(o)~~ **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.
- ~~(p)~~ **16. Alley Access Parking and Driveway.** The standards at EC 9.2751(18)~~[(k)]~~ **(a)11.** are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
- ~~(q)~~ **17. 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. The standards in this subsection (q) 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.] **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.**
- ~~(r)~~ **18. 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. The standards in this subsection ~~[(r)]~~ are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)3. are applicable to detached secondary dwellings only.**
- ~~(s)~~ **19. 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. The standards in this subsection ~~[(s)]~~ are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.**
- ~~(t)~~ **20. 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). The standards in this subsection ~~[(t)]~~ are applicable for detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)6.**



*are applicable to detached secondary dwellings only.*

- ~~[(u) **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.]~~
- (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.** ~~[(a) Applicability. The following standard apply]~~ **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.**
- ~~[(b) General. All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are~~

not allowed.

- (c) ~~Building Size.~~ An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.
- (d) ~~Lot Coverage.~~ Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
- (e) ~~Building Height/Interior Setback.~~
1. ~~The interior yard setbacks shall be at least 5 feet from all lot lines (including the alley frontage). In addition, at a point that is 8 feet above finished grade, the setbacks from all lot lines, except the alley frontage, 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.~~
  2. ~~The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.~~

**(See Figure 9.2751(16)(c)1.)**

- (f) ~~Windows, Dormers and Balconies.~~
1. ~~Any window on the upper story must be located a minimum of 10 feet from any property line.~~
  2. ~~Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.~~
  3. ~~Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.~~
  4. ~~Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.~~
- (g) ~~Bedrooms.~~ The dwelling shall contain no more than 3 bedrooms.
- (h) ~~Primary Entrance.~~ The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
- (i) ~~Pedestrian Access.~~ The dwelling shall be served by a minimum three foot wide hard surfaced/hardscaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated

- from the driveway or parking area.
- (j) ~~Parking Spaces.~~ There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
- (k) ~~Parking and Driveway.~~
1. ~~Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.~~
  2. ~~The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.~~
  3. ~~The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.~~
  4. ~~The maximum width for a driveway accessing a garage or carport shall be 12 feet.~~
  5. ~~The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.~~
  6. ~~The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.~~
  7. ~~The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.~~
  8. ~~Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.~~
  9. ~~The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.~~
  10. ~~No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(k))~~
- (l) ~~Distance from Street/Fire Safety.~~ If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.
- (m) ~~Trash and Recycling.~~ Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
- (n) ~~Accessory Buildings.~~ Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.]

**Section 7.** Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

**9.6775**     **Underground Utilities.**

- (1) ***Exemptions from Underground Utility Standards. The following are exempt from the undergrounding requirement of this section:***
- (a) ***Temporary uses on a development site.***
  - (b) ***New utility connections to structures or buildings with legally established above ground utility service.***
  - (c) ***Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.***
  - (d) ***Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.***
- (2) ***Underground Utility Standards.*** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

**Section 8.** 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.*
- (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 9.** The findings set forth in Exhibit D attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 10.** 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 11.** 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 12.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**  
 \_\_\_ day of \_\_\_\_\_, 2014

**Approved by the Mayor this**  
 \_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure  
9.2751(16)(a)2.a

**Building Height/  
Interior Setback for  
Accessory Buildings  
in R-1**

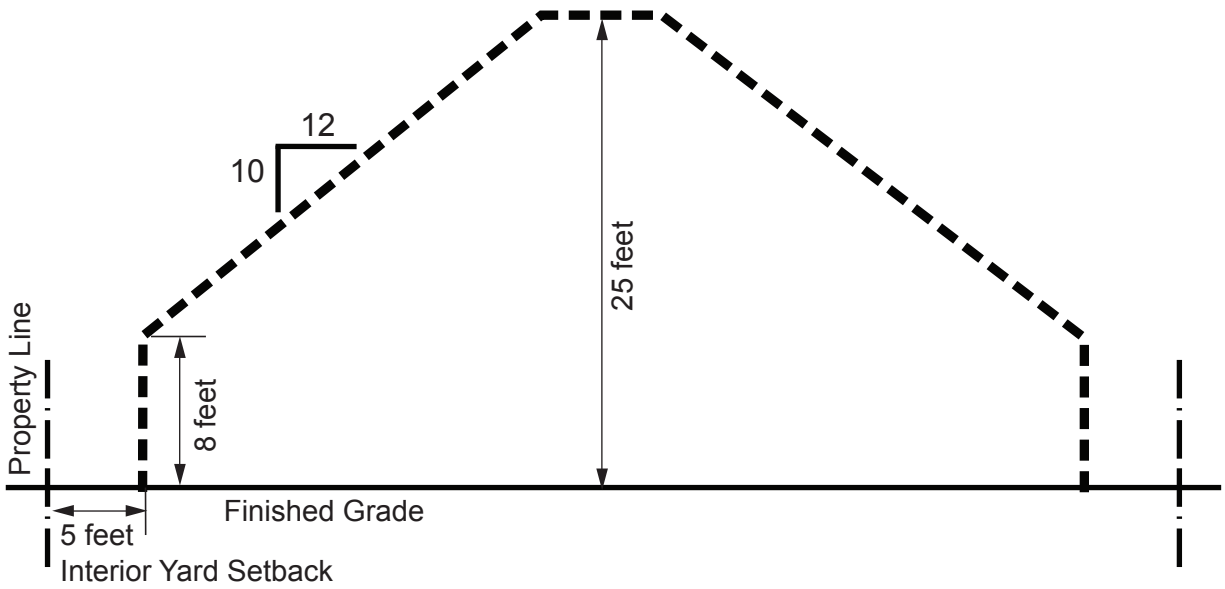




Figure 9.2751(16)(b)3.

### Building Height/Interior Setbacks for:

- Accessory Buildings (Area-Specific)
- Secondary Dwellings (General and Area-Specific)
- Alley Access Lots (General and Area-Specific)

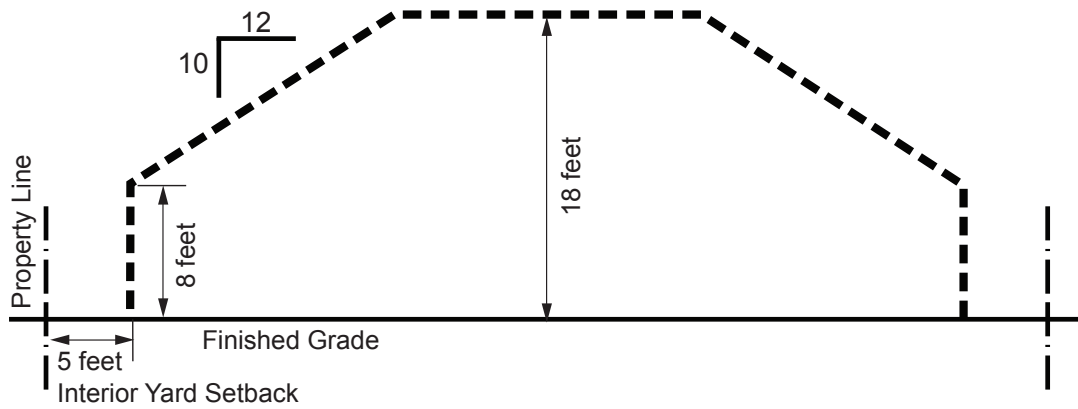
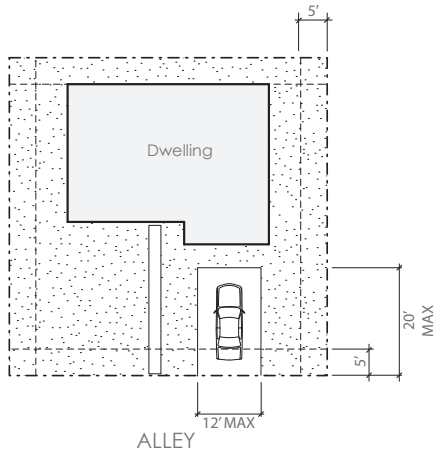


