



Eugene City Council

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

EUGENE CITY COUNCIL AGENDA

April 16, 2018

7:30 p.m. CITY COUNCIL PUBLIC HEARING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of April 16, 2018;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Mike Clark, President
Greg Evans
Emily Semple
Jennifer Yeh

Betty Taylor, Vice President
Chris Pryor
Claire Syrett
Alan Zelenka

7:30 p.m. CITY COUNCIL PUBLIC HEARING
Harris Hall, 125 East 8th Avenue

- 1. PUBLIC HEARING: Public Passenger Vehicles and Transportation Network Companies**
- 2. PUBLIC HEARING:**

Ordinance #1: An Ordinance Concerning Secondary Dwellings and Amending Sections 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.3115, 9.3125, 9.3210, 9.3215, 9.3310, 9.3510, 9.3810, 9.3815, 9.3910 and 9.3915 of the Eugene Code, 1971.

Ordinance #2: An Ordinance Concerning Secondary Dwellings and Amending Section 9.0500 of the Eugene Code.

Ordinance #3: An Ordinance Concerning Housing on Church, Synagogue and Temple Property and Amending Sections 9.2740 and 9.2741 of the Eugene Code.

(City File CA 18-1)

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

<p>For more information, contact the Council Coordinator at 541-682-5010, or visit us online at <i>www.eugene-or.gov</i>.</p>
--

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: Public Passenger Vehicles and Transportation Network Companies

Meeting Date: April 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Rachelle Nicholas
Contact Telephone Number: 541-682-5495

ISSUE STATEMENT

This public hearing is an opportunity for the public to provide feedback to the Eugene City Council on proposed changes to the City's Public Passenger Vehicle code (3.345). The purpose of the proposed changes is to make it more likely for Transportation Network Companies to operate in Eugene while continuing to maintain important community safety standards.

BACKGROUND

In 2015, City Council unanimously approved updates to Eugene's Public Passenger Vehicle code to acknowledge the emergence of new technologies and business models while also ensuring all PPVs operating in Eugene meet community safety standards.

Eugene City Code 3.345 provides licensing regulations for Public Passenger Vehicle Services. The code provides a definition of PPVs, establishes the licensing requirement, screening requirements, fare charging requirements and requires adoption of Administrative rules by the City Manager.

After approving code updates related to Public Passenger Vehicles in 2015, council supported updating the administrative rules to accommodate new transportation models, like Transportation Network Companies, while maintaining community safety standards such as driver background checks and insurance requirements. The updated rules were intended to make it possible for companies like Uber and/or Lyft to operate in Eugene, but no TNCs have applied for a license to operate since the update.

Since the last code update there have been some changes and new information related to the operation of Transportation Network Companies, including insurance coverage options, vehicle inspection options, and driver background checks. At the February 14, 2018, council work session, staff presented these changes and provided additional information including the City of Medford's recently adopted public passenger vehicle code. The City of Medford's public passenger vehicle code was adopted in December 2017. Uber and Lyft are currently operating in the City of Medford. Based on all of this information, council provided direction to the City Manager to draft code

language that aligns with the City of Medford's process which includes local licensing of public passenger vehicle drivers. A summary of the proposed changes is included as Attachment A.

The City has communicated with representatives from Uber and Lyft. Uber has indicated their support for the draft code. It is unclear, based on communication with Lyft, whether or not the proposed code would work for them.

Most of the details of the City's Public Passenger Vehicle regulations are found in the Administrative Rules. The rules describe the driver application process, insurance requirements, and vehicle requirements. If the proposed code is adopted staff will update the administrative rules to include specific requirements for Public Passenger Vehicle companies and drivers.

In addition to the requirement for licensing Public Passenger Vehicle companies and certifying drivers, the proposed code provides the option for the City Manager to adopt a per trip fee that is paid by the public passenger. The purpose of the per-trip fee is to cover program costs to adequately administer this code section 3.345 and the administrative rules adopted thereunder, increase the availability of accessible vehicles and any other purpose related to public passenger vehicles services specifically identified by the city manager in the notice of proposed fee.

Council is scheduled to take action on the draft code April 23, 2018. The code includes an immediate effective date with the affirmative vote of two-thirds of the members of the City Council. An immediate effective date is necessary to address a community need for additional transportation options.

RELATED CITY POLICIES

Eugene Code Chapter 3, Section 3.345 – Licensing Regulations Public Passenger Vehicle Services
Vision Zero Resolution No. 5143 – Transportation Safety

COUNCIL OPTIONS

No formal action is sought at this public hearing.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for public hearing only. No recommendation is being made at this time.

SUGGESTED MOTION

No motion is proposed for the public hearing.

ATTACHMENTS

- A. Summary of Proposed Public Passenger Vehicle Services Code Changes
- B. Draft Ordinance Concerning Public Passenger Vehicle Services; Amending Sections 3.005 and 3.345 of the Eugene Code, 1971; and Providing for an Immediate Effective Date.

- C. City of Medford Vehicle for Hire Code
- D. Vision Zero Resolution No. 5143

FOR MORE INFORMATION

Staff Contact: Rachelle Nicholas
Telephone: 541-682-5495
Staff E-Mail: rachelle.d.nicholas@ci.eugene.or.us

Summary of Proposed Public Passenger Vehicle Services Code Changes:

3.005 Amended to add the following definitions under the Public Passenger Vehicle heading:

Public Passenger Vehicles:

Transportation Network Company. A person or business that provides a digital or software application scheduling platform or service that enables a prospective passenger to connect to a vehicle-for-hire.

Transportation Network Driver. An employee or independent contractor of a transportation network company that operates a vehicle-for-hire by transporting passengers for compensation utilizing the transportation network company's digital or software application scheduling platform or service.

Transportation Network Vehicle. A vehicle-for-hire operated by a transportation network driver.

Vehicle-for-Hire. A vehicle used for providing shared transport, which transports one or more passengers for a fee between locations of the passengers' choice, including, but not limited to, all public passenger vehicles and all transportation network vehicles.

Vehicle-for-Hire Company. All public passenger vehicle companies and all transportation network companies.

3.345 Public Passenger Vehicle Services

1. Add the following requirements:
 - All vehicle-for-hire companies (this includes Taxi Companies and Transportation Network Companies)
 - o Must obtain a public passenger vehicle company license from the City to operate.
 - o Maintain accurate, current records for all drivers employed by, contracting with, or otherwise affiliated with the company, including all drivers utilizing the company's digital or software application scheduling platform in the city.
 - o Notify all drivers that they must obtain a driver certification card in accordance with subsection (2) of this section.
 - o Revoke a driver's authority to operate as a driver for their company if the city revokes the driver's public passenger vehicle driver certification card.
2. Everyone driving a vehicle-for-hire must possess a valid driver certification card issued by the City of Eugene.
 - An applicant may be issued the card without any waiting period if the application is complete and they provide documentation that they were hired by a vehicle-for-hire company after undergoing a criminal background check in accordance with the company's procedure.
3. Remove the maximum rate notification requirement.
4. Add a provision which allows the City to audit vehicle-for-hire companies up to twice per calendar year to review compliance with applicable city code and administrative rules or require the production of records as related to an investigation of a specific allegation of violation or evaluation of a complaint.
5. Change the penalty for a late renewal or extension application of the license from \$10 per day to \$20 per day.

