



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

May 12, 2021

12:00 p.m. CITY COUNCIL WORK SESSION

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of May 12, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President
Mike Clark
Randy Groves
Emily Semple

Claire Syrett, Vice President
Greg Evans
Matt Keating
Alan Zelenka

12:00 p.m. CITY COUNCIL WORK SESSION

- 1. WORK SESSION and POSSIBLE ACTION: River Road – Santa Clara Neighborhood Plan Project Update**
- 2. WORK SESSION: Ordinance to Finalize Compliance with ORS 197.312(5) for ADUs**

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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.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: River Road-Santa Clara Neighborhood Plan Project Update

Meeting Date: May 12, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Chelsea Hartman
Contact Telephone Number: 541-682-5686

ISSUE STATEMENT

The purpose of this work session is to provide an update on a City-County collaborative planning effort, the River Road-Santa Clara Neighborhood Plan, and seek direction from the Eugene City Council to move into the Adoption Phase. On May 18, 2021, the project team will meet with the Lane County Board of Commissioners to seek direction to move into the Adoption Phase focusing on plan components that require County approval. Once there is clear direction from the elected officials, staff will prepare the package of associated comprehensive plan and refinement plan amendments, zone changes, and land use code amendments as part of the Adoption Phase.

BACKGROUND

The River Road and Santa Clara Community Organizations, City and County staff, consultants and neighborhood volunteers have been working together since the spring of 2017 to produce a neighborhood plan for the River Road and Santa Clara neighborhoods. The neighborhood planning process is divided into key phases, with opportunities for the City Council to learn about and provide feedback on the project along the way. The first three phases of the project - Reaching Out, Visioning and Neighborhood Priorities - were completed between fall 2017 and summer 2018. Through spring 2019, the Policy Development phase focused on drafting policies that relate to the vision and neighborhood priorities. The draft policies are organized under eighteen high-level goals, which were written by the Community Advisory Committee (CAC – see Attachment A for a list of current members) and vetted by Topic Area Working Groups.

On [May 15, 2019](#), City Council approved the draft goals and policies as a platform for moving into the Action Planning Phase. The Action Planning Phase has focused on drafting, evaluating and prioritizing actions to implement the draft policies. Refining the action items has been a collaborative process among the CAC, Topic Area Working Group members, and City, County, and partner agency staff to incorporate community and technical feedback.

Action Planning Phase

The Action Planning phase has been extended due to several factors, including a more collaborative planning process, staff changes and the impacts of COVID-19. The CAC and staff have continued refining the Action Plan details, including identifying priority actions that are particularly important and impactful to the community. The purpose of the Action Plan is

May 12, 2021, Work Session – Item 1

to capture and catalogue community identified actions that are possible strategies to implement the policies of the River Road-Santa Clara Neighborhood Plan. The Action Plan is intended to be dynamic and non-regulatory in nature.

Staff has been working to assemble the [draft Action Plan](https://www.eugene-or.gov/DocumentCenter/View/61160/April-2021-Action-Plan-Draft) (<https://www.eugene-or.gov/DocumentCenter/View/61160/April-2021-Action-Plan-Draft>), including drafting Topic Area introductions that summarize related City and County projects and processes that can support implementation of various actions. The project is preparing to transition from Action Planning to the Adoption Phase, which will focus on preparing for the formal adoption of the River Road-Santa Clara Neighborhood Plan. Adoption of the Neighborhood Plan will provide the policy direction to guide future plan implementation. See the project website for an overview of the [Adoption Phase](https://www.eugene-or.gov/DocumentCenter/View/49830/Adoption-Phase-Overview) (<https://www.eugene-or.gov/DocumentCenter/View/49830/Adoption-Phase-Overview>).

Triple Bottom Line

The project's Triple Bottom Line (TBL) Sounding Board met twice, on [February 7, 2019](https://www.eugene-or.gov/DocumentCenter/View/45355/2619-TBL-Summary-Minutes) (<https://www.eugene-or.gov/DocumentCenter/View/45355/2619-TBL-Summary-Minutes>) and on [February 3, 2020](https://www.eugene-or.gov/DocumentCenter/View/52838/2320-TBL-Minutes-with-Feedback) (<https://www.eugene-or.gov/DocumentCenter/View/52838/2320-TBL-Minutes-with-Feedback>) to provide a citywide perspective about the equity, environmental and economic implications of Topic Area goals, policies and actions drafted during the neighborhood planning process. Throughout the Topic Areas, there are overarching themes such as equity and inclusion, connectivity, healthy people and climate, safety, prosperity and neighborhood identity that together support the Triple Bottom Line framework. During the Action Planning Phase, the TBL Sounding Board focused on the draft actions and emphasized the need to balance priority actions such as providing housing options while creating design transitions to ensure sustainable, equitable outcomes.