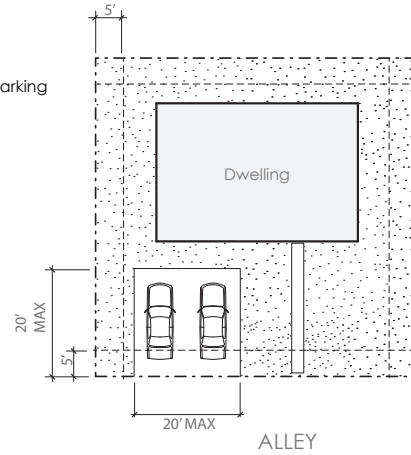
Figure 9.2751(18)(a)11.

# Parking and Driveway for Alley Access Lots

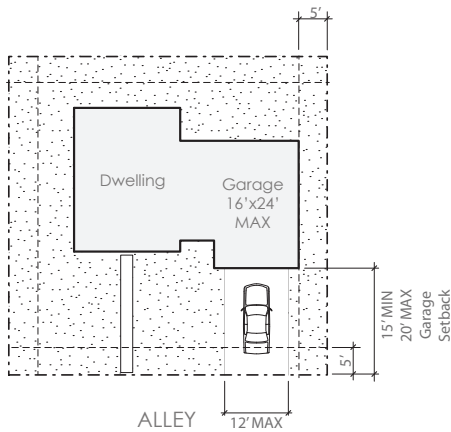
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



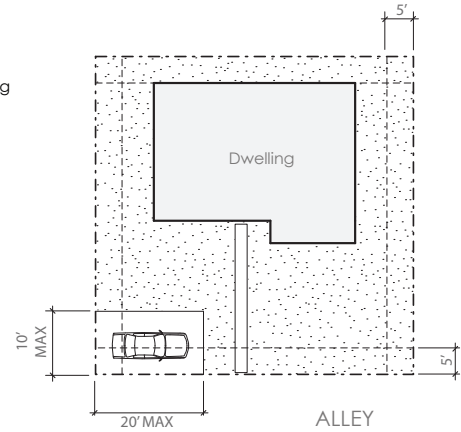
**OPTION B:**  
Side by Side Parking  
400 SF MAX



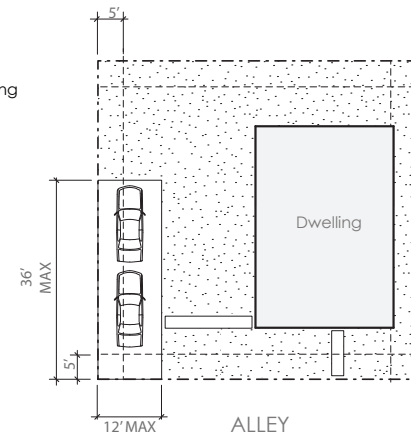
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**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.

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 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*

*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

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) that would no longer be eligible for a secondary dwelling due to the prohibition of secondary dwellings on flag lots of that size.

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 20 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 20 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.*

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.

*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)*



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.*

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

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*

*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.*

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.

## CONCEPTS AND PROPOSED STANDARDS FOR FLAG LOT THAT WOULD ALLOW SDUs

### Principles:

- Provide adequate separation of SDUs from the interior of other lots that abut the “flag” portion.
- Provide adequate “pole” and driveway width to serve 2 to 4 dwellings and avoid excessive traffic impacts to residents on an adjacent lot.
- Grandfather in existing flag lots that meet the following conditions:
  - Large enough “flag” area
  - 25’ wide poles – which satisfies the current code requirement for access to 2 to 4 dwellings on separate flag lots.

### Potential negative impacts to avoid or mitigate from traffic on the pole:

- Noise
- Dust
- Fumes
- Headlight glare

### Potential ways to mitigate negative impacts from traffic on the pole:

- Setback the driveway from adjacent dwellings and outdoor use areas.
- Properly maintained, hard paving (limit noise and dust from gravel)
- Landscaping
  - Continuous, dense hedges can diminish noise, shield from light, and lower dust levels
- Screening berms, walls & fences can diminish noise, shield from light, and/or lower dust levels

### Current code requirements for a pole serving 2 to 4 flag lots:

- Pole width: 25 feet
- Minimum paving:
  - Min width: 20' (or 17½', with Planning Director approval)
  - 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.

### Current code for “Multi-Family” (3 or more dwelling units) development:

- Driveway width: 20 to 28 feet.

### Design notes for driveway:

- A large SUV is around 80 inches (6' 8") wide.
- A single-car driveway can be as narrow as 8' and serve adequately, as long as there are no obstructions on the sides.
- Short (nominally 50' feet, TBD) “one-way” driveways can be adequate if an oncoming vehicle can wait to enter or can back up. The exact distance needs to be determined for the adopted standard.
- For longer driveways, segments (nominally 50', TBD) of “one-way” driveways can be adequate if there are “pullover” areas at appropriate spacing. The exact distance needs to be determined for the adopted standard.

### Observations.

- Many flag lot driveways will need at least one “pullover” area, which will need to be at least 16' wide.

**Current Code****EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.****(2) Measurements.**

(b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted.

**(3) Land Division Regulations.**

(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.

**(4) Use Regulations.**

Residential flag lots have the same land use regulations as the base zone except, for residential flag lots of less than 13,500 square feet, there is no allowance for home occupations or a secondary dwelling.

**(5) Development Standards.**

(b) Setbacks. For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines.

(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. 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.