6. Add a provision which allows the City manager to establish a per-trip fee. This would be paid for by the vehicle-for-hire company or the passenger. The purpose of the fee is to cover program costs required to administer this code and the associated administrative rules, increase the availability of accessible vehicles and any other purpose related to public passenger vehicles services identified by the City.
7. As per Eugene Charter, this ordinance would become *effective immediately* to address a community need for additional transportation options with an affirmative vote of two-thirds of the City Council.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING PUBLIC PASSENGER VEHICLE SERVICES;
AMENDING SECTIONS 3.005 AND 3.345 OF THE EUGENE CODE, 1971; AND
PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.005 of the Eugene Code, 1971, is amended to add the following definitions under the “Public Passenger Vehicle” heading:

3.005 For the purposes of this chapter, the following words and phrases shall mean:

Public Passenger Vehicles:

Transportation Network Company. A person or business that provides a digital or software application scheduling platform or service that enables a prospective passenger to connect to a vehicle-for-hire.

Transportation Network Driver. An employee or independent contractor of a transportation network company that operates a vehicle-for-hire by transporting passengers for compensation utilizing the transportation network company’s digital or software application scheduling platform or service.

Transportation Network Vehicle. A vehicle-for-hire operated by a transportation network driver.

Vehicle-for-Hire. A vehicle used for providing shared transport, which transports one or more passengers for a fee between locations of the passengers’ choice, including, but not limited to, all public passenger vehicles and all transportation network vehicles.

Vehicle-for-Hire Company. All public passenger vehicle companies and all transportation network companies.

Section 2. Section 3.345 of the Eugene Code, 1971, is amended to provide:

3.345 **Public Passenger Vehicle Services [~~License and/or Permit Required~~].**

(1) Vehicle-for-Hire Company Licensure Requirements.

- (a) No person or business may operate a [~~public passenger vehicle~~] **vehicle-for-hire** company without a public passenger vehicle company license; however, an unlicensed [~~public passenger vehicle~~] **vehicle-for-hire** operating outside the jurisdictional limits of Eugene and Springfield may deliver a fare from outside those limits to a location within the limits, and if the vehicle waits for the person, retrieves the person for the return trip back outside the jurisdictional limits.

- ~~[(b) No person or business may connect, or attempt to connect, a prospective passenger to a vehicle for hire by providing a digital or~~

- ~~software application scheduling platform or service without first obtaining a public passenger vehicle company license.]~~
- (eb) Unless driving a vehicle-for-hire for a person or business that has obtained a public passenger vehicle company license, no person may drive a vehicle-for-hire without first obtaining a public passenger vehicle company license.
 - (dc) No person or business required to obtain a public passenger vehicle **company** license may solicit or accept any passenger within the city limits except as provided in this subsection.
 - (ed) No ~~[public passenger vehicle]~~ **vehicle-for-hire company** may operate at the Eugene Airport unless authorized by the Airport to do so.
 - (e) **All vehicle-for-hire companies shall:**
 - 1. **Maintain accurate, current records for all drivers employed by, contracting with, or otherwise affiliated with the company, including all drivers utilizing the company's digital or software application scheduling platform in the city; and**
 - 2. **Notify all drivers that they must obtain a driver certification card in accordance with subsection (2) of this section; and**
 - 3. **Revoke a driver's authority to operate as a driver for their company if the city revokes the driver's public passenger vehicle driver certification card; and**
 - 4. **Not locate its central operation in a residential zone unless expressly authorized by the city manager.**
- ~~[(2) No person or business required under subsection (1) of this section to obtain a public passenger vehicle company license may use in its operation a motorized vehicle which lacks a public passenger vehicle permit.]~~
- (32) **Vehicle-for-Hire Driver Certification Card Requirements.** No person may drive a **vehicle-for-hire** ~~[a motorized public passenger vehicle, and no business required to obtain a public passenger vehicle company license may hire a person as a driver, either as an employee or an independent contractor,]~~ unless that person possesses a valid public passenger vehicle driver certification **card**. ~~[Notwithstanding the foregoing, a person who has applied for such a certification may drive a taxicab if the person has obtained from the city a temporary certification; such certification shall not be valid for more than 30 days, or until the city grants or denies the person's application for a public passenger vehicle driver certification, whichever is sooner.]~~ **An applicant may be issued a driver certification card without any waiting period if the person's application is complete and includes documentation demonstrating that the applicant has been hired by a vehicle-for-hire company after undergoing a criminal background check in accordance with the vehicle-for-hire company's criminal background check procedures. For purposes of this section, "hired by a vehicle-for-hire company" means a driver employed by, contracting with, or otherwise affiliated with the vehicle-for-hire company.**
- ~~[(4) No public passenger vehicle company may locate any part of its operation in a residential zone unless expressly authorized by the city manager or designee pursuant to this code or the Springfield Code.~~
- (5) ~~All persons and businesses required to obtain a public passenger vehicle company license under subsection (1) of this section shall provide the city manager or designee with written notice of the maximum rate to be charged passengers. No public passenger vehicle company license holder shall~~

~~change its maximum rate without first providing the city manager or designee with a minimum of ten days advance written notice of the new rate. No public passenger vehicle company license holder shall charge more than the rate on file with the city. Upon request, the city manager may exempt, by administrative order, a public passenger vehicle company license holder from the provisions of this section if the public passenger vehicle company license holder does not operate any taxicabs.]~~

- (63) **Fare.** The actual fare charged for each trip by a ~~[taxicab]~~ **vehicle-for-hire** shall not exceed the higher of:
- (a) The meter calculated rate, including authorized and posted surcharges, or
 - (b) The minimum fare as posted on the interior and exterior of the vehicle, or
 - (c) The smartphone application calculated rate, including displayed and passenger-confirmed surcharges.
- (4) **Audit.** *The city manager may audit vehicle-for-hire companies up to twice per calendar year to review compliance with applicable city code and administrative rules. Upon request, a vehicle-for-hire company shall provide the city manager a sample of records for up to thirty (30) drivers affiliated with the vehicle-for-hire company that have operated in the thirty (30) days preceding the audit. The audit shall occur at a time and location designated by the city manager. In addition to an audit, the city manager may require a vehicle-for-hire company to produce records related to an investigation of a specific allegation of a violation of applicable city code administrative rules, or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the twice-per-year auditing limit.*
- (75) **Rules.** The city manager shall adopt rules setting standards and establishing requirements for **vehicle-for-hire companies; vehicles-for-hire;** public passenger vehicle companies; public passenger vehicles; public passenger vehicle drivers; ~~[and]~~ the issuance of **public passenger vehicle company** licenses ~~[for companies, permits for vehicles, and]; and the issuance of public passenger driver certification[s and temporary certificates for drivers]~~ **cards.** Such rules shall be consistent with this code and be designed to ensure that the public safety is protected, the public needs are met, and the public convenience is promoted.
- ~~[(8) In addition to requirements established by rule to obtain a license, each public passenger vehicle company must designate a registered agent who may be served with any process, notice or demand required or permitted by law to be served upon the company. The registered agent shall be an individual or business located in Eugene or Springfield, and must be available for service of legal process during all hours that the public passenger vehicle company is in operation.]~~
- (96) **Term.** The term for a license issued hereunder shall commence on January 1 and expire on December 31 of the year issued. The license fee for applications received after January 1 shall be prorated on the basis of that term. An application for extension or renewal of an existing license must be submitted by November 1, accompanied by the required license fee. Failure to submit the license fee with the extension or renewal application, or to pay the same before the end of the current license term may result in the licensee

being required to submit a new application and pay an application fee. A licensee who submits an extension or renewal application after November 1 may be assessed a penalty fee of [~~\$10~~] **\$20** per day for each day between November 1 and the date the application is submitted.