Plan Implementation

An important outcome of the Neighborhood Plan, including the Action Plan, is continued collaboration between the community and City, County and partner agency staff to support plan implementation. To support implementation of the Action Plan, the City of Eugene is anticipating shifting toward a planning district approach to support coordination of a variety of programs, projects, and partnerships while working towards more equitable outcomes throughout Eugene. This approach is inspired by Eugene's Parks and Recreation System Plan, which uses Neighborhood Planning Districts to conduct geographically based planning that allows for the consideration of unique characteristics and opportunities of each area. The River Road-Santa Clara planning district approach will focus on coordination and information sharing between City staff across different work groups, coordination with Lane County, and collaboration with the River Road and Santa Clara communities.

Phasing of Land Use Code Actions

Staff recommended phased implementation of actions that involve land use code amendments based on community priorities and staff capacity and resources. A summary of staff recommendations and Community Advisory Committee feedback is provided in the Overview of Adoption Package and Code Actions in Attachment B. A detailed list of all code actions is provided

in the Phasing of Code Actions in Attachment C. Code actions generally fall into one or more of the following categories:

1. Actions that staff recommend be implemented with adoption of the River Road-Santa Clara Neighborhood Plan.
2. Actions related to other existing projects in City or County work plans, which will involve collaboration between the community and staff as part of other planning processes.
3. Remaining actions that will be actualized as processes and resources allow and will need to be initiated and prioritized to receive needed funding and staff resources to implement.

Many, but not all, of the community priorities that require code amendments are feasible and being recommended by staff to be implemented with adoption of the Neighborhood Plan. Actions not being considered with the Neighborhood Plan or not related to another plan or project will be implemented as processes and resources allow. Some actions would involve citywide or county code amendments and would require a broader public process while a few actions have feasibility concerns identified by staff, which are summarized in Attachment B.

Adoption Phase

The River Road-Santa Clara Neighborhood Plan adoption package will be comprised of the Neighborhood Plan document and associated comprehensive plan and refinement plan amendments, zone changes, and land use code amendments. Depending on the extent and location, these changes may require City approval, County approval or both. Plan designation and zone changes being considered are all within Eugene's urban growth boundary. Any proposed zone and code changes outside the city limits but inside the urban growth boundary will only occur and become effective as property owners choose to annex. City and County decision-makers will both be asked to direct staff to prepare the Neighborhood Plan adoption package, including the plan policies and land use diagram. However, most land use code amendments will only apply within the city limits and require City adoption while only a few specific code actions would involve County adoption. Those differences are noted in Attachment B, with specific actions that would involve Lane County implementation highlighted in blue.

Planning Commission Feedback

The Eugene Planning Commission received an update and provided feedback at their [March 22, 2021 work session](#). There was general support for the staff recommendations for moving into the Adoption Phase, preparing the plan adoption package and phasing land use code actions. Some commissioners recommended keeping in mind the citywide context and economic feasibility as code changes are developed. There was discussion about the importance of coordinating with the City's Middle Housing Code Amendments project and a suggestion that community volunteers make state legislators aware of actions that relate to in-progress bills. Commissioners asked to remain involved throughout the Adoption Phase and emphasized the importance of early notification to property owners, residents and businesses about plan designation, zone or code changes. There was support for the idea of ongoing plan implementation and monitoring after plan adoption and interest in capturing lessons learned to inform future neighborhood planning processes.

The project team also met with the Lane County Planning Commission on April 6, 2021. Additional time was requested to discuss the County-specific code actions in more detail on April 20, 2021. There was discussion about community involvement in the development of the draft actions, which included the Community Advisory Committee, Topic Area working groups and broad community outreach. Commissioners emphasized the importance of early notification to property owners, residents and businesses impacted by proposed code changes. Some commissioners expressed interest in providing feedback on actions that may be implemented by County programs or projects, in addition to the code actions that the project team was seeking feedback on at this time. There was a desire from some commissioners to see the plan address homelessness. There was general support for the staff recommendations for moving into the Adoption Phase, preparing the plan adoption package and phasing land use code actions, with the understanding that further details regarding proposed code amendments would come back to the Lane County Planning Commission for input later in the process.