**Tentative proposed standards to allow an SDU on a flag lot**

*Coda: The intent of these standards is that a flag lot that exists on the date this ordinance was adopted, and that has a "flag" area of at least 12,500 square feet and that has access via a single or combined pole at least 25 feet wide at all points shall be allowed to have a Secondary Dwelling Unit (SDU), if all other applicable criteria are met.*

1. "Flag" area must be at least 12,500 square feet. (Note: This provides for a square area approximately 110 feet on a side, or a rectangular area about 75'x165'. In either case, there is adequate room for the wider setbacks that apply to all structures on flag lots.)
2. Minimum 10 foot setback on all sides for structures, and SDU sloped setbacks apply from that plane in the same manner as for an SDU on a standard lots. (Note: For example, maximum building height is 8 feet at the 10-foot setback; max height is 13 feet at a 16-foot setback.)
3. If a single pole or combined poles is/are used for access, the following requirements must be met:
  - a. No more than four dwellings (including primary dwellings and SDUs) may take access off an individual pole or combined poles.
  - b. The pole (individual or combined) and driveway must meet the following criteria (c and d).
  - c. "Legacy" flag lot. Special standards apply to a flag lot that meets all the following criteria:
    - i. The lot was created prior to the adoption date of this ordinance.
    - ii. The flag lot has no other legal access other than the single or combined pole.
    - iii. The single or combined pole is at least 25' wide at all points.
    - iv. The pole cannot reasonably meet the setback standard in e.iii, below.
  - d. Single or combined pole standards:
    - i. Minimum pole width at all points: 30 feet (except 25 feet for "legacy" flag lots covered under 3.c, above)
    - ii. Parking is not allowed on any portion of pole.
  - e. Driveway standards:
    - i. Minimum driveway width on pole: 10 feet at all points
    - ii. Maximum driveway width on pole: 20 feet
    - iii. Min setbacks for driveway edges (except for "passing areas"): 10 feet
    - iv. The driveway must not have any segment that extends more than 50 feet (*nominal, TBD*) without a "passing area."
    - v. Minimum size for "passing areas" of driveway: 16 feet wide by 15 feet long (*nominal, TBD*) with optional 3 feet (*nominal, TBD*) on each end tapering from narrower part of driveway.
    - vi. Exceptions for driveway setbacks:
      - A. For "legacy" flag lots covered under 3.c, above. Where the pole is too narrow to allow 10-foot setbacks on both sides of a 10-foot driveway, the setback can be reduced on either or both sides to allow a 10-foot driveway. Other than in "passing areas," at least a 7-foot setback shall be maintained on both sides.
      - B. For all lots. Where the pole is too narrow to allow 10-foot setbacks on both sides of a "passing area", the setback can be reduced on one side to allow a 16-foot wide passing area. A 10-foot setback (7-foot for "legacy" flag lots) must be maintained on the opposite side of the passing area, and the setback on the same side as the passing area must be as wide as possible (i.e, For standard lots: the pole width less 26 feet; For "legacy" flag lots: the pole width less 23 feet).
 

The placement and length of passing areas with reduced setbacks must be configured so that the total length of reduced setbacks is the minimal amount by which the other standards in this section can be reasonably met and the impacts to adjacent property(ies) are minimized.
- f. The entire length of both sides of the pole must be landscaped to meet the Low Screen Landscape Standard (L2), except that the height shall be 45" to 60", and the planting material shall provide an



effective, continuous screen to block light from headlights. Solid wood fences may be used instead of masonry walls, but the bottom of the fence must be no higher than 12" above grade and at least 45" high above grade.

- g. If access is provided via an easement to use a driveway on an abutting property, with or without being combined with one or more pole(s), the accesway shall meet the same standards as if it were provided just by one or more poles.
  - h. Exceptions to setbacks and landscaping are allowed with written permission of property owner(s) adjacent to the side of the pole where the exception is allowed.
4. Adjustments (*Note: The criteria to allow any of the following adjustments must be clearly written to prevent increased impacts to an adjacent property owner or residents.*)
- a. Allow adjustments where adjacent property is not residential and impacts are minimal.
  - b. Allow adjustments to the driveway setback down to 4 feet (but no less) for situations where there would clearly be minimal impacts on adjacent property owners.
  - c. Allow adjustment to screening for sections of the pole where headlights and noise would not impact dwellings or outdoor patios, etc.
  - d. Allow adjustments to setbacks for non-conforming sections of driveways existing as of the date of adoption of these standards. No increase in non-conformance is allowed. Landscaping, walls or fences are required for screening unless clearly impracticable.

Figure 1. Nominal ("ideal") flag lot pole, driveway and setbacks for lot with SDU