- (7) **Per-Trip Fee.** *In addition to licensure and certification card fees, a per-trip fee to be paid by the vehicle-for-hire company or the passenger may be established by the city manager pursuant to section 2.020 of this code. The purpose of the per-trip fee is to cover program costs required to adequately administer this Section 3.345 and the administrative rules adopted thereunder, increase the availability of accessible vehicles, and any other purpose related to public passenger vehicle services specifically identified by the city manager in the notice of proposed fee.*

Section 3. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary to address a community need for additional transportation options.

Section 4. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

_____ day of April, 2018

City Recorder

Approved by the Mayor this

_____ day of April, 2018

Mayor

8 Vehicle for Hire (8.320 to 8.380)

8.320 Title, Intent, and Purposes of Sections 8.325 to 8.380

This ordinance shall be known and may be cited as the "Vehicle for Hire Ordinance of the City of Medford." The City Council of the City of Medford finds and declares that the purpose of this ordinance is to promote the safety and welfare of the general public by regulating vehicle for hire operators and their drivers within the City of Medford, as authorized by ORS 221.485 and 221.495. Nothing contained in this ordinance is intended or shall be construed to create any liability on the part of the City, its officers or employees for any injury or damage related to any provision of this ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this ordinance on the part of the City, its officers, or employees.

[Added Sec. 18, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.325 Definitions

Words and phrases used in this ordinance shall have the following meanings ascribed to them:

- (1) "Digital dispatch system" means an internet-based software application, website, platform, or interface that allows for the solicitation, arrangement, or provision of vehicle for hire services and the display of rates, calculation of fares, or acceptance of payment for vehicle for hire services.
- (2) "Driver" means any individual person who operates a vehicle for hire within the City.
- (3) "Limousine" means a luxury motor vehicle for hire whose chassis and wheelbase have been lengthened beyond the original manufacturer's specifications, whether at the time of production or after.
- (4) "Limousine Company" means any person operating one or more limousines for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the limousines so operated are owned by the company, leased, or owned by individual members of an entity.
- (5) "Operator" means a person engaged in the business of furnishing or operating a business defined by this ordinance, whether upon contract or by offering such service to the public generally.
- (6) "Taxi" means a motor vehicle for hire, other than a limousine or transportation network vehicle.
- (7) "Taxi Company" means any person operating one or more vehicles for

hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, leased, or owned by individual members of an entity. Taxi Companies do not include Transportation Network Companies.

(8) "Transportation Network" means one or more drivers working as independent contractors and utilizing a digital dispatch system, and using personal motor vehicles in the provision of transportation services.

(9) "Transportation Network Company or TNC" means a person that operates or facilitates a transportation network.

(10) "Transportation Network Vehicle or TNV" means a personal motor vehicle which is used as a vehicle for hire and is part of a transportation network.

(11) "Vehicle for Hire" means a motor vehicle used for the ground transportation of passengers for compensation within the City, including taxis, limousines and transportation network vehicles. The following vehicles shall not be considered vehicles for hire for the purposes of this ordinance, and are forbidden from operating as a taxi, limousine, or transportation network vehicle: (a) Ambulances equipped and staffed so as to be capable of providing emergency medical services in conjunction with passenger transportation; (b) Courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility, or other business to transport that business' clients when transportation is secondary to the business' primary purpose and the transportation is free or contained in the general overhead of the business; (c) Non-motorized vehicles such as horse-drawn vehicles; (d) Property delivery vehicles used for delivering property exclusive of passenger transportation; (e) Shuttle vehicles and buses used for providing passenger transportation over a fixed route and time schedule; and (f) Volunteer-driven vehicles operated by a driver who is reimbursed for basic mileage expenses and who does not receive wages, salary, or other compensation.

(12) "Vehicle for hire agency" means a business engaged in furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.

(13) "Vehicle for hire driver" means a person who carries on the vocation of driving a vehicle for hire.

[Added Sec. 19, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.330 Business License Required for Operators and Drivers; Regulatory License Fees

(1) No Operator shall conduct business in the City without obtaining the

applicable regulatory license set out in subsection (2).

(2) The City may issue a License to an Operator if the company certifies on a form acceptable to the City that it is in compliance with all requirements of this chapter, including but not limited to driver and insurance requirements, operating standards, and any other code requirements, and actually meets all applicable standards and requirements.

(3) The City may include conditions, restrictions, or special provisions in the License, including but not limited to conditions related to routes, times of operation, lighting, alternative requirements or means of meeting requirements, or other conditions, if, in the sole discretion of the City, the applicant's vehicles or operations warrant conditions, restrictions, or special provisions.

(4) The License issued under this chapter is valid for one year. Any renewal must be

approved by the City prior to the expiration date in order for the Operator to continue providing vehicle for hire services within the City.

(5) The application fee shall be based on the number of drivers operating for the Operator at the time of the application, and shall be intended to account for the City's costs in administering this code and for the City's costs in operating and maintaining streets within the City. The fee shall be \$1,000 for Transportation Network Companies, \$100 for Taxi Companies, and \$60 for Drivers.

(6) The application fee shall be paid to the City at the time of submitting both initial and renewal License applications.

(7) No Operator or Driver shall conduct business in the City without a valid business license.

[Added Sec. 20, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.335 Driver Requirements

(1) Drivers shall be at least 21 years of age and shall possess a valid driver license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.

(2) Every Operator shall maintain accurate, current records for all drivers employed by, contracting with, or otherwise affiliated with the company, including all drivers accessing the company's digital network to operate in the City. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver's license information, motor vehicle registration, and automobile insurance. Operators shall provide a person in compliance with this section written notice of compliance, who shall then submit the notice to the City as part of the business license application required by section 8.330(3).

(3) Prior to permitting a person to operate as a Driver, and annually thereafter, the Operator shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and all accessible sex offender registries. Any person who is on a sex offender registry; or any person that has a record of a felony conviction within the previous seven years may not act as a driver. A record of a conviction of any of the following within the previous seven years will also disqualify a person from acting as a driver: crimes involving driving under the influence of alcohol or controlled substances, sexual offenses, or crimes involving physical harm or attempted physical harm to a person. The company or its agent shall maintain records of a criminal background checks for a period of at least two years. For purposes of this section, the term "conviction" includes convictions, bail forfeitures, and other final adverse findings.

(4) An Operator must revoke a driver's authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this section are no longer being met by the driver. The Operator shall only reinstate a driver upon a finding by the company that all standards are again being met by the driver.

[Added Sec. 21, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.340 Insurance Requirements

(1) For all required insurance, Operators shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires, or has any reduction in coverage.

(2) Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

(3) The insurance limits for Operators are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term, or other statutory changes.

(4) The adequacy of insurance coverage is subject to the review and approval of the City.

(5) Every Operator shall maintain continuous, uninterrupted coverage for the duration of the License and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this chapter.

(6) Operators shall secure and maintain commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

(7) Taxi Companies operating any motor vehicles shall secure and maintain commercial automobile liability insurance covering those vehicles, with a combined single limit of not less than \$1 million per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

(8) TNC Service Periods Defined:

(a) Period 1: The TNC Driver has logged into the App or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger. For example, the App is open and the driver is waiting for a match.

(b) Period 2: A passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger).

(c) Period 3: The passenger is in the vehicle.

(9) Upon City request or as part of an application, TNCs shall provide proof of current valid insurance for City approval covering all affiliated TNC Drivers and vehicles for hire operating for such company and satisfying the minimum requirements of Periods 1, 2, and 3.

(10) All TNCs shall maintain and provide the City with proof of the following automobile liability coverages:

(a) Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury, and \$25,000 for property damage, plus any other state compulsory coverage.