River Road Corridor Study

The River Road Corridor Study is an in-depth analysis along River Road, up to the location of the Santa Clara Transit Station at Hunsaker Lane, to support implementation of the River Road-Santa Clara Neighborhood Plan vision. In December 2020, the project team wrapped up work with the consultants and submitted [River Road Corridor Study deliverables](https://www.eugene-or.gov/DocumentCenter/View/60545/River-Road-Corridor-Study-FTA-Grant) (<https://www.eugene-or.gov/DocumentCenter/View/60545/River-Road-Corridor-Study-FTA-Grant>) to the Federal Transit Administration, which included a summary of project work, outreach, and recommendations for land use code concepts and multi-modal transportation improvements. The draft land use code concepts will continue to be refined as part of the neighborhood planning process to ensure alignment with the River Road-Santa Clara Neighborhood Plan, citywide policies and compliance with House Bill 2001. The project team will also work to incorporate relevant pieces from the Corridor Study into the River Road-Santa Clara Neighborhood Plan.

Elected Officials Decision-Making

The Eugene City Council and Lane County Board of Commissioners have joint decision-making authority in this project, including the following:

- Receive updates and provide direction to the project management team throughout the planning process.
- Convene public hearings, consider the Planning Commission recommendations, and act to adopt by Ordinance the neighborhood plan as a refinement to the local comprehensive plan.

The City Council has sole decision-making authority over any changes to the city's land use code (Eugene Code Chapter 9) and any changes in zoning to land within the city limits that occur as part of this process.

Next Steps

On May 18, 2021, the project team will meet with the Lane County Board of Commissioners to seek direction to move into the Adoption Phase and prepare the adoption package, focusing on plan components that require County approval. Once there is clear direction from the elected officials, staff will prepare the package of associated comprehensive plan and refinement plan amendments, zone changes, and land use code amendments and launch a corresponding phase of

outreach as part of the Adoption Phase.

Community outreach will include newsletter updates, virtual input opportunities, involvement of the River Road and Santa Community Organizations, mailed notices, and outreach to residents, businesses and property owners. This input will help inform the community recommendation from the River Road and Santa Clara Community Organizations and the Community Advisory Committee, which will be forwarded to the Eugene and Lane County Planning Commissions to begin the formal adoption process. The formal adoption process will include work sessions and a public hearing with Eugene and Lane County Planning Commissions. The Planning Commissions will deliberate and form a recommendation to the City Council and the Lane County Board of Commissioners, who will hold a joint hearing on the matter. The Council and Board will then deliberate and ultimately take action on the plan adoption package.

For more information, see the project website: www.riverroad-santaclaraplan.org or Engage Eugene project page: engage.eugene-or.gov/rrsc-neighborhood-plan.

PREVIOUS COUNCIL DIRECTION

April 26, 2017, Work Session

Move to direct the City Manager to refocus the City's planning efforts on developing special area zones or refinement plans for the River Road/Santa Clara area where significant preparatory work and planning has already occurred by area residents. (Motion Passed)

May 15, 2019, Work Session

Move to direct staff to begin the Action Planning phase of the project based on the draft goals and policies. (Motion Passed)

COUNCIL OPTIONS

1. Initiate a public review and adoption process, including associated comprehensive plan and refinement plan amendments, zone changes, and Group 1 land use code amendments in Attachment B.
2. Initiate a public review and adoption process, including associated comprehensive plan and refinement plan amendments, zone changes, and Group 1 land use code amendments in Attachment B with specific amendments.
3. Take no action.

CITY MANAGER'S RECOMMENDATION

Based on feedback from the Eugene and Lane County Planning Commissions and project staff, the City Manager recommends initiation of a public review and adoption process for the River Road-Santa Clara Neighborhood Plan, including associated comprehensive plan and refinement plan amendments, zone changes, and Group 1 land use code amendments in Attachment B.