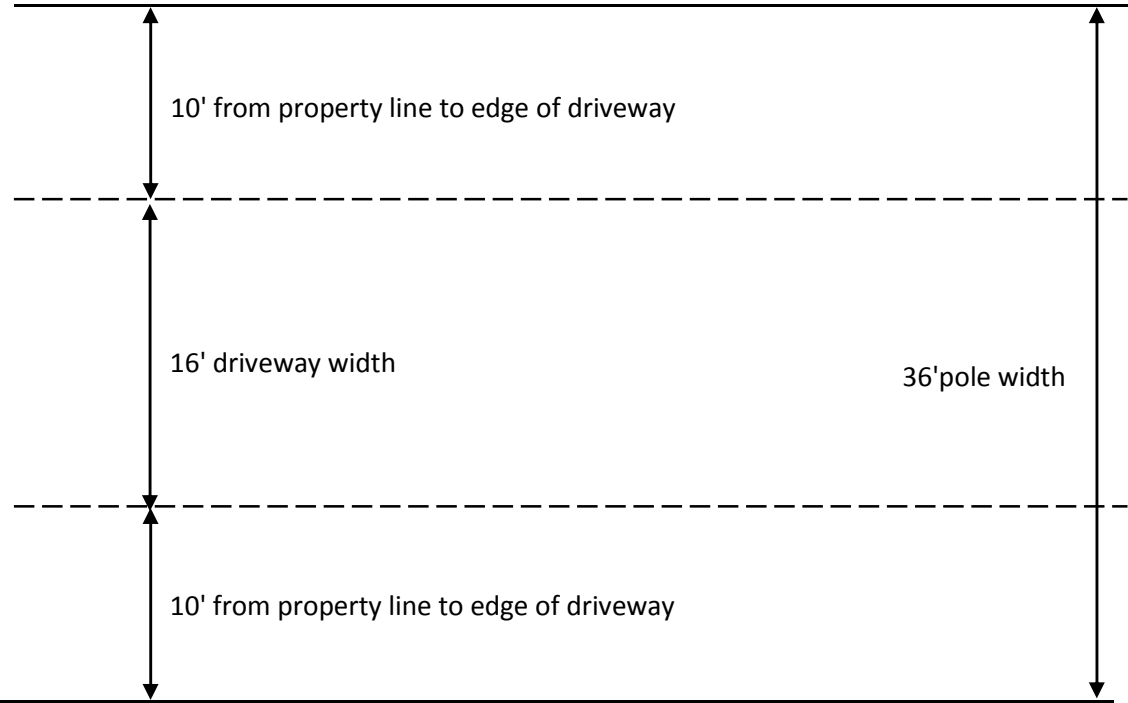


Figure 2. Minimal flag lot pole, driveway and setbacks for new lot with SDU

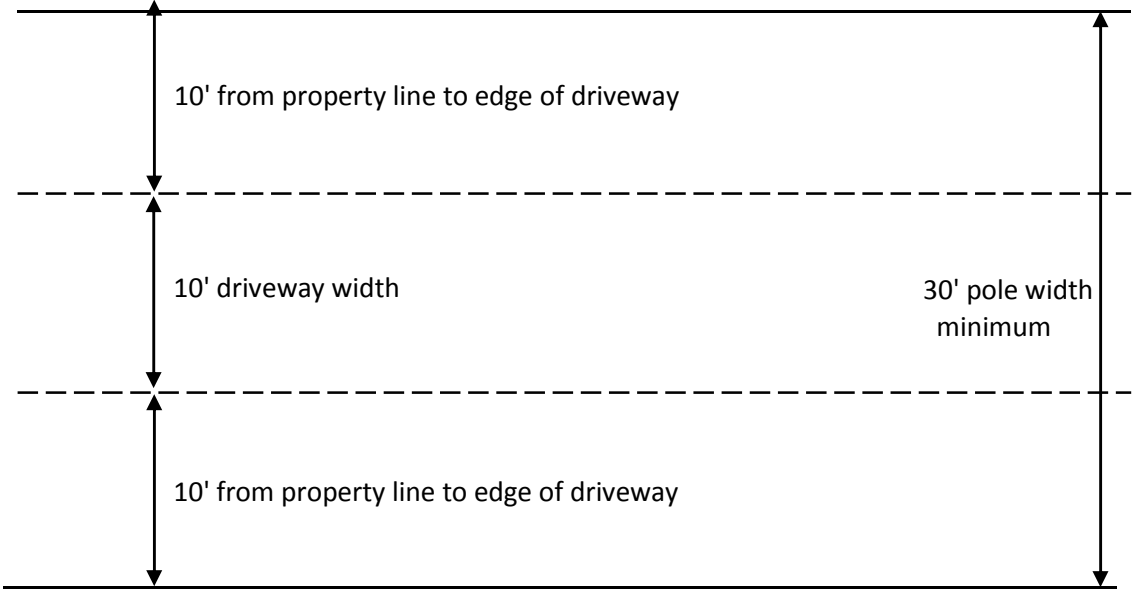
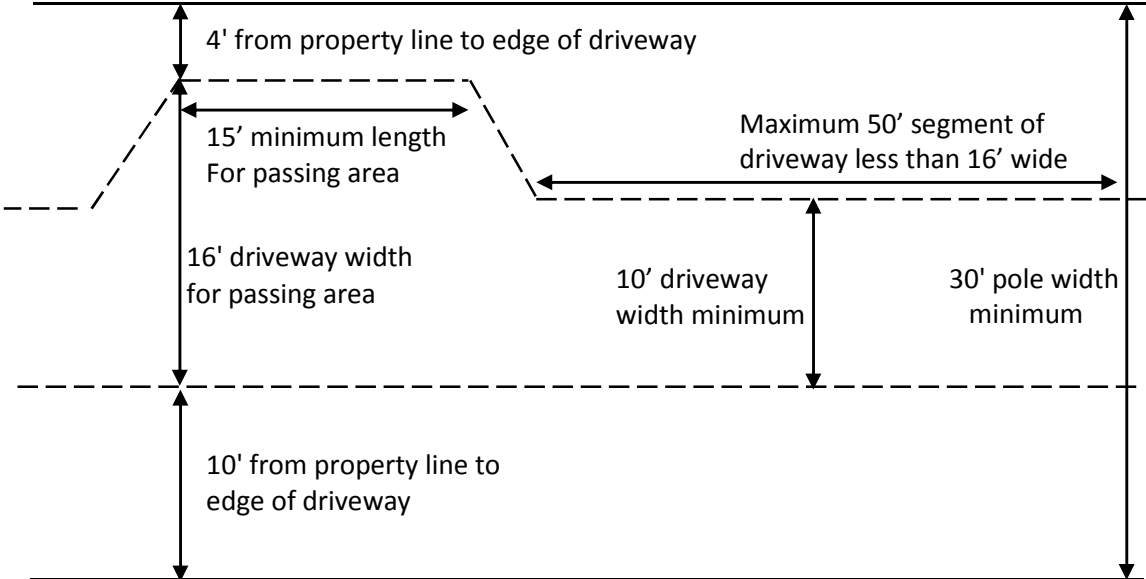


Figure 3. "Passing area" lot pole, driveway and setbacks for lot with SDU



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Action: 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; and Providing an Effective Date (City File CA 13-3)

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Meeting Date: July 28, 2014  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 6  
Staff Contact: Alissa Hansen  
Contact Telephone Number: 541-682-5508

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### ISSUE STATEMENT

The City Council will take action on land use code amendments related to single-family housing in the R-1 Low Density Residential zone. The proposed amendments would revise development standards for secondary dwellings, dwellings on existing alley access lots, and accessory buildings citywide (except within Amazon, Fairmount and South University neighborhoods).

### BACKGROUND

As part of Envision Eugene, the City Council initiated land use code amendments to promote secondary dwellings and allow for the creation of new alley access lots. As initiated, these amendments were intended to create additional capacity within the urban growth boundary and implement several Envision Eugene strategies under the housing affordability, neighborhood livability and climate change/energy resiliency pillars related to smaller homes.

### City Council Process

Following the Planning Commission process, the City Council held a work session on October 30, 2013, and a public hearing on November 18, 2013, on the entire package of amendments. At the February 12, 2014, work session, the City Council directed staff to return with a separate ordinance which on its own would accomplish the interim protection measures. Subsequently, on March 12, 2014, the City Council adopted the university area interim protection measures, which became effective on April 12, 2014. Those code amendments apply to the existing single-family neighborhoods surrounding the University of Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university. As adopted, they prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed, as committed to through Envision Eugene.

At the May 14, 2014, work session on the remaining single-family amendments, the City Council directed staff to return with a revised ordinance incorporating an alternative proposal provided to City Council by neighborhood leaders, and to schedule a June 2014 public hearing. Accordingly, on

June 16, 2014, a public hearing was held on the revised ordinance. A diversity of testimony was received during the open comment period that reflected the opinions and concerns of individuals who have been very involved in Envision Eugene, as well as individuals who may have first heard about this through a notice delivered to their homes. Some expressed support for the new proposal and felt it more closely aligned with the intent of “protect, repair and enhance” while others expressed concern that the proposal moves away from the other stated priority pillars such as “Provide Housing Affordable to all Income Levels.” Under housing affordability, Envision Eugene directs staff to “expand housing variety and choice by facilitating the building of smaller, clustered and attached housing.”

Following the public hearing, the City Council voted to hold the public hearing record open for one week for additional testimony. The record was left open, in response to a request from Paul Conte to give time to develop alternative standards that would address the concerns raised about secondary dwellings on larger flag lots. During the open record period, Mr. Conte submitted a set of concepts and tentative proposed standards that would allow secondary dwellings on some larger flag lots. At a work session on June 14, 2014, the City Council requested that these concepts be incorporated into the ordinance for final action. In consultation with Mr. Conte, staff drafted code language to meet the intent of these concepts and incorporated this language into the revised ordinance (Attachment A). As a result, secondary dwellings would be allowed on existing flag lots 12,500 square feet or greater that have an individual or combined access pole of at least 25 feet in width, subject to revised development standards (including building height and sloped setbacks).

Staff previously prepared a matrix that contains a summary comparison of the current land use code provisions, the amendments contained in the Planning Commission’s recommendation and the alternative proposal (as contained in the revised ordinance). At the July 14, 2014, work session, the City Council asked that the matrix be updated to reflect the proposal to allow secondary dwellings on some larger flag lots. The updated matrix is provided as Attachment B. In summary, the revised ordinance includes the following changes from the Planning Commission’s recommendation:

- Increase the minimum lot size required for construction of a secondary dwelling, and include secondary dwellings in density calculations. [As a result, approximately 4,532 lots within the city will no longer be eligible for a secondary dwelling.]
- Limit the building size of secondary dwellings and dwellings on alley access lots to 10 percent of the total lot area, not to exceed 800 square feet.
- Limit secondary dwellings on larger flag lots and add new development standards. [As a result, approximately 40 to 50 percent of the 300 existing larger flag lots within the city would no longer be eligible for a secondary dwelling.]
- Change the maximum building height/interior yard sloped setback for secondary dwellings and for dwellings on existing alley access lots to be identical to those adopted as part of the University Area Interim Protection Measures.
- Not allow the creation of new alley access lots.
- Limit the size of accessory buildings to 10 percent of the total lot area.
- Establish maximum building height of 25 feet for all accessory buildings, and change the interior yard sloped setback to be identical to that adopted as part of the University Area Interim Protection Measures.
- Limit extent of adjustment reviews.