(b) Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.

(c) The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.

(11) TNC drivers shall be responsible for maintaining all personal automobile liability insurance required by State law.

[Added Sec. 22, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.345 Operational Requirements

(1) TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include, at minimum, the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a request to passenger pick-up. The City may require a TNC to enter a data sharing agreement in order to receive a License.

(2) All vehicles operating for a TNC or Taxi Company shall be clearly marked with the company name or logo. Vehicles operating for a Taxi Company shall include the company name or logo, phone number, and a vehicle identification number in plain sight. Vehicles operated solely for TNC services shall be clearly marked as operating for the TNC, although any vehicle marking requirements imposed by a TNC may apply. The TNC's software application or website shall display for the passenger the make, model, and license plate number of the TNC vehicle.

(3) TNC drivers may not accept street hails, and may only accept rides arranged through a TNC's digital network.

(4) Operators shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, for at least the duration of the investigation of the complaint.

(5) Operators must provide reasonable accommodations to passengers with

disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices, and must comply with all applicable requirements of the Americans with Disabilities Act.

[Added Sec. 23, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.350 Audit

The City may audit Operators up to twice per calendar year to review compliance with this ordinance. Upon request, an Operator shall provide the City a sample of records for up to thirty (30) drivers affiliated with the Operator that have operated in the thirty (30) days preceding the audit. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require an Operator to produce records related to an investigation of a specific allegation of a violation of this ordinance or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the twice-per-year auditing limit.

[Added Sec. 24, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.355 Revocation, Suspension

In addition to the remedies provided for in section 8.900 and ORS 30.315, the City may suspend, revoke, or refuse to issue a license if an Operator or Driver has violated or not met any of the provisions of sections 8.330 through 8.380. A violation includes any failure to meet or maintain any of the requirements or qualifications set forth in sections 8.330 through 8.380, including the procedures and requirements for obtaining and maintaining a business license, the making of any material misrepresentation, or if an Operator or Driver is otherwise engaged in unlawful activity.

[Added Sec. 25, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.360 License Effective Date

Any Vehicle for Hire Agency License that is current as of the effective date of this ordinance, shall remain valid, until June 30, 2018, unless the License holder wishes to apply for a new license under this chapter.

[Added. Sec. 26, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.365 Charges for Vehicle for Hire Services

(1) Calculation and Display of Charges. All charges for vehicle for hire services shall be calculated and displayed by a taximeter or digital dispatch system. When charges are to be displayed by a taximeter, the taximeter shall be placed in the vehicle for hire so that the reading dial showing the amount to be charged is illuminated and readily discernible to passengers.

(2) Charges to be Registered Only When Vehicle for Hire is Engaged. No taximeter or digital dispatch system shall be operated in any manner so as to cause any charge to be registered thereon except during the time while the vehicle for hire is engaged by a passenger.

(3) Taximeter or Digital Dispatch System to be in Continuous Operation. No passenger shall be carried in any vehicle for hire unless the taximeter or digital dispatch system is in operation, whether or not the trip is entirely within or partially within and partially without the boundaries of the City. The taximeter or digital dispatch system shall be in continuous operation during the entire time that a passenger is being transported for compensation.

(4) Specialized charges. A vehicle for hire agency may impose a specialized charge to carry extra passengers or to deliver goods or other items so long as such specialized charge is clearly calculated and displayed before any service is provided.

[Added Sec. 27, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.370 Use of Direct Route Required

A vehicle for hire driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

[Added Sec. 28, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.375 Smoking Prohibited

(1) It shall be unlawful for any vehicle for hire driver to smoke in the presence of any passenger without the consent of such passenger.

(2) Notwithstanding subsection (1) of this section, it shall be unlawful for any person to smoke in a vehicle for hire if oxygen tanks or other devices containing inflammable materials are present in the vehicle.

(3) A violation of this section constitutes a violation.

[Added Sec. 28, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.380 Taximeter Inspection

Every taximeter shall be inspected and tested for accuracy by the vehicle for hire agency at least once every six months.

[Added Sec. 30, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

RESOLUTION NO. 5143

A RESOLUTION SETTING AS OFFICIAL POLICY THE VISION ZERO GOAL THAT NO LOSS OF LIFE OR SERIOUS INJURY ON OUR TRANSPORTATION SYSTEM IS ACCEPTABLE.

The City Council of the City of Eugene finds that:

- A.** The life and health of the City of Eugene's residents are our utmost priority.
- B.** No one should die or be seriously injured on our transportation system.
- C.** Step It Up! is the U.S. Surgeon General's call to action to reduce the risk of chronic diseases through increased physical activity by improving access to safe and convenient places to walk and wheelchair roll and by creating a culture that supports these activities for people of all ages and abilities.
- D.** Children, seniors, people of color, people with disabilities, and people in low-income communities face a disproportionate risk of traffic injuries and fatalities.
- E.** Between 2003 and 2012, an average of almost 6 people per year died in crashes on our transportation system.
- F.** During this same period, an average of nearly 3 people per year died in crashes on our transportation system while walking or bicycling.
- G.** Based upon the ratio of people driving to people walking or bicycling, people walking or bicycling represent a disproportionate share of the fatalities on our transportation system.
- H.** The City of Eugene's Climate Recovery Ordinance calls for reducing community-wide fossil fuel consumption by 50 percent by 2030.
- I.** Increasing walking, bicycling, and bus trips is a key strategy in reducing fossil fuel consumption.
- J.** Increasing real and perceived safety for people walking, bicycling, and riding a bus is a key step in enabling more people to do so, as called for in city plans and policies.
- K.** Local school districts strive to provide Safe Routes to Schools to thousands of school children every year.
- L.** The U.S. Department of Transportation's Mayors' Challenge for Safer People, Safer Streets is consistent with the City of Eugene's goals to enhance the safety of our transportation system and encourage people to walk, bicycle, and ride a bus for a greater number of trips.
- M.** The City of Eugene and our regional partners are taking steps to enhance safety for people walking or bicycling within the following seven categories of the Mayors'

Challenge: Complete Streets, Fix Barriers, Gather Data, Design Right, Create Networks, Improve Law, and Educate, and Enforce.

N. Vision Zero is an approach to transportation safety that accepts no loss of life or serious injuries on the transportation system.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. The Eugene City Council supports the city's participation in the Mayors' Challenge for Safer People, Safer Streets.

Section 2. The Eugene City Council supports efforts by the City of Eugene and our regional partner agencies to prioritize safety improvements for people walking, bicycling, and using mobility devices.

Section 3. The Eugene City Council supports efforts by the City of Eugene and our regional partners to eliminate deaths and serious injuries on our transportation system, with an emphasis on the most vulnerable users.

Section 4. The Eugene City Council sets as official policy Vision Zero's goal of zero fatalities or serious injuries on our transportation system.

Section 5. This Resolution is effective immediately upon its passage by the City Council.

Section 6. The Eugene City Council directs the City Manager to initiate the formation of a Vision Zero Task Force that includes community stakeholders and staff to develop a Vision Action Plan.

The foregoing Resolution adopted the 18th day of November, 2015.

Beth Louist
City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing:

Ordinance #1: An Ordinance Concerning Secondary Dwellings and Amending Sections 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.3115, 9.3125, 9.3210, 9.3215, 9.3310, 9.3510, 9.3810, 9.3815, 9.3910 and 9.3915 of the Eugene Code, 1971.

Ordinance #2: An Ordinance Concerning Secondary Dwellings and Amending Section 9.0500 of the Eugene Code.