SUGGESTED MOTION

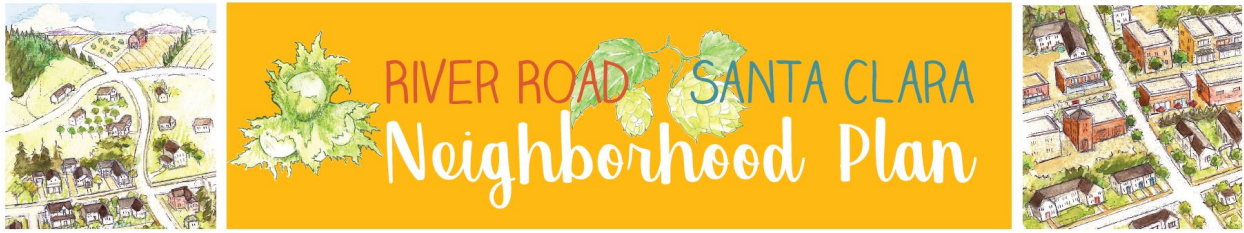
I move to initiate a public review and adoption process for the River Road-Santa Clara Neighborhood Plan, including associated comprehensive plan and refinement plan amendments, zone changes, and Group 1 land use code amendments in Attachment B.

ATTACHMENTS

- A. Community Advisory Committee (CAC) members
- B. Overview of Adoption Package and Code Actions
- C. Phasing of Code Actions

FOR MORE INFORMATION

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Community Advisory Committee (CAC) Members

River Road

Jon Belcher (co-chair)

Louisa De Heer

Cameron Ewing

Hans Wittig

Harry Sanger

Beth Gerot (Alternate)

Santa Clara

Kate Perle (co-chair)

Rick Duncan

Ed McMahon

Mary Leontovich

Ann Vaughn

Louie Vidmar

Jerry Finigan (Alternate)

Overview of Adoption Package and Code Actions

The River Road-Santa Clara Neighborhood Plan adoption package will include:

1. **The River Road-Santa Clara Neighborhood Plan document** articulates the community vision in a formally adopted, legally binding land use plan that includes the policy direction to provide a consistent course of action and move the community toward attainment of its goals.
 - a. Implementation of the Neighborhood Plan will be supported by the non-regulatory Action Plan that captures community identified actions that are possible strategies to implement the policies.
2. **Supporting legal components** including associated comprehensive plan and refinement plan amendments, zone changes, and land use code amendments.
 - a. Special Area Zone will include land use code standards to implement community vision.

Group 1 includes actions that staff recommend be implemented with adoption of the River Road-Santa Clara Neighborhood Plan.

1. **Vibrant Mixed-Use Corridor** – As part of the Special Area Zone, develop detailed land use code to implement the Corridor Mixed-Use and Corridor Residential land use concepts in alignment with the community vision. Part of the vision is to support walkable 20-minute neighborhoods through land use regulations. This vision will also be implemented over time through non-regulatory actions such as transportation and park projects. The land use concept will include regulations for permitted uses, height, building size and parking, among others.
 - The Corridor Mixed-Use concept will allow thriving mixed-use neighborhood centers at key locations to provide a community gathering space, commercial services, and a 20-minute neighborhood for the residential zones adjacent to the corridor.
 - The Corridor Residential concept will allow increased density and housing choices along the key transit corridor and adjacent to neighborhood centers and transition from higher density mixed-use districts to lower density residential areas.
2. **Transitions and Compatibility** – As part of the Special Area Zone, develop standards, such as sloped setbacks, balcony offsets, and landscape buffering that provide transitions between properties zoned for commercial or multifamily and lower-density residential. Compatibility will also be considered as the Special Area Zone is developed.
 - a. **Feasibility concerns identified by staff:** Part of priority action 11.2.1 states “Prohibit upper story balconies on housing walls that abut R-1 rear yards unless the buildings are at least 50 feet from the property line.” Staff has concerns with this specific approach, however, agree that transition standards that address privacy concerns should be discussed as part of code development since this is important to the community. It will be important to find the right tool that balances community desires for privacy with development feasibility and citywide goals such as removing barriers to housing.
3. **Willamette Greenway Overlay** – As part of the Special Area Zone, develop a Willamette Greenway Overlay that applies to specific parcels adjacent to the Willamette River in order to provide design transitions and protections for natural resources using clear and objective standards such as height limits, sloped setbacks and landscape buffering.

4. **Urban Agriculture** – Allow for urban farmers to collectively sell produce on-site.
5. **Urban Animal Keeping** – Increase opportunities for [urban animal keeping](#) and apply uniform standards within Eugene’s UGB by adopting [Eugene Code standards](#) that currently apply within the city limits to the Urban Transition Area code, which is adopted by Lane County and applies to properties within Eugene’s UGB, but outside of the city limits.
(Blue highlight indicates actions that involve Lane County implementation.)
6. **Plan Designation and Zone Changes** – This includes changes being considered from the [River Road Corridor Study](#), also viewable as a [web map](#), as well as a number of [C-2 and R-2 zoned properties and key large church properties](#) outside the Corridor Study area that have been identified as areas of opportunity to be considered for zone changes. Staff is also conducting research to identify potential plan designation and zoning conflicts and developing recommendations to resolve where possible. Any recommended changes will be included in early outreach to property owners as part of the Adoption Phase.

Group 2 includes actions related to existing projects in City or County work plans, which will involve collaboration between the community and staff as part of other planning processes, including:

Some actions in the Action Plan will involve collaboration with related City or County projects, including [Middle Housing Code Changes](#), [Complete Streets Design Guidelines](#), and Lane County illicit discharge code changes, among others.

Feasibility concern identified by staff: Action 14.1.1 “Develop transitions between R-1 properties.” This priority action is rated as difficult due to House Bill 2001. Eugene’s middle housing project will consider an approach for R-1 standards; however, standards must be the same or less restrictive than those in DLCD’s model code.

Group 3 includes remaining actions that will be actualized as processes and resources allow and will need to be initiated and prioritized by decision-makers to receive needed funding and staff resources to implement.

Some actions are recommended for Group 3 because they should be a citywide or county code amendment and would need a broader public process.

Priority actions include:

1. **Amending Lane County street classification systems and standards** – The City’s Complete Streets Design Guidelines project relates to implementation of this idea for city streets as part of Group 2; however, County implementation is recommended for Group 3 because it would need to be initiated and prioritized by decision-makers to receive funding and staff resources to implement.

2. **Improvements to /WR Water Resources Conservation and /WQ Water Quality Overlays** – Part of priority action 9.2.2 focuses on improving the /WR Overlay (Statewide Planning Goal 5 implementation) to better protect wildlife in riparian areas. Part of another priority action (7.1.2) would involve Lane County adoption of the /WQ Overlay, which was not adopted outside of the city limits but applies upon annexation.
3. **Improve the Neighborhood/ Applicant Meetings process** – Staff agrees process needs to be looked at, however, this should be a citywide code amendment and would need a broader public process. This is a priority action and CAC would like to discuss with decision-makers to find how to move forward together.
4. **Implement Opportunity Siting** – Opportunity Siting is not adopted in code and incentives would require new funding. Recommend focusing more on collaboration between City, community and developers.
 - a. CAC recommends piloting this at the Santa Clara Transit station and propose funding Opportunity Siting development to the Eugene City Council. Adopting Opportunity Siting as code is recommended for Group 3 as it should be a citywide code amendment and would need a broader public process.
5. **Willamette Greenway Permit code changes** – This can be partially implemented with Special Area Zone. Discuss possible solutions to consider for the draft Willamette Greenway Overlay (e.g. clear and objective standards, transitions). This would not change the citywide Willamette Greenway permit, which would be a citywide code amendment that would require a broader public process. Further implementation will require discussion with decision-makers. CAC to consider lobbying State to refine statewide planning goal.

Additional code actions in Group 3 that were not identified as high priority include:

1. **Remove barriers to tiny homes** – This was identified as a lesser priority and would be a citywide code amendment that would require a broader public process. This is related to Housing Tools and Strategies and could also be partially implemented via a program or project, not just code.
2. **Landscape maintenance in right-of-way** – This action was not identified as a priority and is mostly about allowing fruit trees in the right-of-way for food production, however, this has previously been discouraged due to concerns around pests and maintenance.

Other actions are recommended for Group 3 due to feasibility concerns identified by staff.

1. **Prohibit private streets** – This priority action would be a problem for cottage clusters or townhomes and could lead to more flag lots. Also, this could have a negative impact on the Buildable Lands Inventory as some developments are only possible with private streets.
 - a. CAC interested in discussing solutions as part of City's Complete Street Design Guide project as well as discussing with City Council since this action would need to be initiated by Council and prioritized to receive needed funding and staff resources to implement.