Previously, these code amendments were considered part of the land use efficiency measures to accommodate additional single-family housing within the current urban growth boundary.

However, based on the elimination of new alley access lots, the increase in minimum lot size required for secondary dwellings and the limitation of secondary dwellings on some larger flag lots, these amendments result in a reduction in the number of housing units expected within the current urban growth boundary. The final number assigned will be dependent on the analysis of the final adopted package.

### **RELATED CITY POLICIES**

Findings addressing the applicable approval criteria, including Statewide Planning Goals, the Metro Plan, and applicable refinement plans, are provided as an exhibit to the ordinance in Attachment A.

### **COUNCIL OPTIONS**

Following deliberations, the City Council may consider the following options:

1. Approve the ordinance.
2. Approve the ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

### **CITY MANAGER'S RECOMMENDATION**

Following the council's deliberations on this request, the City Manager recommends approval of the ordinance as provided in Attachment A.

### **SUGGESTED MOTION**

Move to adopt the ordinance concerning single-family code amendments for accessory buildings, alley access lots and secondary dwellings.

### **ATTACHMENTS**

- A. Revised Ordinance and Findings
- B. Summary Comparison Matrix

### **FOR MORE INFORMATION**

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Staff E-Mail: [alissa.h.hansen@ci.eugene.or.us](mailto:alissa.h.hansen@ci.eugene.or.us)

## ORDINANCE NO. \_\_\_\_\_

**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,*** ~~[F]~~ for the purposes of EC 9.2700 through ~~[9.2777]~~**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.** ~~[A]~~ ***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 9.2741(2)(a)5. and ]EC 9.2751(17)[(j)](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.

<b><i>R-1 Low Density Residential</i></b>	<b><i>Secondary Dwelling</i></b>	<b><i>Limited to those in existence on _____ [effective date of ordinance]</i></b>
<b><i>R-1 Low Density Residential</i></b>	<b><i>Accessory Building</i></b>	<b><i>Limited to those in existence on _____ [effective date of ordinance]</i></b>
<b><i>R-1 Low Density Residential</i></b>	<b><i>Alley Access Lot Dwelling</i></b>	<b><i>Limited to those in existence on _____ [effective date of ordinance]</i></b>
R-1 Low Density Residential [within the] within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on 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
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings, <i>including secondary dwellings</i> , shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					

**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 [below] ***beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots.***

~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~

- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
- ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~

~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~

- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
- ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
- ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
- ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
- ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~

~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the~~

~~primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

**Section 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.

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
Main Building. [Includes Secondary Dwellings Within the Main Building] <i>Does not include main building on Alley Access Lot</i>	30 feet	35 feet	35 feet	50 feet	120 feet
<i>Main Building on Alley Access Lot</i>	<b>See (18)</b>	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] <b>See (16)</b>	20 feet	25 feet	30 feet	30 feet
<b>Secondary Dwelling</b>	<b>See (17)</b>	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
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	--	--	--	--
<b>Interior Yard Setback for Accessory Buildings in R-1</b>	<b>See (16)</b>	--	--	--	--
<b>Interior Yard Setback for Secondary Dwellings</b>	<b>See (17)</b>	--	--	--	--
<b>Interior Yard Setback for Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, [Excluding Rowhouse Lots] <b>except where specifically addressed below</b>	50% of Lot	--	50% of Lot	--	--
<b>Lots with Secondary Dwellings (Area-Specific)</b>	<b>See (17)(c)</b>	--	--	--	--
<b>Alley Access Lots in R-1</b>	<b>See (18)</b>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
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
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
<b>General Standards</b>	<b>See (16)(a)</b>	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings [Units] (17)</b>					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
<b>General Standards</b>	<b>See (18)(a)</b>	--	--	--	--
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
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 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
  1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> 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 19<sup>th</sup> Avenue;
    - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
    - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> Avenue to the south the maximum building height is 65 feet.
- (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 [~~in the R-1 zone,~~] or development on alley access lots [~~within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].

- (11) **Alley Access Lots/Parcels.** [~~Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks.~~] There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards *in R-1* [~~within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].)
- (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 ~~[that are detached or that share a common wall with the primary dwelling for less than 8 feet]:~~

- ~~(a)~~1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
- ~~(b)~~2. The accessory building shall not exceed 400 square feet in area.
- ~~(c)~~3. Building Height/Interior [Sloped] Setback.
  - 4.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.
  - 2.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))~~(c)4-~~(b)3.)**

- ~~(d)~~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.
- ~~(e)~~5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
- ~~(f)~~6. The accessory building shall not include more than one plumbing fixture.
- ~~(g)~~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:
  - 4.a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
  - 2.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.
  - 3.c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
  - 4.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.
  - 5.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:
- (a) **1. Lot Area.** To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.
  - (b) **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.
  - (c) **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.
  - (d) **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.
  - (e) **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.
  - (f) **6. 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.]~~ **The standards at EC 9.2751(17)(a)4. are applicable.**
  - (g) **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.
  - (h) **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.
  - (i) **9. Building Height/Interior [Sloped] Setback.** For detached secondary dwellings:
    - 1.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.
    - 2.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)(e)4-(b)3.)**

~~(j) 10. 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.] **The standards at EC 9.2751(17)(a)6. are applicable.**~~

~~(k) 11. 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.] **The standards at EC 9.2751(17)(a)7. are applicable.**~~

~~(l) 12. Temporary Leave. [Notwithstanding subsection (k) 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.] **The standards at EC 9.2751(17)(a)8. are applicable.**~~

~~(m) 13. 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:~~

- ~~1. 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.~~

- ~~2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.~~
- ~~3. The deed restriction may be terminated, upon approval by the City, when 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.~~

~~In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.]~~ **The standards at EC 9.2751(17)(a)9. are applicable.**

- ~~(n) 14. 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 (k) 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.]~~ **The standards at EC 9.2751(17)(a)10. are applicable.**

- ~~(o) 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.~~

- ~~(p) 16. Alley Access Parking and Driveway. The standards at EC 9.2751(18)(k)](a)11. are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.~~

- ~~(q) 17. 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. The standards in this subsection (q) 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.]~~ **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.**

- ~~(r) 18. 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. The standards in this subsection [(r)] are applicable to detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)3. are applicable to detached secondary dwellings only.**

- ~~(s) 19. 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. The standards in this subsection [(s)] are applicable to detached secondary dwellings only.]~~ **The standards at EC 9.2751(17)(b)4.**

*are applicable to detached secondary dwellings only.*

~~(t)20. 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). The standards in this subsection [(t)] are applicable for detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)6. are applicable to detached secondary dwellings only.**~~

~~[(u) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.]~~

(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.** ~~[(a)—Applicability. The following standard apply]~~ ***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.**

- ~~(b) **General.** All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are not allowed.~~
- ~~(c) **Building Size.** An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.~~
- ~~(d) **Lot Coverage.** Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.~~
- ~~(e) **Building Height/Interior Setback.**~~
- ~~1. The interior yard setbacks shall be at least 5 feet from all lot lines (including the alley frontage). In addition, at a point that is 8 feet above finished grade, the setbacks from all lot lines, except the alley frontage, 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.~~
  - ~~2. The allowances for setback intrusions provided at EG 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)(c)1.)**
- ~~(f) **Windows, Dormers and Balconies.**~~
- ~~1. Any window on the upper story must be located a minimum of 10 feet from any property line.~~
  - ~~2. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.~~
  - ~~3. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.~~
  - ~~4. Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.~~
- ~~(g) **Bedrooms.** The dwelling shall contain no more than 3 bedrooms.~~
- ~~(h) **Primary Entrance.** The primary entry to the dwelling shall be~~



defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.

- ~~(i) Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard surfaced/hardscaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.~~
- ~~(j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.~~
- ~~(k) Parking and Driveway.
  1. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
  2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
  3. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.
  4. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
  5. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
  6. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
  7. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
  8. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
  9. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
  10. No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(k))~~
- ~~(l) Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.~~
- ~~(m) Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring~~

~~fence or enclosure on at least three sides.~~

- (n) ~~Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.]~~

**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 ~~[prohibited]~~ **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~~[-for]:~~
- (a) **Home occupations are not allowed on** residential flag lots ~~[of]~~ less than 13,500 square feet~~[-, there is no allowance for home occupations or a secondary dwelling.];~~
- (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, [X]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, [X]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 inch 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 provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.] This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.*

**Section 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**  
\_\_\_ day of \_\_\_\_\_, 2014

**Approved by the Mayor this**  
\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Figure  
9.2751(16)(a)2.a

**Building Height/  
Interior Setback for  
Accessory Buildings  
in R-1**

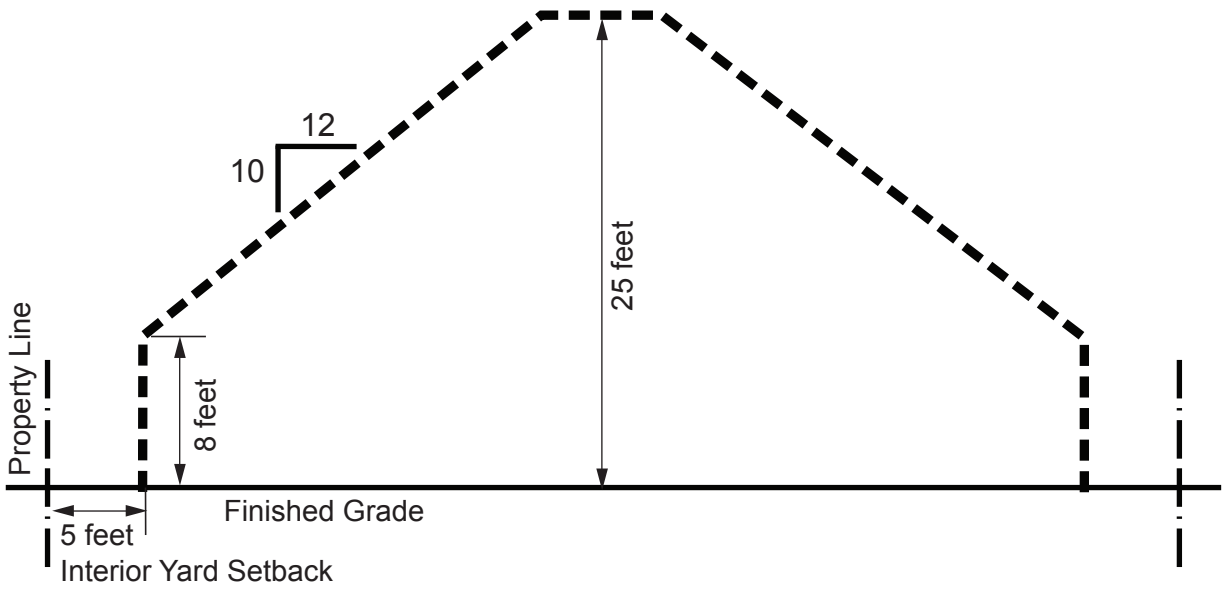




Figure 9.2751(16)(b)3.

**Building Height/Interior Setbacks for:**

- Accessory Buildings (Area-Specific)
- Secondary Dwellings (General and Area-Specific)
- Alley Access Lots (General and Area-Specific)

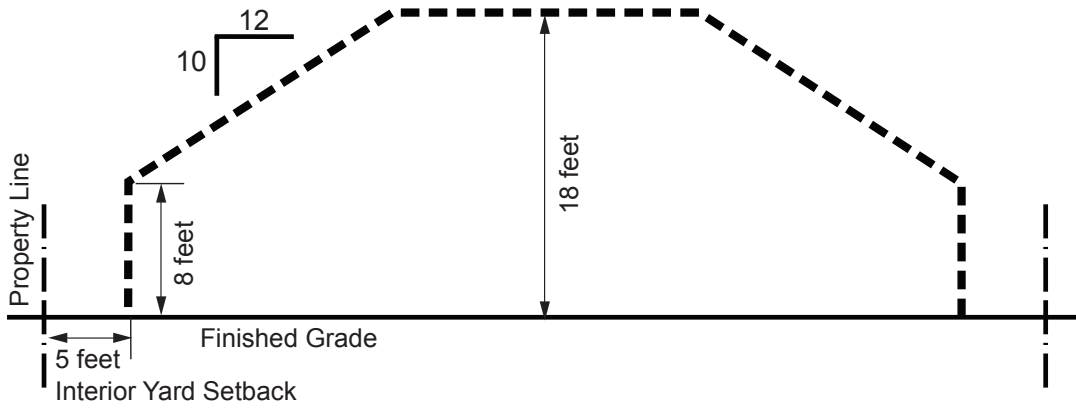
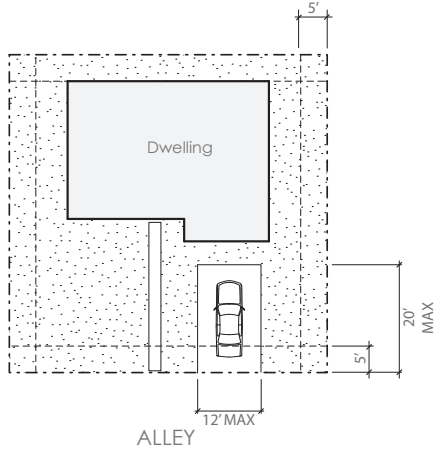


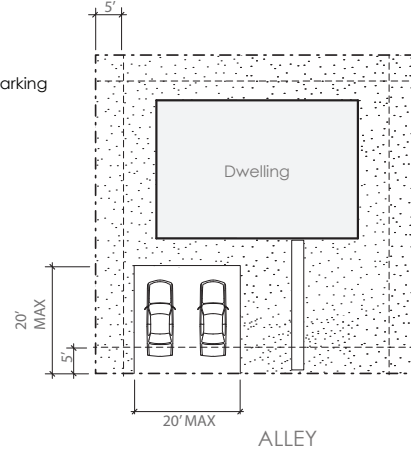
Figure 9.2751(18)(a)11.

# Parking and Driveway for Alley Access Lots

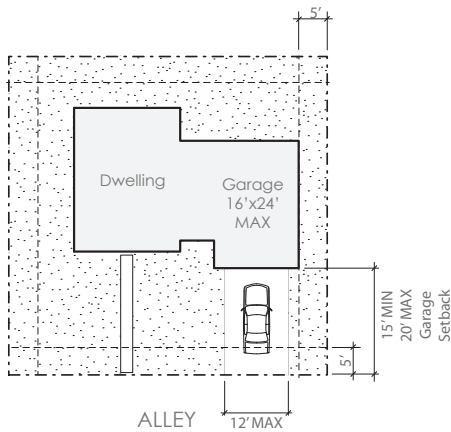
**OPTION A:**  
Single Perpendicular Parking  
400 SF MAX



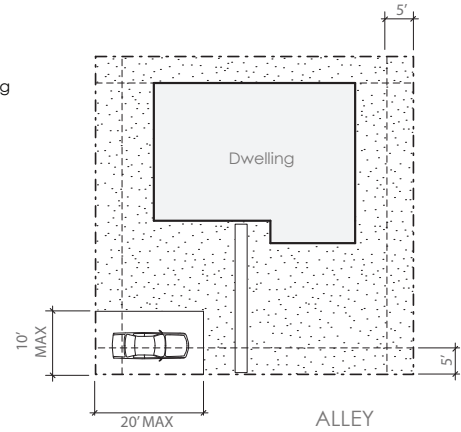
**OPTION B:**  
Side by Side Parking  
400 SF MAX



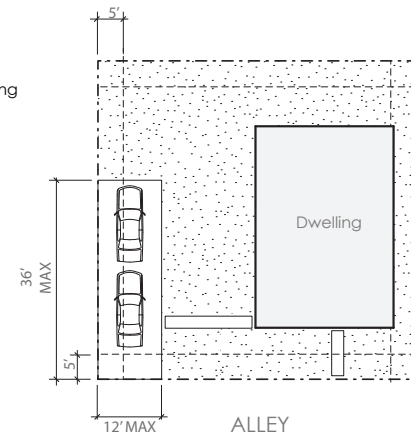
**OPTION C:**  
Attached Parking and  
Single Parking Combination  
400 SF MAX



**OPTION D:**  
Parallel Parking  
400 SF MAX



**OPTION E:**  
Tandem Parking  
400 SF MAX



--- Property Line  
- - - Setbacks

## Exhibit D

**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*

## Exhibit D

*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)*



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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.*

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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

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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*

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*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.*

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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.

**Secondary Dwellings**

The following table (Table 1) provides a summary comparison of the current code provisions for secondary dwelling units (SDUs), the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by university area neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 1**

Secondary Dwellings				
Development Standard	Current Code	Planning Commission Recommendation	Alternative Proposal (Revised Ordinance)	Implications of Alternative Proposal
Minimum Lot Size/Density	<p><i>For attached SDUs:</i> Except for flag lots, the lot shall be at least 4,500 square feet to allow for an SDU.</p> <p><i>For detached SDUs:</i> Except for flag lots, the lot shall be at least 6,000 square feet.</p> <p>Flag lots: Must contain at least 13,500 square feet to allow for any SDU</p> <p>Density: The City’s long standing practice, supported by the Metro Plan, does not include SDUs when calculating density at the time of permit. They are counted in the City’s supply of housing.</p>	<p>No changes to minimum lot size</p> <p>Flag lots: No changes</p> <p>Density: Continue current practice, supported by the Metro Plan, of not counting SDUs when calculating density.</p>	<p>Increase minimum lot size to 6,100 square feet to allow for any SDU</p> <p>Flag lots: Originally, the proposal was to prohibit SDUs on all flag lots. As revised, the proposal would allow for SDUS on flag lots that contain at least 12,500 square within the flag area of the lot and have a minimum (single or combined) flag pole width of 25 feet. Other setback, driveway and landscaping standards would also apply.</p> <p>Density: Add code language that requires SDUs to be counted when calculating density</p>	<p>By increasing minimum lot and calculating towards density, approximately 4,780 lots within the UGB or approximately 10% of all lots eligible for an SDU would no longer be eligible for an SDU.</p> <p>Flag lots: If SDUs are prohibited on flag lots, approximately 300 lots would no longer be eligible for SDUs. If SDUS are allowed on flag lots as per the revised proposal, then approximately 150 to 180 of the 300 existing larger flag lots would be eligible for a secondary dwelling.</p>
Building Size	800 square feet, unless occupying an entire story of a multi-story home	Limits all SDUs 800 square feet. Clarifies how to measure	Limit total square footage to 10% of lot area, not to exceed 800 square feet.	<p>For lots less than 8,000 square feet, SDU would be required to be less than 800 sq. ft.</p> <p>For a 6,100 square foot lot, the SDU would be limited to 610 square feet. To provide for two bedrooms, 750 square feet is a more realistic size.</p>
Building Height	<p><i>Attached SDUs:</i> 30 feet or 37 feet for roof slopes 6:12 or steeper (same as main house)</p> <p><i>Detached SDUs:</i> 15 feet or 22 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line (Allows for 2 story)</p> <p>20 feet or 27 feet for roof slopes 6:12 or steeper if located greater than 20 feet from a property line.</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper if located within 20 feet of a property line. (Allows for 1 story)</p> <p>24 feet, if located greater than 20 feet from any property line (Allows for 2 story)</p>	<p><i>Attached SDUs:</i> 18 feet for any portion of an attached SDU that is more than 60 feet from a front property line. No change for attached SDUs within 60 feet from front property line.</p> <p><i>Detached SDUs:</i> 18 feet</p>	<p>Lowers height for attached SDUs more than 60 feet from front property line (street) to 18 feet, regardless of height of the home containing the SDU.</p> <p>Attached SDUs often include garage, basement or other conversions of existing homes. For lots that are not located in the traditional block/rectilinear lot pattern commonly found in Eugene’s closer in neighborhoods (such as larger or hilly lots in the south hills, and larger lots north of the river) this may be problematic for conversations depending on the location of the existing home.</p> <p>If an existing home located greater than 60 feet from the street exceeds 18 feet in height, a conversion would not be allowed. Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently create an attached SDU through conversion.</p>
Sloped Interior Yard Setbacks	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	<p>For detached SDUs located within 20 feet of a property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.</p> <p>For a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of</p>	For all detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line: creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet), and use a maximum slope of 10:12 (83%). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines.	<p>The suggested change for sloped setback/building height is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.</p> <p>Taking into account that typical ceiling height in residential construction is 8 to 9 feet, not including a crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.</p>

		6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.		
Setback Intrusions	Allows for building features, such as eaves, awnings, chimneys, bays, bay windows and porches, to project into interior yard setbacks up to 2 feet	Limit setback intrusions to eaves, chimneys and gables.	Limit setback intrusions to eaves and chimneys	Would not allow gables to project into sloped setback.
Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. Provides allowance for temporary leave under certain circumstances.	Adopt as proposed in ordinance	
Adjustment Review	None	<p>Allows for adjustment review in limited situations: temporary leave, to allow conversion of existing accessory building into secondary dwelling and to allow a secondary dwelling over an accessory building (height).</p> <p>To allow for conversion of existing building that does not meet all of SDU standards; the SDU must be limited to 800 square feet and must be limited to one story or on ground floor of 2 story building. Other relevant compatibility criteria apply.</p> <p>To allow for a SDU over an accessory building (such as a garage), limit SDU size to 500 square feet, limit building height to 24 feet. Other relevant compatibility criteria apply.</p>	<p>To allow for conversion, if the structure meets all SDU standards except the sloped setback, limit SDU to 600 square feet in building size and 15 feet in height. If closer than 5 feet from interior property line, allow if adjacent property owner grants easement.</p> <p>To allow for a SDU over an accessory building, limit height to 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.</p>	<p>For conversion of existing structures, would place additional limits on building size and height (beyond those for new SDUs). Whereas a new SDU could be 800 square feet and 18 feet in height (assuming an 8,000 square foot or greater sized lot), an existing building to be converted to an SDU could not exceed 600 square feet and 15 feet in height.</p> <p>To allow for a SDU over an accessory building, the building would need to be at least 20 feet from all interior property lines and fit within sloped setback established above.</p> <p>Although difficult to quantify, this would presumably result in a reduction in the number of lots that can currently do an attached SDU through conversion of an existing home.</p>

**Alley Access Lots**

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on alley lots, the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 2**

<b>Alley Access Lots</b>				
<b>Development Standard</b>	<b>Current Code (applies to existing lots)</b>	<b>Planning Commission Recommendation (to apply to existing and newly created lots)</b>	<b>Alternative Proposal (Revised Ordinance) (to apply to existing lots; prohibit new lots)</b>	<b>Implications of Alternative Proposal</b>
Creation of new lots	Not currently allowed.	Allow for creation of new alley access lots, subject to compatibility standards.	Do not allow for creation of new alley access lots	
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.	Same as suggested above for detached SDUs: Limit total square footage to 10% of lot area, not to exceed 800 square feet.	Existing alley access lots are typically less than 5,000 square feet in area, which means that homes would be limited to 500 square feet or less.  Homes on alley access lots will be smaller than secondary dwellings in most cases. Homes on alley access lots are a different housing type than SDUs. Limiting the homes to such a small size (and height) will limit the desirability of these homes for owner-occupancy.  The recently adopted University Area Interim Protection Measures allow provide for a maximum building size of 1,000 square feet on existing alley access lots.
Building Height	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet	18 feet	Same as suggested above for detached SDUs
Sloped setback	No sloped setback (which means the dwelling can reach maximum building height at a point 5 feet in from the interior property line)	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade.  Starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required to slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 8 feet above grade (instead of 14 feet), and change maximum slope to 10:12 (instead of 8:12). This would result in the ridge (tallest point) of the dwelling being a minimum of 13 feet from the interior property lines (instead of 20 feet).	Same as suggested above for detached SDUs, which is identical to the area-specific SDU standards recently adopted as part of the University Area Interim Protection Measures.  Taking into account that typical ceiling height in residential construction is 8 to 9 feet, not including a crawl space and required ceiling insulation, an 8 foot building height is not feasible for construction.
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the dwelling in the context of adjacent properties.	Provide for adjustment review to allow dwelling up to maximum height of 24 feet if all of the building is at least 20 feet from all interior property lines and within the sloped setback.	Existing alley access lots are typically less than 5,000 square feet and are generally 50 feet in width. As such, it may not be possible or practicable to create a dwelling that is 20 feet from all interior property lines. Due to the suggested change for building size to 10% of lot area (see above), which results in a very small home, it is unlikely a property owner would need or desire to seek an increase in height.



**Accessory Buildings**

The following table (Table 3) provides a summary comparison of the current code provisions for accessory buildings, the proposal as contained in the draft ordinance provided at the Council’s November 2013 public hearing (Planning Commission Recommendation), and the changes suggested by university area neighbors following the Council’s February 2014 work session (alternative proposal). The final column includes some of the implications of the alternative proposal.

**Table 3**

<b>Accessory Buildings</b>				
<b>Development Standard</b>	<b>Current Code</b>	<b>Planning Commission Recommendation</b>	<b>Alternative Proposal (Revised Ordinance)</b>	<b>Implications of Alternative Proposal</b>
Building Size	No limits (except that current lot coverage standards limit total building coverage to 50 percent of a lot)	<p>On development sites (with a dwelling) that are 13,500 square feet or less in area, limit total square footage to 1,000 square feet</p> <p>On development sites (with a dwelling) that are between 13,501 square feet and 43,559 square feet, limit total square footage to 10 percent of development site, not to exceed 3,000 square feet.</p> <p>On development sites 43,560 square feet (one acre) or greater in area, or on development sites with a non-residential use (such as a park, church or school), no building size limitation.</p>	<p>Limit to 10% of lot size for all lots</p> <p>Allow alternative for large development sites through PUDs</p>	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. PUDs are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.</p>
Building Height	20 feet or 27 feet for roof slopes 6:12 or steeper	<p>22 feet for development sites (with a dwelling) that are 13,500 square feet or less in area</p> <p>25 feet for development sites greater than 13,500 square feet in area or on development sites with a non-residential use.</p>	25 feet for all lots regardless of size	Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.
Sloped setback	No sloped setback (which means the building can reach maximum building height at a point 5 feet in from the interior property line)	<p>On development sites (with a dwelling) that are 13,500 sq ft or less in area, interior yard setbacks shall be at least 5’. In addition, at a point that is 12’ above finished grade, the setback shall slope at 6:12 horizontally away from the property line to a maximum building height of 22’</p> <p>On development sites greater than 13,500 sq ft in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12’ above finished grade, the setback shall slope at 10:12 horizontally away from the property line to a maximum building height of 25 feet</p>	Creates a building envelope for all sized lots that requires a building to slope away from a five foot interior yard setback starting at a building height of 8 feet above grade (instead of 12 feet). Use maximum slope of 10:12 regardless of lot size. This would result in the ridge (tallest point) of the building being a minimum of 19 feet from the interior property lines.	<p>Suggested change simplifies the standard by not differentiating between lot sizes, as recommended by the Planning Commission to address scale and proportionality.</p> <p>Requires same 8 foot building height at interior yard setback as suggested for secondary dwellings and alley access lots.</p> <p>Results in a 25 foot tall building 19 feet from property line (as opposed to 25 feet from property line).</p>
Adjustment Review	None	Provide for adjustment review to building height/sloped setback subject to criteria that address scale, location, design, privacy, light and solar access, and visual impact of the building in the context of adjacent properties.	Allow up to a five foot increase in height only through an approved planned unit development application and as long as the entire structure meets the sloped setback standard.	Requiring planned unit development (PUD) approval for larger development sites would be onerous to a property owner. Planned unit developments are a two-step land use application process that require tentative approval by the City’s Hearings Official; are subject to a minimum application fee of \$21,593; require a property owner to hire a team of professionals to prepare the application; and typically take at least 6 to 9 months to process.