Ordinance #3: An Ordinance Concerning Housing on Church, Synagogue and Temple Property and Amending Sections 9.2740 and 9.2741 of the Eugene Code.

(City File CA 18-1)

Meeting Date: April 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Alissa Hansen
Contact Telephone Number: 541-682-5508

ISSUE STATEMENT

The City Council will hold a public hearing to consider three ordinances pertaining to land use code amendments. The first ordinance includes amendments related to the allowance of secondary dwellings. The goal of the proposed amendments is to expand the areas in which secondary dwellings are allowed in the City, as required by recent state legislation (Phase 1 Implementation of Senate Bill 1051). The proposed amendments focus on *where* secondary dwellings will be allowed in the City, and will increase the number of zones where secondary dwellings are permitted.

There are two additional amendments recommended by the Planning Commission in response to public testimony. Ordinance #2 includes the Planning Commission's recommendation to align the definition of secondary dwelling with the definition of accessory dwelling provided in Senate Bill 1051. Ordinance #3 includes the Planning Commission's recommended land use code amendments to allow two affordable housing units on church, synagogue and temple property.

BACKGROUND

In an effort to address housing affordability, the Oregon State Legislature adopted Senate Bill 1051 during the 2017 legislative session (now codified at ORS 197.312(5)). This bill, which became

effective in August 2017, contains a number of new provisions in state law intended to facilitate housing affordability. Pertinent to this public hearing is the portion related to accessory dwelling units (known as secondary dwelling units in Eugene), which requires:

A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

The bill also requires that the above provision apply to permit applications for accessory dwelling units submitted for review on or after July 1, 2018.

To allow for emerging community conversations around housing affordability and neighborhood livability to evolve, in January 2018, the City Council initiated a phased approach for land use code changes to implement Senate Bill 1051 related to secondary dwellings. The current phase (Phase 1) will address *where* secondary dwellings are permitted in the City. The existing development standards for height, setbacks, building size, etc., are proposed to remain in place at this time. Phase 2 is proposed to begin following adoption of Phase 1 and consist of a review and potential update of our existing standards for secondary dwellings through an inclusive community process. This will allow for the emerging community conversations around housing affordability and neighborhood livability to inform potential changes.

Eugene has long allowed for secondary dwellings in the R-1 Low Density Residential zone subject to development standards such as height, setbacks, building size, owner-occupancy and parking. Secondary dwellings are also allowed in certain special area zones (including Chambers, Chase Node, Downtown Westside, Royal Node, Whiteaker and Walnut Station) subject to development standards.

Proposed Land Use Code Amendments

As a result of the proposed amendments in Ordinance #1, secondary dwellings will also be allowed as 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-JW Jefferson Westside Special Area Zone¹
- S-HB Blair Boulevard Historic Commercial Special Area Zone

The proposed amendments in Ordinance #1 also includes language to clarify that secondary dwellings are not accessory buildings.

¹ By adding secondary dwellings as an allowed use in the R-2 Medium Density Residential zone, secondary dwellings also become an allowed use in the S-JW Jefferson Westside Special Area Zone. This is because the S-JW zone generally relies on the R-2 zone for allowed uses. No changes to the code provisions of the S-JW zone are proposed.

The proposed amendment in Ordinance #2 aligns the definition of secondary dwelling with the definition of accessory dwelling provided in Senate Bill 1051.

The proposed amendment in Ordinance #3 provide churches and other places of worship in the R-1 Low Density Residential zone the ability to have two additional dwellings (beyond any house for church personnel) as a permitted use and not subject to the multi-family standards provided that each dwelling is used exclusively for low-income individuals and/or families where all units are subsidized; each dwelling is limited to 800 square feet in area and 18 feet in height; and the development site does not exceed the maximum net density per acre in the R-1 zone. This amendment provides a simple fix to the current situation where a church in the R-1 zone could have one single family dwelling, or three or more dwellings (multi-family), but not two.

None of the proposed amendments affect the development standards that currently apply to secondary dwellings, with one exception proposed by the Planning Commission.²

Planning Commission Process/Recommendation

Notice of Planning Commission public hearing was sent to all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, Lane County, City of Springfield, and community groups and individuals who requested notice. Notice was also published in the Register Guard.

In addition to the notices required by the land use code, current information regarding this and other land use code updates is available on the City's [Land Use Code Amendments](#) web page. Information about the public hearing and how to participate was also included in the Planning Division's Envision Eugene e-newsletter (which was reposted on the Envision Eugene Facebook page) and the Building and Permit Services Division's News to Build On e-newsletter. Notice of the project and public hearing was also shared by others outside the City organization on Nextdoor (a private social networking service for neighborhoods) and via other Facebook pages (including Eugene Neighborhood Leaders Council and Walkable Eugene Citizens Advisory Network).

The Planning Commission held a public hearing on March 6, 2018, to consider the proposed land use code amendments. The webcast of the public hearing is available [here](#). A total of 20 people testified at the public hearing and provided a broad range of perspectives. A significant majority of those present expressed support for removing barriers to secondary dwellings and for the provision of more affordable housing. Some expressed concerns that Eugene is not doing enough to comply with the intent of Senate Bill 1051 (i.e., that other measures are needed to remove barriers to secondary dwellings). The Planning Commission also heard and considered testimony that actions could undermine existing neighborhood protections and that no action should be taken. Following the close of the public hearing, the record was left open for one week for additional testimony.

² As part of the Planning Commission's deliberations and recommendation, they voted to recommend modifying the building height from 50 feet to 25 feet for detached secondary dwellings in the S-RN/RMU Royal Node Special Area Zone Residential Mixed Use Subarea, since secondary dwellings are limited to 800 square feet in area in this zone. There are no properties zoned S-RN/RMU at this time. This change is reflected in Ordinance #1.

The Planning Commission met on March 26, 2018, to consider the public testimony, deliberate and provide a recommendation to City Council. The meeting webcast is available [here](#). The Planning Commission voted unanimously (6 to 0) to recommend approval of the land use code amendment that addresses where secondary dwellings are permitted, as modified through their deliberations. The Planning Commission also voted to recommend a change to the definition of secondary dwelling, and a provision to allow for affordable housing on church property. Finally, the Planning Commission voted to recommend that City Council allocate resources and prioritize Phase 2 immediately after adoption of Phase 1. A summary of the Planning Commission's recommendation is provided as Attachment A.

The Planning Commission's recommendation to City Council is reflected in the attached three ordinances. Ordinance #1 includes the proposed amendments that address *where* secondary dwellings are permitted, and the height change in the Royal Node proposed by the Planning Commission. Ordinance #2 proposes to align the definition of secondary dwelling with the definition provided in Senate Bill 1051. Ordinance #3 includes the fix to provide churches and other places of worship the ability to have two additional dwellings for affordable housing as a permitted use. The three ordinances are provided as Attachments B, C and D.

Public Hearing Notice

Notice of the City Council public hearing was mailed on April 6, 2018, to all persons who provided oral or written testimony or requested notice of the Planning Commission's decision, and to all neighborhood associations. Testimony received between March 13, 2018 (following the close of the Planning Commission's public hearing record), and April 10, 2018, is provide via a link in Attachment E, and is available for review in a binder in the City Council's office. Any additional written comments received after the preparation of this agenda item summary will be provided to the City Council prior to the public hearing for inclusion into the public record.

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 each proposed ordinance.

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 May 14, 2018.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Following the public hearing and City's receipt of any testimony, the City Manager will make a recommendation to be included in the council packet for action on May 14, 2018.