2. **Increase minimum parking standards** – This priority action would not be consistent with Eugene’s Transportation System Plan, Climate Action Plan and Climate Recovery Ordinance, HB 2001 or in-progress state rulemaking for Climate Friendly and Equitable Communities, which specifically will address limiting off-street parking requirements. Possible to explore solutions to consider in Special Area Zone. May be better addressed by focusing on transportation improvements rather than code. Transportation topic area focuses on improving active transportation and transit to reduce need for parking.
 - a. Continue efforts with City Parking Program to establish parking enforcement around ECCO Apartments. If implemented successfully, propose as policy for new commercial/multifamily developments adjacent to substandard streets.

Phasing of Code Actions

Staff has recommended phasing the implementation of actions that involve land use code amendments based on community priorities and staff capacity and resources.

- **Group 1** includes actions that staff recommend be implemented with adoption of the River Road-Santa Clara Neighborhood Plan.
- **Group 2** includes actions related to existing projects in City or County work plans, which will involve collaboration between the community and staff as part of other planning processes.
- **Group 3** includes remaining actions that will be actualized as processes and resources allow and will need to be initiated and prioritized by decision-makers to receive needed funding and staff resources to implement.

Many, but not all, of the community priorities that require code amendments are recommended to be implemented with adoption of the River Road-Santa Clara Neighborhood Plan. The Action Plan will be implemented incrementally over the long-term and will require coordination between the City, County, River Road and Santa Clara, as well as advocacy for additional resources. It does not predetermine specific details or commitments for each action as there are not adequate resources or mechanisms to do that. The annual coordination and information sharing meeting is intended to help identify potential resources to implement actions not already being worked on and exchange information related to implementation, such as project progress or a shift in community priorities. The draft Action Plan introduction states: “Community Priorities: Actions identified as being particularly important and impactful to the community based on input from the River Road and Santa Clara communities. Some priority actions may be executed by or relate to existing plans or projects, while others may require community advocacy for additional resources or changes to policy or law. These will be priorities for the various responsible entities to explore and implement where possible and for targeted community advocacy for resources.”

Many of the high priority code actions are recommended to be implemented concurrently with the River Road-Santa Clara Neighborhood Plan adoption process. Others are related to existing plans or projects, meaning they are consistent with Council and Board direction or existing policies, programs or projects in City and County adopted plans. These are actions that the City and County are committed to move forward over the next 20 years or more. Staff are currently adding details when they are available, such as referencing a specific adopted policy, project timing, or lead department contact, but will not be able to provide specific details for each action. Staff also plans to include summaries about significant related plans or projects like the Transportation System Plan and Climate Action Plan to provide more information about what they do, how they relate and how to connect to those efforts. Actions not being implemented concurrently with the Neighborhood Plan adoption process or not related to an existing plan or project will be implemented as processes and resources allow and will need to be initiated and prioritized by City and/or County decision-makers to receive needed funding and staff resources. Community priorities related to land use code or zone changes that do not have resources or commitments to implement are noted in Group 3. Click on the goals in the [draft Action Plan](#) introduction to see how goals, policies and actions relate. For example, Goal 1: Improve the neighborhood economy and empower local residents by encouraging the growth and creation of local businesses – relates to:

- Policy 1.2 Neighborhood Assets: Base local economic development on neighborhood assets.
- Action 1.2.3 Develop and adopt land use code that favors small independent businesses over large national chains.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Table of Contents

Group 1 includes actions that staff recommend be implemented with adoption of the River Road-Santa Clara Neighborhood Plan. 3

Vibrant Mixed-Use Corridor..... 3

Transitions and Compatibility 8

Willamette Greenway Overlay..... 9

Urban Agriculture and Urban Animal Keeping 10

Plan Designation and Zone Changes..... 11

Group 2 include actions related to existing projects in City or County work plans, which will involve collaboration between the community and staff as part of other planning processes. 12

Group 3 includes remaining actions that will be actualized as processes and resources allow and will need to be initiated and prioritized by decision-makers to receive needed funding and staff resources to implement. 16

Some actions are recommended for Group 3 because they should be a citywide or county code amendment and would need a broader public process..... 16

- Amending Lane County street classification systems and standards 16
- Improvements to /WR Water Resources Conservation Overlay and /WQ Water Quality Overlay..... 16
- Improve the Neighborhood/ Applicant Meetings process 16
- Remove barriers to tiny homes..... 16
- Implement Opportunity Siting 16
- Willamette Greenway Permit code changes 16
- Landscape maintenance in right-of-way..... 16

Other actions are recommended for Group 3 due to feasibility concerns identified by staff. 16

- Prohibit private streets 16
- Increase minimum parking standards..... 16

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Group 1 includes actions that staff recommend be implemented with adoption of the River Road-Santa Clara Neighborhood Plan.

Vibrant Mixed-Use Corridor

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
1.2.3 Develop and adopt land use code that favors small independent businesses over large national chains.	Difficult	long	\$\$\$	A - Group 1	City, Community	Code can partially implement, but might need multi-pronged solutions with programs, incentives and community support. Discuss what’s possible as part of Special Area Zone. Market feasibility study noted smaller local businesses will likely fill in existing spaces because it’s more affordable. Important to consider how draft code deals with retrofit/ remodel and what changes could favor smaller businesses.
1.4.3 Adjust land use regulations to encourage local community investments that produce employment opportunities recognizing the importance of living and working within the neighborhood.	Difficult	Medium	\$\$\$	A - Group 1	City	Code can partially implement, but might need multi-pronged solutions with programs, incentives and community support. Discuss what’s possible as part of Special Area Zone code.
1.4.5 Storage and warehouse facilities should only be allowed as an accessory (30% of the gross floor area of building or the first level of multi-level building).	Easy	Short	\$	A - Group 1	City	Discuss what’s possible as part of Special Area Zone, specifically with Corridor Mixed Use and Corridor Residential zones.
1.4.6 Self-storage facilities should only be allowed in Employment and Industrial zones.	Easy	Short	\$	A - Group 1	City	Discuss what’s possible as part of Special Area Zone, related to action 1.4.5. Corridor Mixed Use is being proposed for all C-2 zoned properties in River Road and Santa Clara.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
3.2.2 Assure that commercial development near the River Road/Beltline intersection is appropriately sized for compatibility with neighborhoods.	Difficult	Long	\$\$\$	A - Group 1	City	Special Area Zone can partially implement by adopting code for new development or redevelopment.
3.2.4 Encourage co-locating commercial growth in conjunction with transportation options.	Moderate	Short	\$\$	A - Group 1	City	Corridor Study work included land use and multi-modal recommendations that support this action.
5.3.5 Provide zoning that reflects the development and implementation of the 20-minute neighborhoods policy and encourage the design of commercial areas (through code and design overlays) that support and prioritize active transportation access. (see Land Use for details)	Moderate	Short-Ongoing	\$\$\$\$	A - Group 1	City	Special Area Zone will implement new zoning to support 20-minute neighborhoods, but this will only apply to properties within city limits and as properties choose to annex. Recommend revising language to reflect that. Code can partially implement but might need multi-pronged solutions such as ongoing transportation improvements. This would also be supported by 3.1.5, which focuses on neighborhood commercial and is proposed to be elevated to a policy.
5.3.6 Enable more shared parking among adjacent businesses and reclaim unneeded spaces for other pedestrian uses.	Moderate	Long	\$\$\$	A - Group 1- Special Area Zone, Group 2- Transportation Demand Management (TDM), B	City	Discuss what's possible as part of Special Area Zone. As part of the TDM process, the city is looking at what transportation infrastructure investments we can require of developers, which may lead to code changes that affect how we regulate development (integrating transportation and land use planning). One of the goals of TDM is to streamline the development process and give developers guidance and flexibility on how they meet City requirements.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
 Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
5.4.5 Reduce number of vehicular accesses to River Road by businesses by using shared driveways or existing side street accesses.	Difficult	Long	\$\$\$	A - Group 1- Special Area Zone Group 2- Complete Streets, B	City	Discuss what's possible as part of Special Area Zone. The Complete Streets Design Guidelines acknowledge that driveways can create conflict between vehicles and pedestrians and that the effort to consolidate or eliminate driveways should be made wherever possible. Direction is given to, wherever possible, consolidate multiple driveways into single access points on the following street types: Commercial Main Street, Commercial Suburban, Industrial, Mixed-Use Neighborhood and Residential Connector.
13.1.1 Utilize the River Road Special Area Zone to designate key areas for residential and commercial/mixed-use development at appropriate density and scale along the River Road corridor and minor arterials in the River Road and Santa Clara Neighborhoods.	Easy	Short	\$	A - Group 1	City	Discuss what's possible as part of Special Area Zone (e.g. options to allow horizontal mixed use, requiring part of development be commercial/not allow residential only). Current draft Active Frontage overlay intends to encourage mixed use/commercial development but does not require as there were concerns with that prescriptive approach. Given that the market analysis indicates multifamily is more likely to occur in Corridor Mixed Use areas, it will be important to consider code that supports and/or requires commercial to not lose limited areas that provide opportunities for commercial or mixed-use.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
 Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
13.1.4 Allow developments of 4-6 stories in designated nodes along River Road as long as public amenities are provided by the developer.	Easy	Short	\$	A - Group 1	City	Discuss what's possible as part of Special Area Zone- current draft allows taller building for affordable housing. Past survey (see page 8 of Action Planning Phase report) shows desire for public plaza, affordable housing, energy-efficient design and/or branch library. It will be important to discuss public amenities that are feasible and desirable.
13.2.1 Coordinate site designs with Street design for Arterials and Collector Streets to improve public right-of-way. Provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, lighting, pedestrian shelters, sidewalk cafes, and other elements of active pedestrian areas. Require components in building designs that offer protection to pedestrians, such as awnings and canopies, as a means to encourage pedestrian activity along the street and within shopping areas.	Moderate	Short	\$\$	A - Group 1- Special Area Zone Group 2- Complete Streets	City	Group 1-Special Area Zone will implement land use regulations for private development (site design). Group 2-Complete Streets Design Guidelines will implement regulations for public right-of-way (street design).
13.2.2 Evaluate current commercial standards and where appropriate revise them to facilitate non-automobile forms of access and utilization. No use may include a drive-through facility, excepting those that provide financial services, pharmaceutical prescription dispensing or businesses where the building is 600 square feet or less.	Easy	Short	\$	A - Group 1	City	Discuss what's possible with Special Area Zone.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
13.2.3 Coordinate with Lane Transit District to ensure that the design of new buildings support Transit Oriented Development.	Easy	Short	\$	A - Group 1, C	City, LTD, Community	This is the primary purpose of the Special Area Zone so this involves code changes and partnership with LTD to discuss possibilities for Santa Clara transit station site.
17.2.6 Optimize conditions for the establishment of an urgent care center in the River Road and Santa Clara neighborhood.	Difficult	long	\$-\$\$\$	A - Group 1, B	Community, City	Discuss what's possible with Special Area Zone. However, changing the code can only allow this use and other efforts may be needed to "optimize conditions"

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Transitions and Compatibility

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
11.2.1 Minimize land use conflict by adding code requirements that adjoining low density and higher-density residential land are designed to be more compatible, as well as between residential and non-residential uses. Develop and adopt development standards that provide form and site transitions such as sloped setbacks, balcony offsets, and buffering between properties zoned Single family Residential and denser development in adjacent multifamily housing and commercial zones. Prohibit upper story balconies on housing walls that abut R-1 rear yards unless the buildings are at least 50 feet from the property line.	Moderate	Short	\$\$	A - Group 1-Special Area Zone Group 2- HB 2001	City	Special Area Zone can include transitions for commercial and apartments. HB 2001 will dictate what’s allowed for middle housing. Staff has concerns with this specific balcony approach, however, agree that discussions of transition standards that get at privacy concerns should be discussed. Need to find the right tool that balances community desires for privacy with development feasibility and citywide goals such as removing barriers to housing.
12.1.3 Adopt flexible code that allows infill opportunities that are more compatible to adjacent neighbors than the typically current flag lots.	Easy	Short	\$\$	A - Group 1-Special Area Zone, Group 2- HB 2001	City	Special Area Zone draft includes a section on flag lots that will be reviewed and revised in code discussions. It will also be important to coordinate with HB 2001 as state law will dictate what’s possible for middle housing.
14.2.5 Ameliorate the effect of increased density and infill by providing both a clear and objective design path and discretionary path with standards and design review processes.	Easy	Short	\$\$	A - Group 1-Special Area Zone, Group 2- HB 2001	City	Group 1-Special Area Zone will include these components. