



Accessory Dwelling Units

January 21, 2020 City Council Work Session

- Aug 2017 Senate Bill 1051 became effective
- Jan 2018 **Council initiated two-phase process to implement SB 1051**
- April 2018 **Council hearing on Phase 1 ordinances (the “where” phase)**
- June 2018 **Council adopted Phase 1 ordinances**
- June 2018 Phase 1 ordinances appealed to Land Use Board of Appeals
- Nov 2018 LUBA remanded Phase 1 back to Council for additional work
- Feb 2019 **Council work session to discuss remand/provide preliminary input**
- May 2019 **Council hearing on draft ordinance**
- June 2019 LUBA order regarding owner/occupancy
- June 2019 HB 2001 adopted by State Legislature
- Sept 2019 **Council work session**
- Oct 2019 **Council work session: direction provided to revise ordinance**
- Jan 1, 2020 HB 2001 provisions on owner/occupancy & parking became effective

Summary of Proposed Changes



- Replaces all references of “secondary dwelling” with “accessory dwelling”
- Clarifies that accessory dwellings are not accessory buildings
- Aligns the definition of accessory dwelling with that provided in the 2017 state law

Summary of Proposed Changes



Rainbow Valley Design and Construction

- Adds accessory dwellings as an explicitly permitted uses in the following zones:
 - AG Agricultural
 - R-2 Medium Density Residential
 - R-3 Limited High-Density Residential
 - R-4 High Density Residential
 - S-E Elmira Road Special Area Zone
 - S-HB Blair Boulevard Historic Commercial
- Clarifies that accessory dwellings are allowed in the S-JW Jefferson Westside Special Area Zone and S-C Chambers Special Area Zone but are referred to as additional “one-family dwellings”

Summary of Proposed Changes



- Applies the R-1 Low Density Residential zone standards for accessory dwellings in the following zones:
 - AG Agricultural
 - R-2 Medium Density Residential
 - R-3 Limited High-Density Residential
 - R-4 High Density Residential
 - S-E Elmira Road Special Area Zone

Summary of Proposed Changes



Removes regulations that:

- Prohibit accessory dwellings on new flag lots
- Require owner/occupancy of either the accessory or primary dwelling
- Limit the maximum number of bedrooms in an accessory dwelling
- Limit the maximum number of occupants in an accessory dwelling based on the number of occupants in the primary dwelling
- Regulate dog keeping
- Require or regulate off-street parking for accessory dwellings *

Summary of Proposed Changes



Rainbow Valley Design and Construction

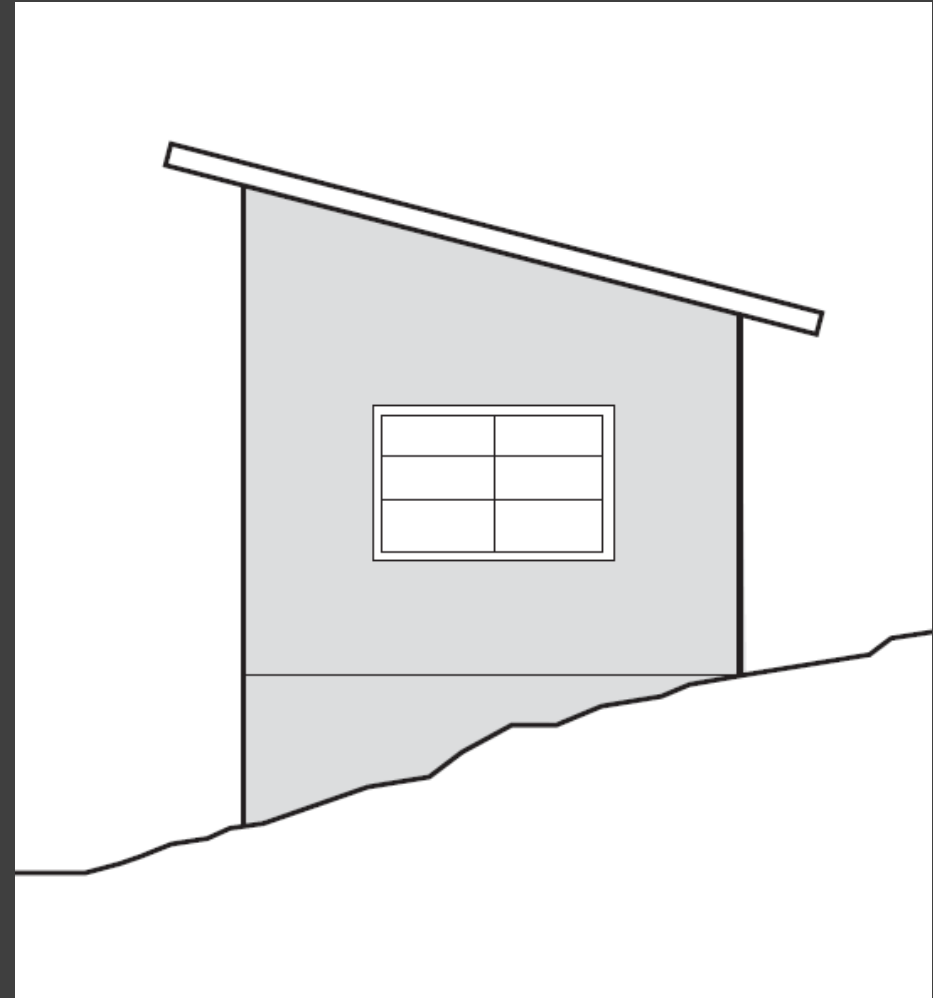
Implements Council's motion passed on October 23, 2019 to:

- **remove barriers to above-garage accessory dwellings** in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for building height and interior setback
- **remove barriers to accessory dwellings on sloped lots** in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for building height and interior setback

Above Garage Accessory Dwellings



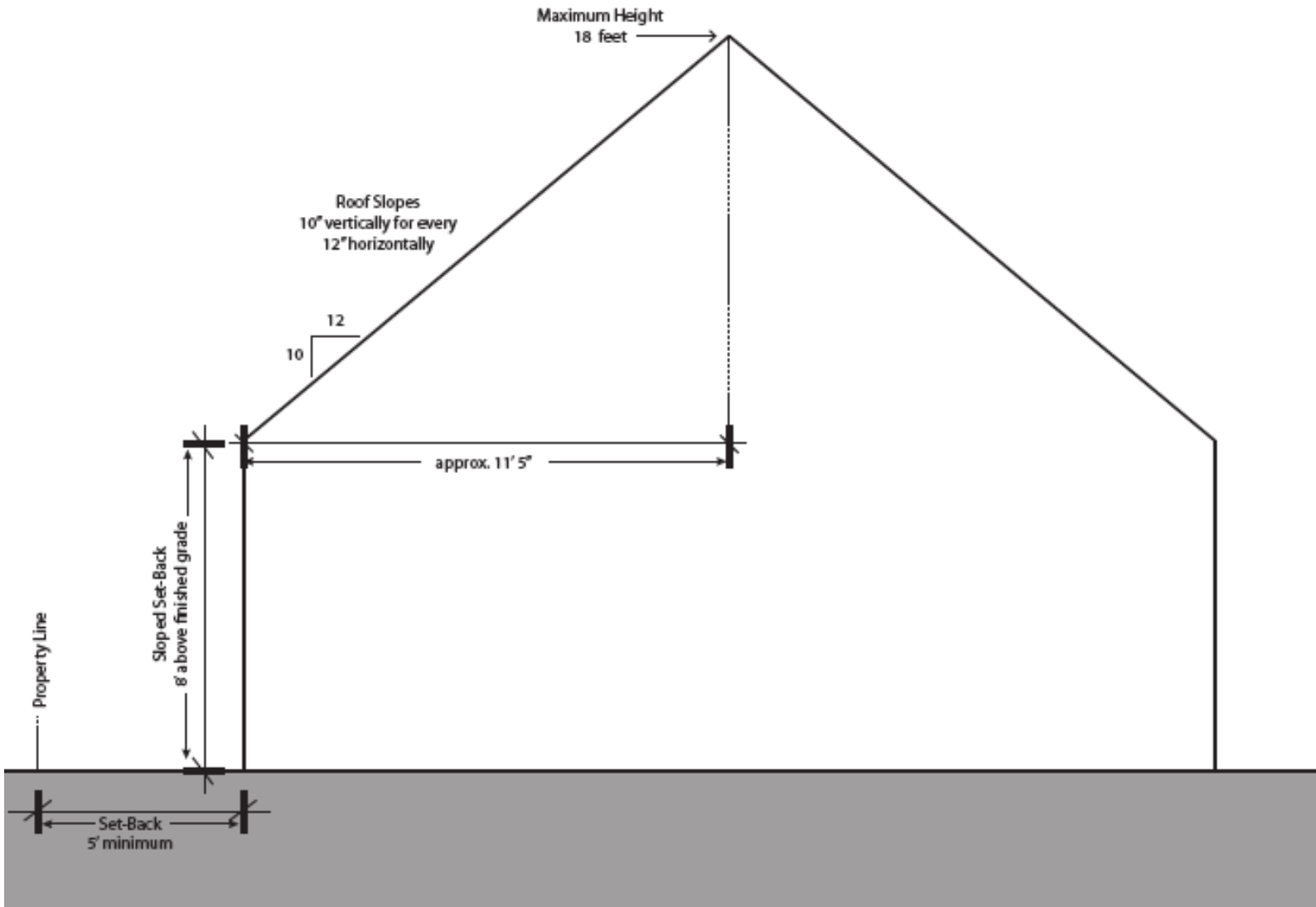
Accessory Dwellings on Sloped Lots



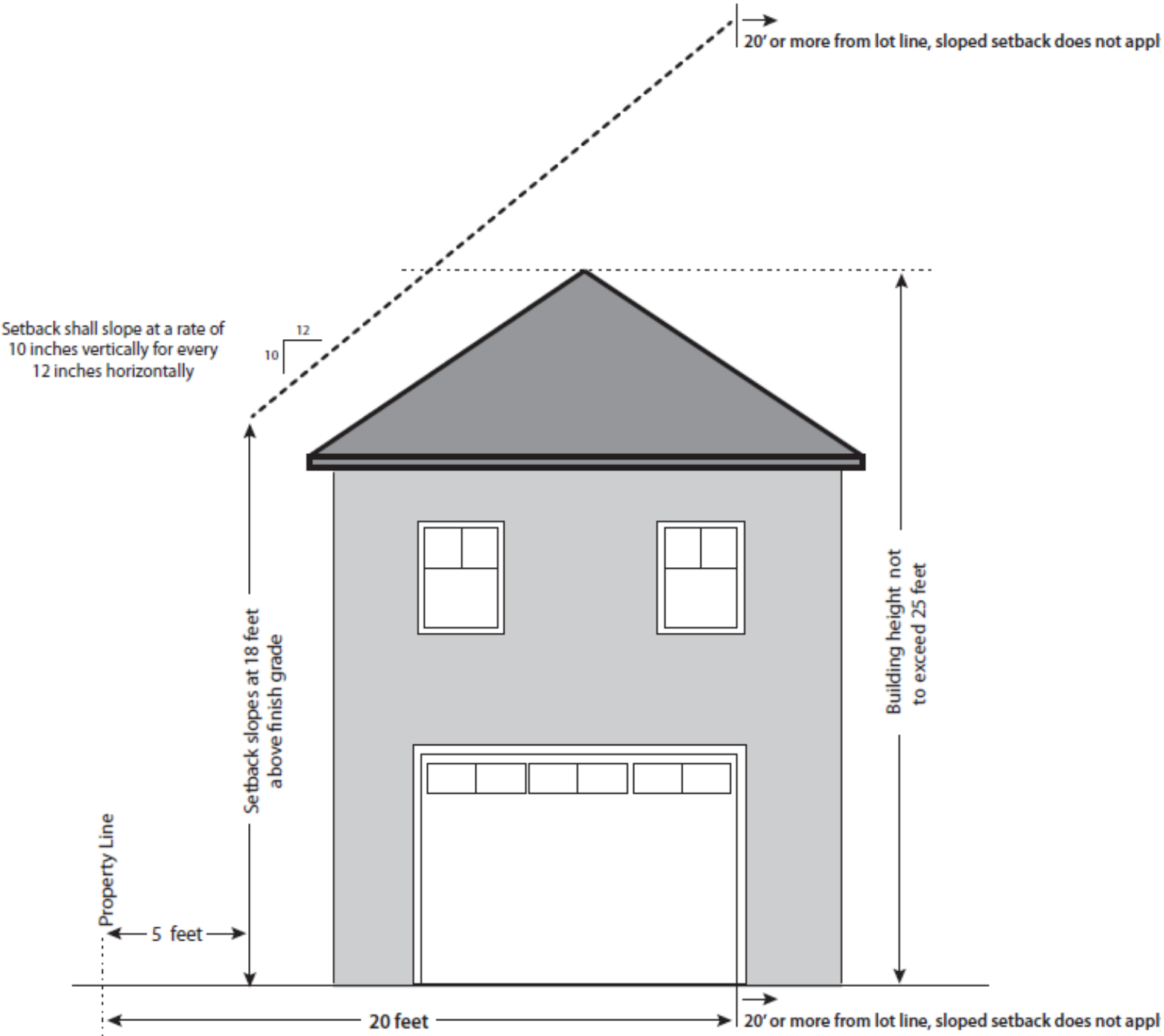


Accessory Dwelling Units

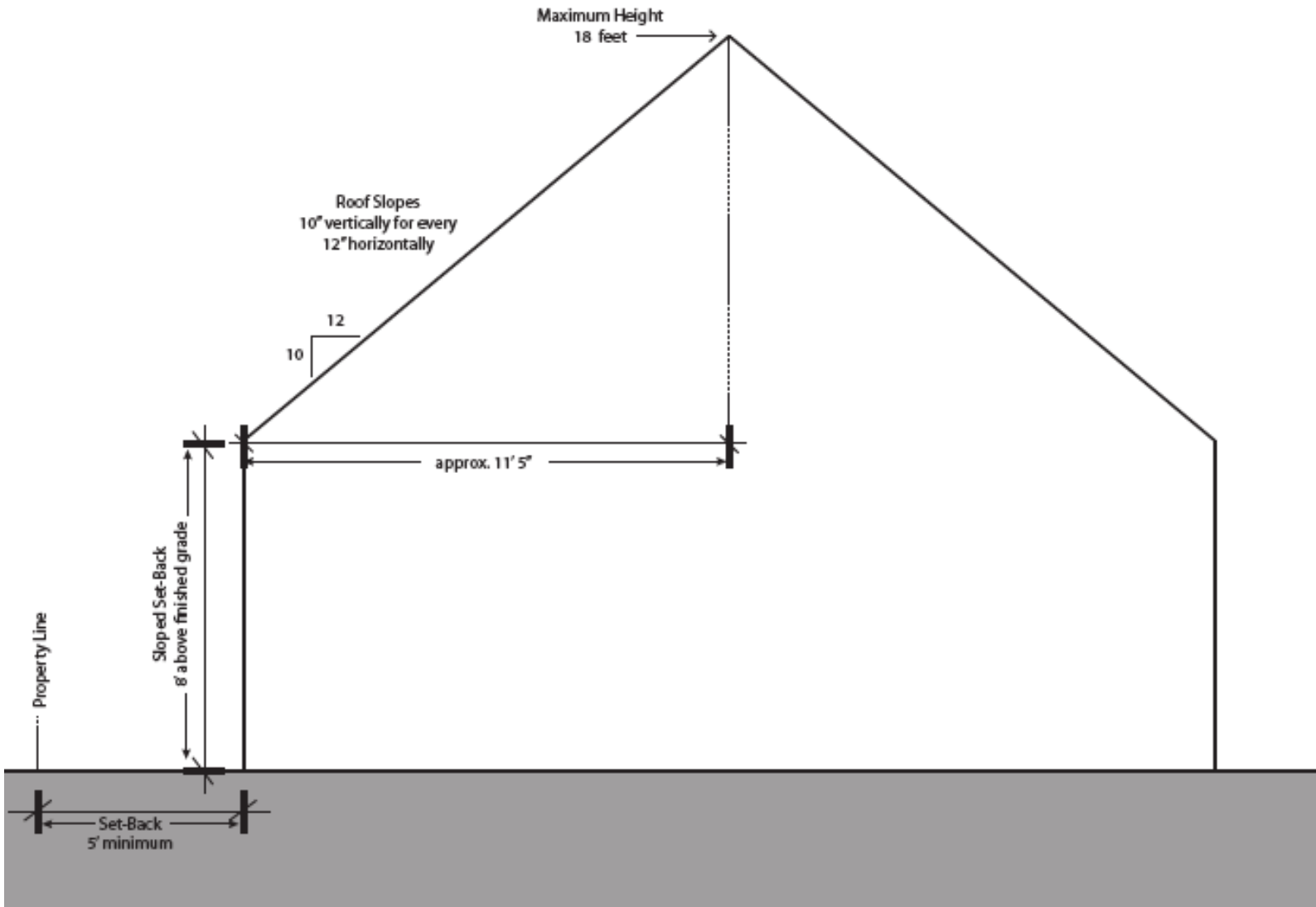
January 21, 2020



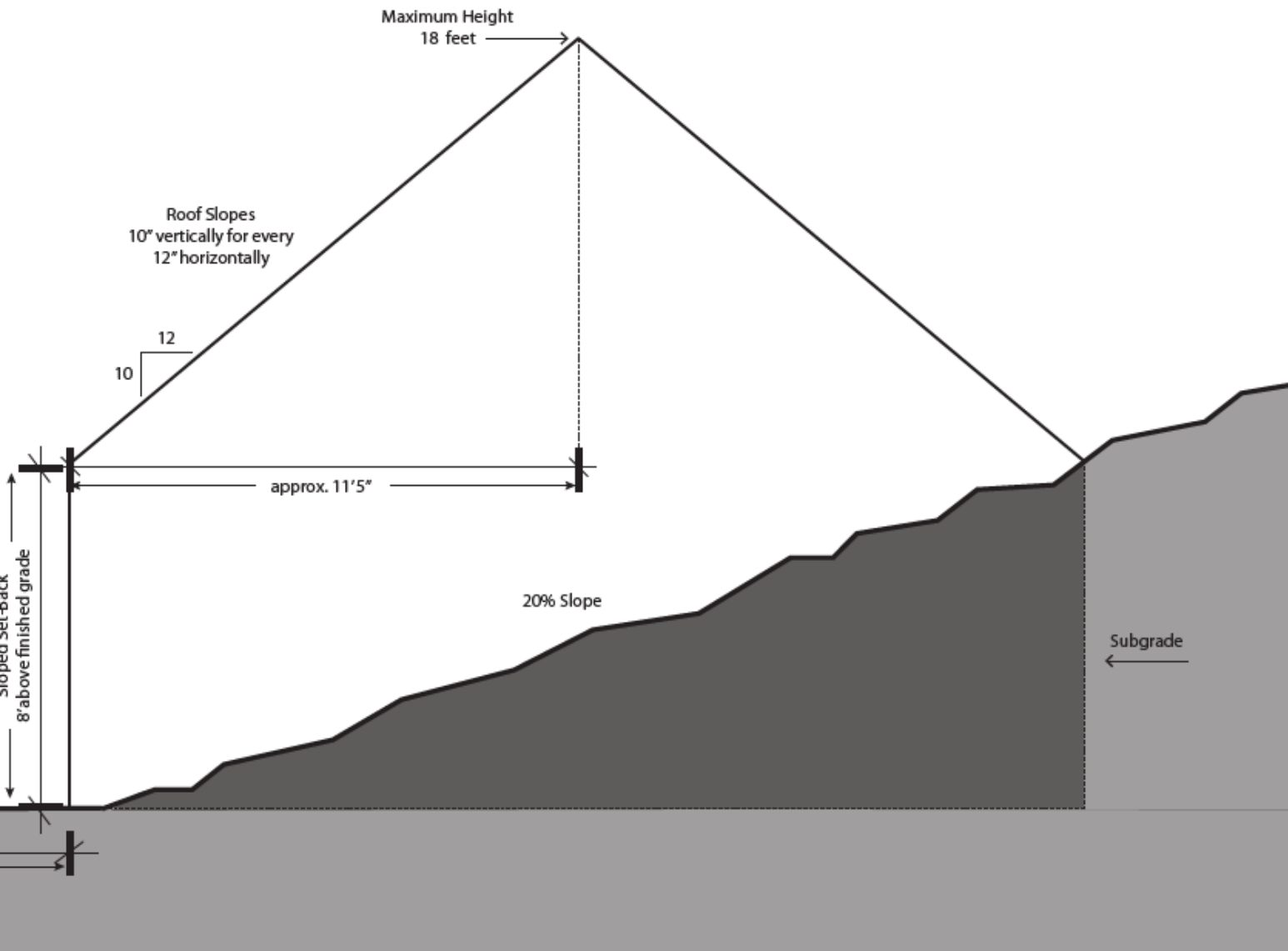
Current Standards



Above Garage Accessory Dwellings Proposed Standards



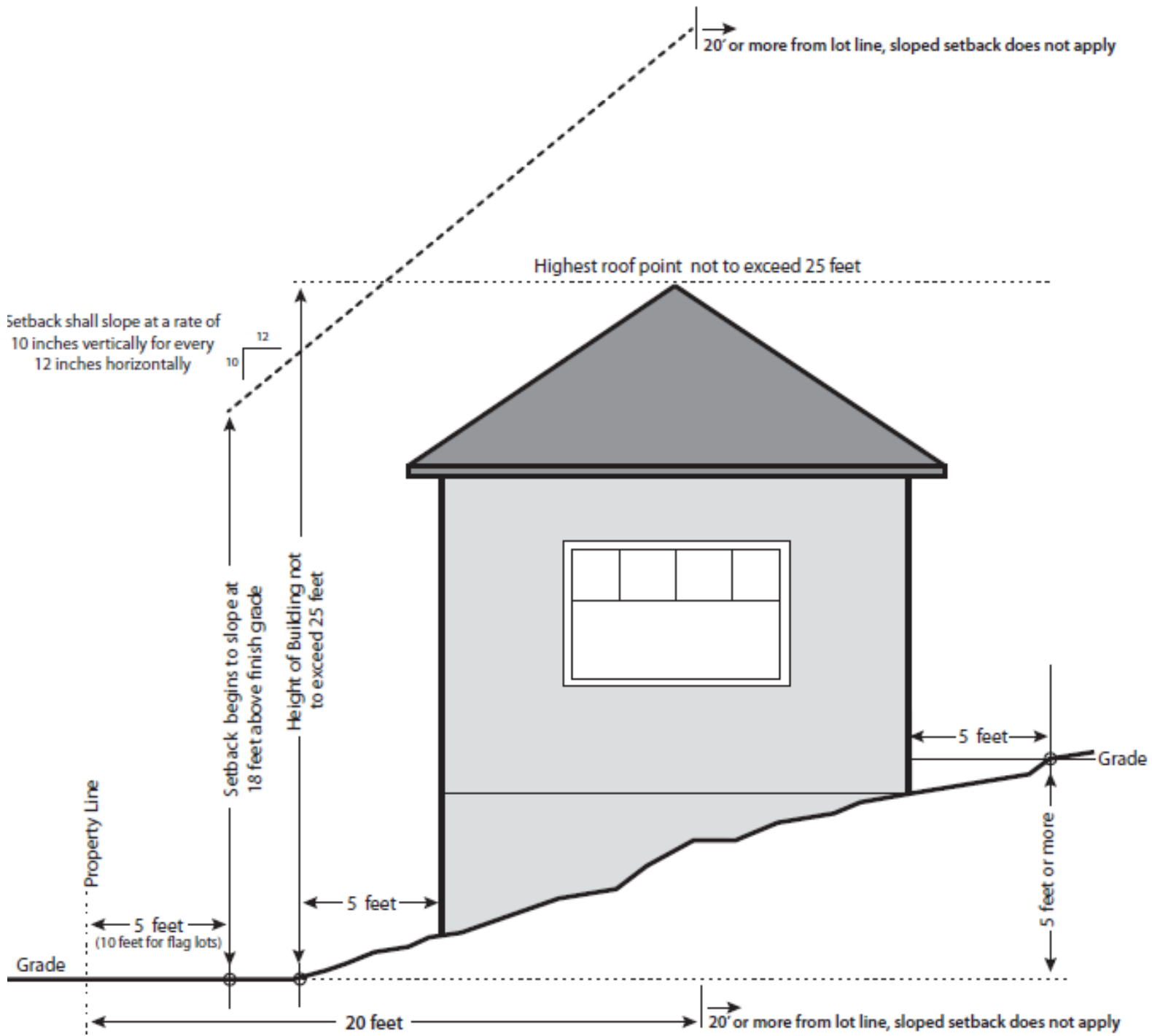
Current Standards



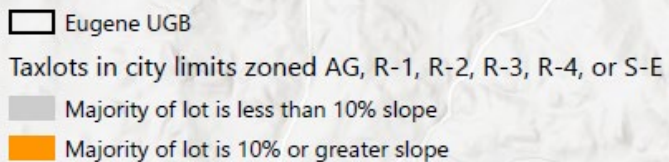
Current Standards

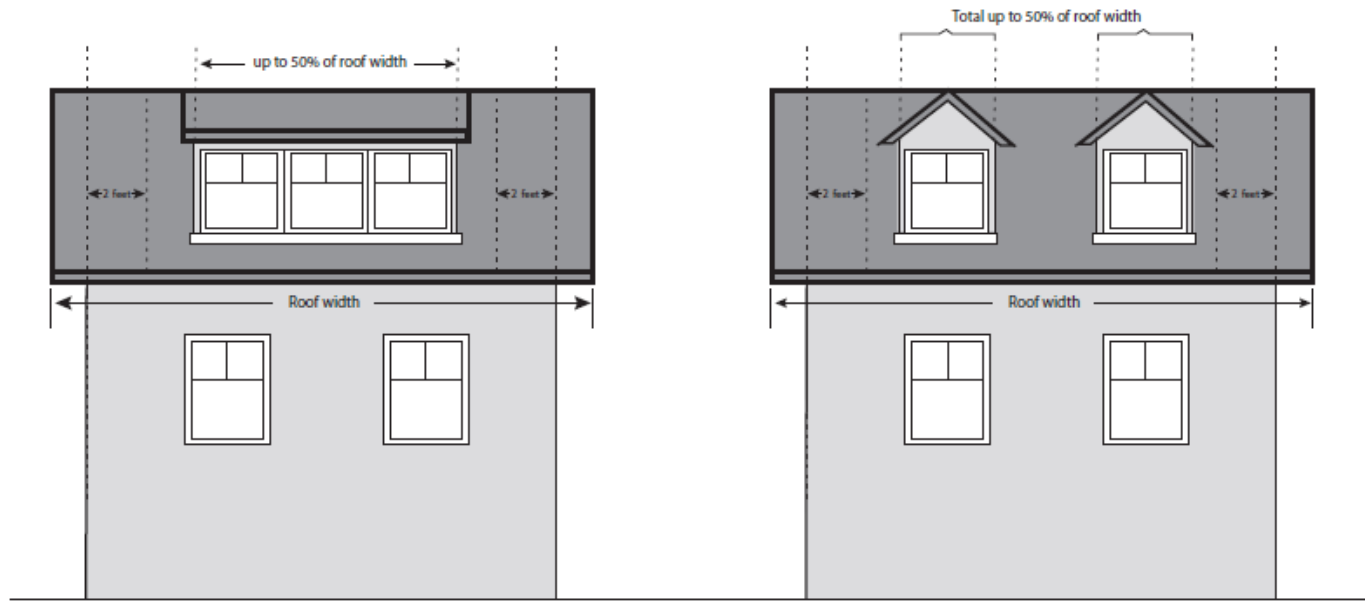
Accessory Dwellings on Sloped Lots

Proposed Standards

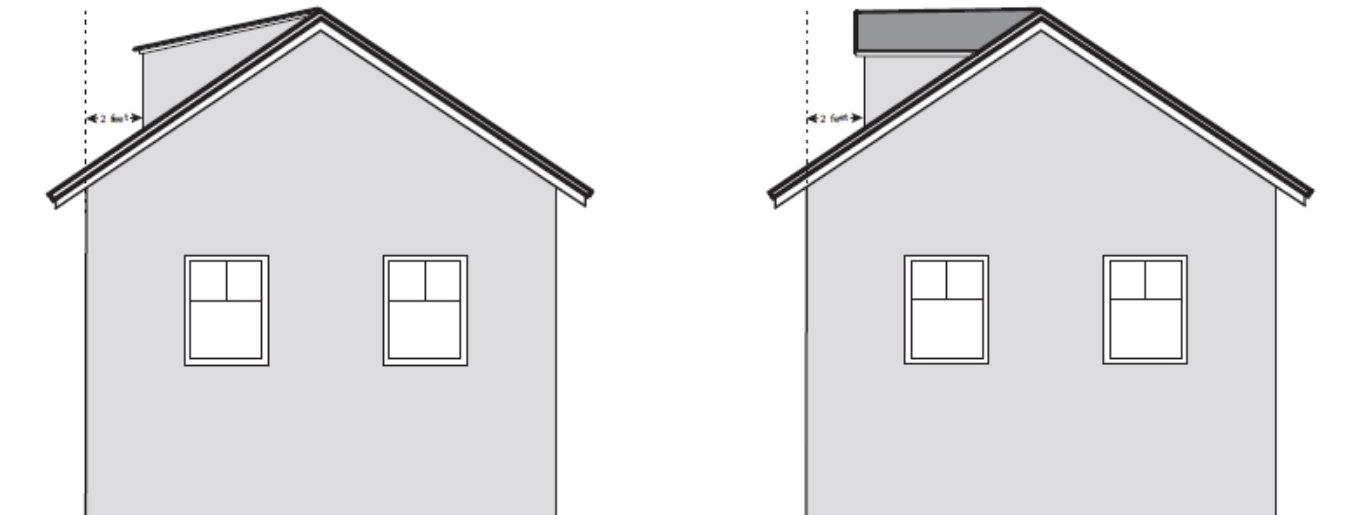


Accessory Dwellings on Sloped Lots

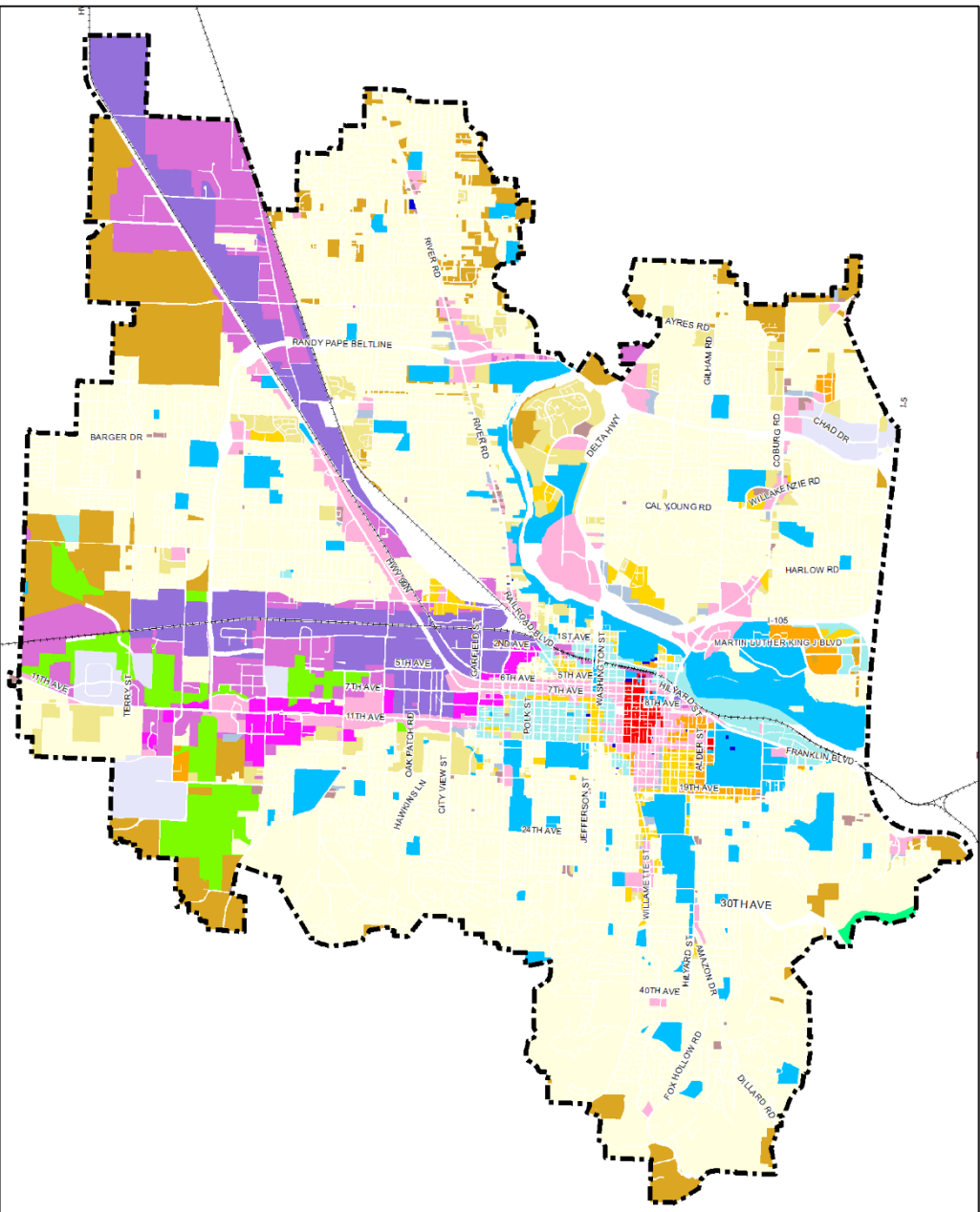




Dormer allowances for
accessory dwellings
above-garage and on
sloped lots



Eugene Zoning



- AG Agricultural
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Major Commercial
- E-2 Mixed Use Employment
- GO General Office
- PL Public Land
- E-1 Campus Employment
- I-2 Light-Medium Industrial
- I-3 Heavy Industrial
- NR Natural Resource
- PRO Park, Recreation & Open Space
- R-1 Low-Density Residential
- R-1.5 Rowhouse
- R-2 Medium-Density Residential
- R-3 Limited High-Density Residential
- R-4 High-Density Residential
- S-H Historic
- S Special Area
- Urban Growth Boundary

All data layers current to date of map.
 To verify zoning contact the Eugene Permit and Information Center.
 This map does not show zoning overlays (such as site review,
 planned unit development, or density limitations) which can affect
 how property is developed.



Eugene Planning & Development
 99 West 10th Avenue
 Eugene, Oregon 97401



Lane Council of Governments
 859 Willamette St., Suite 500
 Eugene, Oregon 97401

Residential Density Policies:

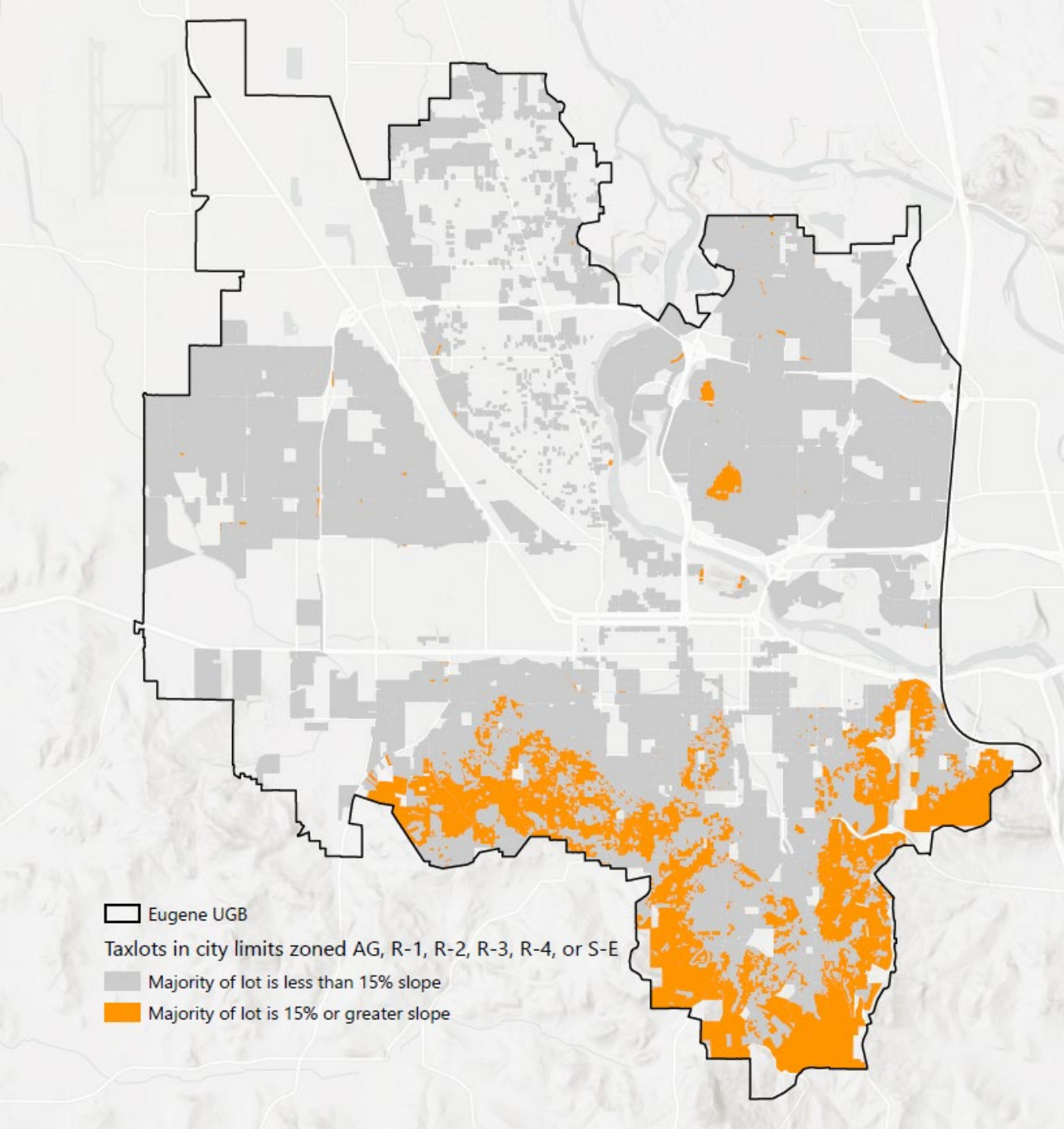
- A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.*

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)

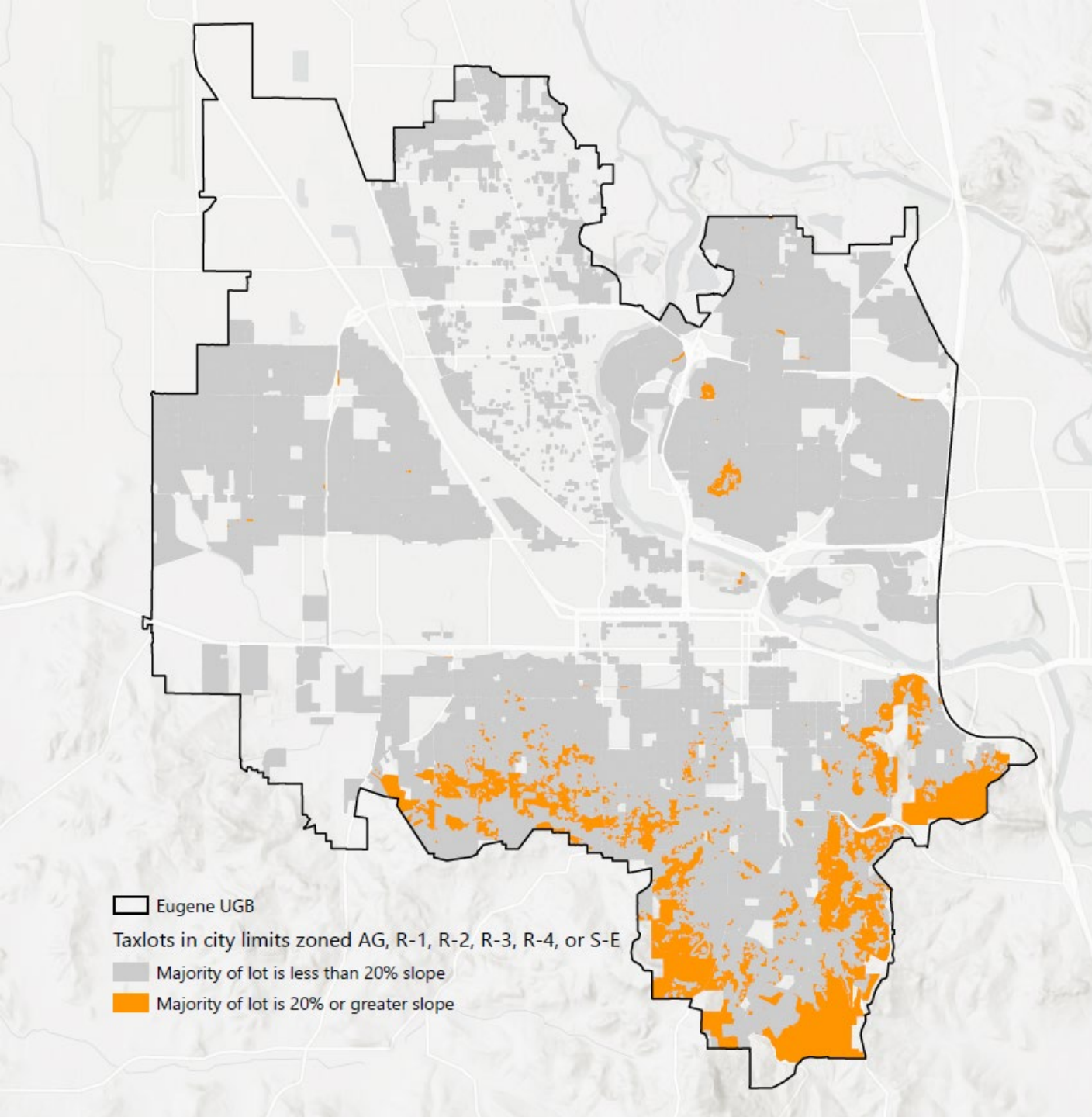
Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes.)

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)

Accessory Dwellings on Sloped Lots



Accessory Dwellings on Sloped Lots



The map displays the Eugene Urban Growth Boundary (UGB) as a black outline. Within this boundary, taxlots are shaded based on their slope. A legend in the bottom-left corner explains the shading: grey for lots with a majority of less than 20% slope, and orange for lots with a majority of 20% or greater slope. The orange-shaded areas are concentrated in the southern and eastern portions of the UGB, particularly along the Willamette River and in the lower-right quadrant. The background of the map is a light grey aerial photograph showing topographical features and road networks.

□ Eugene UGB
Taxlots in city limits zoned AG, R-1, R-2, R-3, R-4, or S-E
■ Majority of lot is less than 20% slope
■ Majority of lot is 20% or greater slope

Accessory Dwellings on Sloped Lots

□ Eugene UGB

Taxlots in city limits zoned AG, R-1, R-2, R-3, R-4, or S-E

■ Majority of lot is less than 10% slope

■ Majority of lot is 10 - 15% slope

■ Majority of lot is 15 - 20% slope

■ Majority of lot is 20% or greater slope



Staff Recommendation: Retain in Land Use Code & Justify in Findings

No.	Topic	Staff's Initial Evaluation			
		Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
1	Maximum Lot Coverage	✓	✓	Addresses overcrowding concerns & desire for yard/open space	
2	Outdoor Living Area	✓	✓	Addresses overcrowding concerns & desire for yard/open space	
3	Building Size		✓	Demonstrates accessory nature	
4	Outdoor Storage/Trash		✓	Addresses livability	
5	Pedestrian Access		✓	Addresses accessibility	
6	Minimum Attachment		✓	Clarity as to what constitutes attached	
7	Prohibition on Alley Access Lots	✓		Addresses traffic and overcrowding concerns	



Staff Recommendation: City Council Input Needed

No.	Topic	Staff's Initial Evaluation			
		Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
1	Minimums Lot Size	✓		Addresses overcrowding concerns	
2	Maximum Density	✓		Addresses overcrowding concerns	
3	Lot Dimensions	✓		Addresses overcrowding concerns	
4	Parking Requirement	✓		Addresses traffic concerns	
5	Alley Access Parking/Driveway	✓		Addresses traffic concerns	
6	Building Height/Sloped Setback		✓	Demonstrates accessory nature/addresses livability	



Minimum Lot Size

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
1	Minimums Lot Size	Minimum lot size required for a secondary dwelling unit (SDU): <i>University Area:</i> 7,500 square feet <i>Flag Lots:</i> 12,500 square feet <i>All Other Lots:</i> 6,100 square feet	9.2571(17)(c)1. 9.2775(4)(b) 9.2751(17)(a)1.	✓		Addresses overcrowding concerns	

Options:

- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”
- ☐ Remove from Land Use Code



Maximum Density

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
2	Maximum Density	<i>All Lots:</i> Minimum and Maximum net density per acre is as follows: R-1: No minimum to 14 units R-2: 13 to 28 units R-3: 20 to 56 units R-4: 20 to 112 units	Table 9.2740 Table 9.2750	✓		Addresses overcrowding concerns	

Options:

- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”
- ☐ Remove from Land Use Code



Lot Dimentisions

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
3	Lot Dimensions	<i>University Area:</i> To allow for an SDU, requires that the boundaries of the lot be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.	9.2571(17)(c)2.	✓		Addresses overcrowding concern	

Options:

- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”
- ☐ Remove from Land Use Code



Parking Requirement

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
4	Parking Requirement	<i>University Area:</i> Limits the primary dwelling to a minimum of one and a maximum of two parking spaces on the lot and requires one additional parking space on the lot for the SDU. <i>All Other Lots:</i> Requires one additional space for the SDU.	9.2751(17)(c)15. Table 9.6410	✓		Addresses traffic concerns	

Options:

- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”
- ☐ Remove from Land Use Code



Alley Access Parking/Driveway

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
5	Alley Access Parking/Driveway	<i>University Area:</i> Where primary vehicle access for the required parking for the SDU is from an alley, additional standards apply: <ul style="list-style-type: none">• One covered or enclosed parking space is allowed.• Maximum dimensions for a garage and garage door• Minimum setback setbacks• Maximum driveway width• Maximum dimensions for parking spaces• Limitation on location of parking• Vehicle use area limitations• No parking outside of the vehicle use area.	9.2751(17)(c)16. 9.2751(18)(a)11.	✓		Addresses traffic concerns	

Options:

- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”
- ☐ Remove from Land Use Code



Building Height/Sloped Setback

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
6	Building Height/Sloped Setback	University Area Flag Lots All Other Lots	9.2751(17)(c)9. 9.2775(5)3. 9.2751(17)(a)3. 9.2751(17)(b)5.		✓	Demonstrates accessory nature/address es livability	

Options:

- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”
- ☐ Remove from Land Use Code



No.	Topic	Staff's Initial Evaluation			
		Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
1	Minimums Lot Size	✓		Addresses overcrowding concerns	
2	Maximum Density	✓		Addresses overcrowding concerns	
3	Lot Dimensions	✓		Addresses overcrowding concerns	
4	Parking Requirement	✓		Addresses traffic concerns	
5	Alley Access Parking/Driveway	✓		Addresses traffic concerns	
6	Building Height/Sloped Setback		✓	Demonstrates accessory nature/addresses livability	



Staff Recommendation: Remove from Land Use Code

No.	Topic	Staff's Initial Evaluation			
		Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
1	Prohibition on New Flag Lots	✓		Addresses overcrowding concerns	
2	Vehicle Use Area	✓		Desire for yards/open space	
3	Owner/Occupancy Requirement	✓		Demonstrate accessory nature/landlord accountability	
4	Maximum Bedroom		✓	Demonstrates accessory nature/addresses overcrowding concerns	
5	Maximum Occupancy	For Council Discussion			
6	Dog Keeping	For Council Discussion			



Prohibition on New Flag Lots

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
1	Prohibition on New Flag Lots	All Lots: SDUs are not allowed on flag lots that did not exist or were not approved prior to August 29, 2014.	9.2775(4)	✓		Addresses overcrowding concerns	

Options:

- ☐ Remove from Land Use Code
- ☐ Retain in Land Use Code and justify how it's a "reasonable standard relating to siting and design"



Vehicle Use Area

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
2	Vehicle Use Area	<i>University Area:</i> Limits the maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, to 20 percent of the total lot area.	9.2751(17)(c)4.	✓		Desire for yards/open space	

Options:

- ☐ Remove from Land Use Code
- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”



Owner/Occupancy Requirement

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
3	Owner/Occupancy Requirement	<i>All Lots:</i> Requires that either the SDU or the primary dwelling be occupied by the owner of the property. Includes requirement for deed restriction and verification, and allowance for temporary one-year leave.	9.0500 9.2751(17)(a)7. - 10. 9.2751(17)(c)11. - 14.	✓		Demonstrate accessory nature/landlord accountability	

Options:

- ☐ Remove from Land Use Code
- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”



Maximum Bedroom Limitation

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
4	Maximum Bedroom	<i>University Area:</i> For lots with a primary dwelling containing 3 or fewer bedrooms, the SDU is limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the SDU is limited to 1 bedroom. <i>All Other Lots:</i> Limits the SDU to no more than 2 bedrooms.	9.2751(17)(c)7. 9.2751(17)(a)5.		✓	Demonstrates accessory nature/addresses overcrowding concerns	

Options:

- ☐ Remove from Land Use Code
- ☐ Retain in Land Use Code and justify how it's a "reasonable standard relating to siting and design"



Maximum Occupancy

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
5	Maximum Occupancy	<i>University Area:</i> For lots with a primary dwelling containing 3 or fewer bedrooms, limits the SDU to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, limits the SDU to 2 occupants.	9.2751(17)(c)8.	For Council Discussion			

Options:

- ☐ Remove from Land Use Code
- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”



Dog Keeping

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Staff's Initial Evaluation			
				Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
6	Dog Keeping	<i>All Lots:</i> Limits properties with an SDU to no more than 3 dogs on the lot.	9.2751(17)(a)6. 9.2751(17)(c)10.	For Council Discussion			

Options:

- ☐ Remove from Land Use Code
- ☐ Retain in Land Use Code and justify how it's a “reasonable standard relating to siting and design”



Recommendation: Remove from Land Use Code

No.	Topic	Staff's Initial Evaluation			
		Relates to Siting	Relates to Design	Basis for Regulation	Recommendation for Discussion
1	Prohibition on New Flag Lots	✓		Addresses overcrowding concerns	
2	Vehicle Use Area	✓		Desire for yards/open space	
3	Owner/Occupancy Requirement	✓		Demonstrate accessory nature/landlord accountability	
4	Maximum Bedroom		✓	Demonstrates accessory nature/addresses overcrowding concerns	
5	Maximum Occupancy	For Council Discussion			
6	Dog Keeping	For Council Discussion			