ATTACHMENTS

- A. Summary of Planning Commission's Recommendation
- B. Draft Ordinance #1
- C. Draft Ordinance #2
- D. Draft Ordinance #3
- E. Link to Written Testimony

FOR MORE INFORMATION

Staff Contact: Alissa Hansen
Telephone: 541-682-6508
Staff E-Mail: alissa.h.hansen@ci.eugene.or.us

A complete set of record materials are available for review in a binder located at the City Council Office, or at Planning and Development Department at 99 W. 10th Avenue. As a courtesy, most of the materials are also available for review online [here](#).

Summary of Eugene Planning Commission Recommendation

Secondary Dwellings (Phase 1 Implementation of Senate Bill 1051)

March 26, 2018

Expanding Where Secondary Dwellings are Permitted

The Planning Commission voted to recommend approval of the following proposed amendments:

The proposed amendments would add secondary dwellings as permitted uses in the following zones and clarify that secondary dwellings are not accessory buildings:

- 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-JW Jefferson Westside Special Area Zone¹
- S-HB Blair Boulevard Historic Commercial Special Area Zone

In addition, the Planning Commission voted to recommend approval of a modification to reduce building height for detached secondary dwellings in the S-RN/RMU Royal Node Special Area Zone Residential Mixed Use Subarea from 50 feet to 25 feet. [This is reflected in Ordinance #1.]

Definition of Secondary Dwelling

The Planning Commission voted to recommend approval to change the definition of Secondary Dwelling contained in the land use code to the definition provided for Accessory Dwelling in Senate Bill 1051 (now codified as ORS 97.312(5)). [This is reflected in Ordinance #2.]

Affordable Housing on Church Property

The Planning Commission voted to recommend approval to allow churches and other places of worship in the R-1 Low Density Residential zone the ability to have two additional dwellings (beyond any house for church personnel) as a permitted use and not subject to the multi-family standards provided that each dwelling is used exclusively for low-income individuals and/or families where all units are subsidized; each dwelling is limited to 800 square feet in area and 18 feet in height; and the development site does not exceed the maximum net density per acre in the R-1 Low Density Residential zone. This amendment provides a simple fix to the current situation where a church in the R-1 zone could have one single family dwelling, or three or more dwellings (multi-family), but not two. [This is reflected in Ordinance #3.]

Phase 2

In addition to the above changes, the Planning Commission voted in favor of recommending to the City Council to allocate resources and prioritize Phase 2 immediately after adoption of Phase 1.

¹ By adding secondary dwellings as an allowed use in the R-2 Medium Density Residential zone, secondary dwellings also became an allowed use in the S-JW Jefferson Westside Special Area Zone. This is because the S-JW zone generally relies on the R-2 zone for allowed uses. No changes to the code provisions of the S-JW zone are proposed.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SECONDARY DWELLINGS AND AMENDING SECTIONS 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.3115, 9.3125, 9.3210, 9.3215, 9.3310, 9.3510, 9.3810, 9.3815, 9.3910 AND 9.3915 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of “Accessory Building” in Section 9.0500 of the Eugene Code, 1971, is 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. ***A secondary dwelling is not an accessory building.***

Section 2. The “Dwellings” subsection in the “Residential” section in Table 9.2010 of Section 9.2010 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.2010 Agricultural Zone Uses and Permit Requirements	
	AG
Residential	
Dwellings	
One-Family Dwelling, 1 Per Lot	P
<i>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i>	<i>P(2)</i>

Section 3. Section 9.2011 of the Eugene Code, 1971, is amended to provide as follows:

9.2011 **Special Use Limitations for Table 9.2010.**

- (1) Permitted in the AG zone, subject to the PRO zone standards in EC 9.2640.
- (2) ***Permitted in the AG zone, subject to the standards for secondary dwellings at EC 9.2751(17).***

Section 4. The “Secondary Dwelling” entry in the “Dwellings” subsection of the “Residential” section in Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential					
Dwellings. (All dwellings, including secondary dwellings, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling) 1 Per Detached One-Family Dwelling on Same Lot)	P(2)		P(2)	P(2)	P(2)

Section 5. Subsection (2) of Section 9.2741 of the Eugene Code, 1971, is amended to provide as follows:

9.2741 Special Use Limitations for Table 9.2740.

- (2) **Secondary Dwellings.** Secondary dwellings are ~~[only permitted in R-1 and]~~ subject to the standards ~~[beginning]~~ at EC 9.2750 **and EC 9.2751**, except that new secondary dwellings are prohibited on alley access lots.

Section 6. The following entries under the “Maximum Building Height,” “Minimum Building Setbacks,” “Maximum Lot Coverage” and “Secondary Dwellings” sections in Table 9.2750 of Section 9.2750 of the Eugene Code, 1971, are amended to provide as follows:

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
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Secondary Dwelling	See (17)	--	–See (17)	–See (17)	–See (17)
Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)					
Interior Yard Setback for Secondary Dwellings	See (17)	--	–See (17)	–See (17)	–See (17)
Maximum Lot Coverage (17), (18)					
Lots with Secondary Dwellings (Area-Specific)	See (17)(c)	--	–See (17)(c)	–See (17)(c)	–See (17)(c)
Secondary Dwellings (17)					

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
General Standards	See (17)(a) and (b)	--	See (17)(a) and (b)	See (17)(a) and (b)	See (17)(a) and (b)
Area-Specific	See (17)(c)	--	See (17)(c)	See (17)(c)	See (17)(c)

Section 7. The heading of subsection (17) of Section 9.2751 of the Eugene Code, 1971, is amended to provide as follows:

9.2751 Special Development Standards for Table 9.2750.
(17) Secondary Dwellings [~~in R-1~~].

Section 8. The “Dwellings” subsection in the “Residential” section in Table 9.3115 of Section 9.3115 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
Residential			
Dwellings (All dwellings shall meet minimum and maximum density requirements for development within the Chase Gardens Plan area.)			
One Family Dwelling per lot (Includes zero lot line dwellings)		P	P
<i>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i>		<i>P</i>	<i>P</i>
Controlled Income and Rent Housing where density is above that normally required in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-family standards in EC 9.5500.		S	S
Rowhouse (One-family on own lot attached to adjacent residence on separate lot)	P(3)(4)	P(3)(4)	P(3)(4)
Duplex (Two-family attached on the same lot)		P	P
Tri-plex (Three family attached on the same lot) (See EC 9.5500)		P	P
Four-plex (Four-family attached on the same lot) (See EC 9.5500)		S	S

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
Multiple Family (3 or more dwellings on the same lot) (See 9.5500)	S	S	S
Manufactured Home Park (See 9.5400)			P(5)

Section 9. The “Maximum Building Height” section in Table 9.3125(3)(g) of Section 9.3125 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)			
	C	HDR/MU	HDR
Maximum Building Height (3)			
Main Building	50' commercial, 120' residential or residential above commercial	120' except (3); 35' or 2 stories within 50' of Garden Way	120'
Accessory Building. [Includes Secondary Dwellings Detached from Main Building]		30'	30'
<i>Secondary Dwellings Detached from Main Building</i>		<i>30'</i>	<i>30'</i>

Section 10. The “Dwellings” subsection in the “Residential” section in Table 9.3210 of Section 9.3210 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Residential	
Dwellings (All dwellings types are permitted if approved through the Planned Unit Development process.)	
One-Family Dwelling (1 Per Lot)	P
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling) 1 Per Detached One-Family Dwelling on Same Lot)	P
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
Duplex	P
Tri-plex (Three-Family Attached on Same Lot)	P
Four-plex (Four Family Attached on Same Lot)	P
Multiple-Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	P

Section 11. Subsection (2) of Section 9.3215 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3215 S-DW Downtown Westside Special Area Zone Development Standards.**
(2) Residential Standards. Except as provided in this section or EC 9.3216 Special Development Standards for Table 9.3215, all residential development shall be subject to the standards established for the R-4 zone. ***Secondary dwellings shall be subject to the R-4 standards, except EC 9.2751(17).***

Section 12. The “Dwellings” subsection in the “Residential” section in Table 9.3310 of Section 9.3310 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
Residential	
Dwellings	
One-Family Dwelling (1 Per Lot)	P
<i>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i>	<i>P</i>
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
Duplex (Two-Family Attached on Same Lot)	P
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	PUD

Section 13. Subsection (1) of Section 9.3510 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3510 S-HB Blair Boulevard Historic Commercial Special Area Zone Uses.** The S-HB zone designation is based on the area’s association with the city’s working class and the mix of residential, commercial and light industrial uses within the zone. The S-HB zone is the commercial core of the residential districts located to the east and west of the zone. The Whiteaker Plan Land Use Diagram reflects four underlying land use designations for this zone of residential, commercial, mixed use, and parks. Uses permitted within the S-HB zone are as follows:
- (1) Areas Designated for Low and Medium Density Residential.** Allowable uses are:
- (a) One-family dwellings.
 - (b) *Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot).***
 - (c) Duplexes.
 - (d) Triplexes.
 - (e) Four-plexes.
 - (f) Multiple-family dwellings.
 - (g) Home occupations.
 - (h) Bed and breakfast facilities.

Section 14. The “Dwellings” subsection in the “Residential” section in Table 9.3810 of Section 9.3810 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Residential					
Dwellings. (All dwellings shall meet minimum and maximum density requirements for development within the Royal Specific Plan area. All dwelling types are permitted.)					
One-Family Dwelling (1 Per Lot, includes zero lot line dwellings)	P	P	P		
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling 1 Per Detached One-Family Dwelling on Same Lot)	P(1)	P(1)	P(1)		
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(2) (3)	P(2) (3)	P(2) (3)	P(2) (3)	P(2) (3)
Duplex (Two-Family Attached on Same Lot)	P	P	P		
Tri-plex (Three family attached on the same lot) See EC 9.5500	P	P	P	P	
Four-plex (Four-Family Attached on Same Lot) See EC 9.5500	P	P	P		
Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S - SR (4)	S - SR (4)			
Controlled Income and Rent Housing where density is above that normally permitted in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-family standards in EC 9.5500.)	S (9)	S (9)			

Section 15. The “Maximum Building Height” section in Table 9.3815(3)(n) of Section 9.3815 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards (See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)					
	LDR	MDR	RMU	CMU	MSC
Maximum Building Height					
Main Building	35 feet	35 feet	50'	50'	50'
Accessory Building. [Includes Secondary Dwellings Detached from Main Building]	25 feet	25 feet	50'	50'	50'
Secondary Dwellings Detached from Main Building	25 feet	25 feet	25 feet		

Section 16. The “Accessory Uses” section, and the “Dwellings” subsection of the “Residential” section in Table 9.3910 of Section 9.3910 of the Eugene Code, 1971, are amended to provide as follows:

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
Accessory Uses	
Accessory Uses. Examples related to residential uses include a garage, storage shed, bed and breakfast facility (see EC 9.5100)[,] and home occupations (see EC 9.5350)[,] and secondary dwellings (see EC 9.2741(2)) . Examples relating to commercial and employment and industrial uses include security work, administration activity and sales related to industrial uses manufactured on the same development site, and storage and distribution incidental to the primary use of the site.	P
Residential	
Dwellings	
One-Family Dwelling	P(2)
<i>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i>	<i>P(2)</i>
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(2)
Duplex (Two-Family Attached on Same Lot)	P(2)
Tri-plex (Three-Family Attached on Same Lot)	P(2)
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	P(2)

Section 17. The first paragraph and subsection (1) of Section 9.3915 of the Eugene Code, 1971, are amended, and a new subsection (13) is added, to provide as follows:

- 9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards.** Except as provided in subsections (5) to [(12)] **(13)** of this section, sections 9.6000 to 9.6885 General Standards for All Development in this land use code shall apply within this S-W zone. In the event of a conflict between the general development standards of this land use code and the standards set forth in this section, the specific provisions of this section shall control.
- (1) Residential Standards.** Except as provided in subsections (5) to [(12)] **(13)** of this section, all residential development shall be subject to the standards established for the C-2 zone.
 - (13) Secondary dwellings shall be subject to the standards established at EC 9.2750 and EC 9.2751(17).**

Section 17. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 18. 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.

Passed by the City Council this

____ day of _____, 2018

City Recorder

Approved by the Mayor this

____ day of _____, 2018

Mayor

Preliminary Findings

Secondary Dwellings (Phase 1 Implementation of Senate Bill 1051 (City File CA 18-1))

Overview

The goal of this proposed land use code amendment is to expand the areas in which secondary dwellings are allowed in the City, as required by recent state legislation (Senate Bill 1051). The proposed amendment focuses on *where* secondary dwellings will be allowed in the City, and will increase the number of zones where secondary dwellings are permitted.

Eugene has long allowed for secondary dwellings in the R-1 Low Density Residential zone subject to development standards such as height, setbacks, building size, owner-occupancy and parking. Secondary dwellings are also allowed in certain special area zones (including Chambers, Chase Node, Downtown Westside, Royal Node, Whiteaker and Walnut Station) subject to development standards.

As a result of the proposed amendment, secondary dwellings will also be allowed as 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-Elmira Road Special Area Zone
- S-JW Jefferson Westside Special Area Zone¹
- S-HB Blair Boulevard Historic Commercial Special Area Zone

The proposed amendment also includes language to clarify that secondary dwellings are not accessory buildings. The proposed amendment does not affect the standards that currently apply to secondary dwellings.

Findings

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.*

¹ By adding secondary dwellings as an allowed use in the R-2 Medium Density Residential zone, secondary dwellings become an allowed use in the S-JW Jefferson Westside Special Area Zone. This is because the S-JW zone generally relies on the R-2 zone for allowed uses. No changes to the S-JW zone are proposed.

Exhibit A

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

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on January 30, 2018. A public hearing was held before the Planning Commission on March 6, 2018. On March 26, 2018, the Planning Commission recommended that the City Council approve the proposed amendment to expand the areas in which secondary dwellings are allowed in the city. On March 27, 2018, a Revised Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development, incorporating the Planning Commission's recommended amendments. A public hearing is scheduled before the City Council for April 16, 2018. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, as well as community groups and individuals who requested notice. In addition, notice of the public hearing was published in the Register Guard. Information concerning the amendments, including the dates of the public hearings, were posted on the City of Eugene website.

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 basis 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 the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. 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.*

Exhibit A

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, 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.*

Exhibit A

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 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 Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Supply Study, there is sufficient buildable residential land to meet the identified land need.

The 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 amount of lands available for residential use. Rather, the amendments increase the capacity of existing residential land, by increasing the potential number of dwelling units that could be built 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 Supply 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

Exhibit A

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, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (A) or (B). In regards to (C), the relatively small number of homes that are expected to be developed as a result of the secondary dwelling unit 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,*

Exhibit A

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 comprehensive plan and applicable adopted refinement plans.

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to this amendment. 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

- 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 amendment is to create more opportunities citywide for secondary dwellings in areas designed for residential use, consistent with this policy. The standards currently in place for secondary dwellings will continue to apply at this time which will ensure minimal impact on surrounding properties in historic, existing and future neighborhoods.

- 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 amendment provides for more opportunities for smaller housing types within existing and future residential neighborhoods.

Exhibit A

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any policies relevant to this amendment.

Applicable Refinement Plans

Given the broad applicability of this amendment, all adopted refinement plans were reviewed for consistency. No relevant policies were found in the following adopted refinement plans:

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- 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)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)

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 amendment:

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

The amendment is consistent with these policies 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.

Exhibit A

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 amendment is 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.*

Consistent with these policies, the amendments allow for secondary dwellings (a smaller type of single family housing) in additional areas within these neighborhoods, specifically the AG and R-2 zones.

Willakenzie Area Plan (1992)

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

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 amendment to allow for secondary dwellings in additional residential areas (specifically in the AG, R-2, R-3 and R-4 zones) strike a balance between maintaining the character of existing low density neighborhoods and providing housing for all income levels, consistent with this policy.

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

Exhibit A

- (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.

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING SECONDARY DWELLINGS AND AMENDING
SECTION 9.0500 OF THE EUGENE CODE.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of “Dwelling, Secondary” in Section 9.0500 of the Eugene Code, 1971, is 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:

Dwelling, Secondary. ~~[A dwelling unit that is located on the same 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.]~~ ***An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.***

Section 2. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 3. 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.

Passed by the City Council this

___ day of _____, 2018

City Recorder

Approved by the Mayor this

___ day of _____, 2018

Mayor

Findings

Secondary Dwellings (Phase 1 Implementation of Senate Bill 1051) (City File CA 18-1)

Overview

The goal of this proposed land use code amendment is to align the definition of secondary dwelling with the definition provided in Senate Bill 1051 (now codified at ORS 197.312(5)(b)).

Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a land use 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 community 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 code amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on January 30, 2018. A public hearing was held by the Planning Commission on March 6, 2018. On March 26, 2018, the Planning Commission recommended that the City Council approve the proposed change to the definition of "secondary dwelling unit." On March 27, 2018, a Revised Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development, incorporating the Planning Commission's recommended amendments. A public hearing is scheduled before the City Council for April 16, 2018. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, as well as community groups and individuals who requested notice. In addition, notice of the public hearing was published in the Register Guard. Information concerning the proposed amendments, including the dates of the public hearings, were posted on the City of Eugene website.

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*

Exhibit A

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 basis 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 the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. 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 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

Exhibit A

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 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 Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Supply Study, there is sufficient buildable residential land to meet the identified land need.

The 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 amount of lands available for residential use.

Exhibit A

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 Supply 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, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. As such, the amendments do not have a significant effect under (a), (b) or (c). Therefore, the amendments do not significantly affect any

Exhibit A

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 comprehensive plan and applicable adopted refinement plans.*

Metro Plan

The Metro Plan does not contain any policies relevant to this amendment.

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any policies relevant to this amendment.

Applicable Refinement Plans

Given the broad applicability of this amendment, all adopted refinement plans were reviewed for consistency. No relevant policies were found in the adopted refinement plans.

Based on the above finding, this criterion is met.

(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.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING HOUSING ON CHURCH, SYNAGOGUE AND TEMPLE PROPERTY AND AMENDING SECTIONS 9.2740 AND 9.2741 OF THE EUGENE CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The “One-Family Dwelling” entry in the “Dwellings” subsection of the “Residential” section in Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential					
Dwellings. (All dwellings, including secondary dwellings, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
One-Family Dwelling (1 Per Lot in R-1), <i>except as provided at EC 9.2741(10) for Churches, Synagogues and Temples</i>	P		P	P	P

Section 2. Subsection (10) is added to Section 9.2741 of the Eugene Code, 1971, to provide as follows:

9.2741 Special Use Limitations for Table 9.2740.

- (10)** *In addition to any residential structures for religious personnel, Churches, Synagogues and Temples in R-1 are permitted to have up to two dwellings per lot that are not subject to the multiple-family standards at EC 9.5500, provided all of the following are met:*
- (a)** *Each dwelling is used exclusively for low-income individuals and/or families where all units are subsidized. For the purposes of this section, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.*
 - (b)** *Each dwelling is limited to 800 square feet in area and 18 feet in height.*
 - (c)** *The development site does not exceed the maximum net density per acre in EC 9.2750.*

Section 2. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 3. 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.

Passed by the City Council this

____ day of _____, 2018

City Recorder

Approved by the Mayor this

____ day of _____, 2018

Mayor

Findings

Secondary Dwellings (Phase 1 Implementation of Senate Bill 1051) (City File CA 18-1)

Overview

The goal of this proposed land use code amendment is to allow churches and places of worship in R-1 Low Density Residential the ability to place two dwellings designated as affordable housing on their property (beyond any house for church personnel) as a permitted use.

Findings

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 community 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 code amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on January 30, 2018. A public hearing was held by the Planning Commission on March 6, 2018. On March 26, 2018, the Planning Commission recommended that the City Council approve the proposed changes to allow two dwellings on the properties of churches and other places of worship. On March 27, 2018, a Revised Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development, incorporating the Planning Commission's recommended amendments. A public hearing is scheduled before the City Council for April 16, 2018. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, as well as community groups and individuals who requested notice. In addition, notice of the public hearing was published in the Register Guard. Information concerning the proposed amendments, including the dates of the public hearings, were posted on the City of Eugene website.

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*

Exhibit A

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 basis 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 the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. 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 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.

Exhibit A

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 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 Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Supply Study, there is sufficient buildable residential land to meet the identified land need.

The amendments do not impact the supply of residential buildable land. No land is being re-

Exhibit A

designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the amount of lands available for residential use. Rather, the amendments increase the capacity of existing residential land occupied by churches, by increasing the potential number of dwelling units that could be built 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 Supply 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*

Exhibit A

or comprehensive plan.

The amendments do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (a), (b) or (c). As such, 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 comprehensive plan and applicable adopted refinement plans.*

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to this amendment. 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

A.13 Increase overall residential density in the metropolitan area by creating more

Exhibit A

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 amendment is to create more opportunities citywide for affordable housing on church properties in areas zoned for low density residential use, consistent with this policy. The proposed standards for building size and height will ensure minimal impact on surrounding properties in historic, existing and future neighborhoods.

- A. 14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.*
- 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 amendment provides for more opportunities for smaller housing types within residential neighborhoods.

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any policies relevant to this amendment.

Applicable Refinement Plans

Given the broad applicability of this amendment, all adopted refinement plans were reviewed for consistency. No relevant policies were found in the adopted refinement plans, except as 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 amendment:

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

The amendment is consistent with these policies in that they provide the opportunity for smaller single family housing types.

River Road-Santa Clara Urban Facilities Plan (1987)

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

- 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.*

Exhibit A

Consistent with these policies, the amendments allow for a smaller type of single family housing in additional areas within these neighborhoods.

Willakenzie Area Plan (1992)

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

Residential Policies

4. *Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*

The amendment to allow for smaller affordable houses on church properties zoned for low density residential use is consistent with this policy.

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.

Testimony received between March 13, 2018 (after the close of the Planning Commission's open record period) and April 10, 2018 is available via the following links:

<https://www.eugene-or.gov/DocumentCenter/View/39834> (Large PDF)

OR

<http://pdd.eugene-or.gov/LandUse/DocumentDetails?file=CA-18-0001&id=2189407>

A complete set of record materials, including the testimony referenced above, are available for review at the City's Permit and Information Center (99 W. 10th Avenue) between 9am-4pm Monday-Friday, and in a binder located at the City Council Office.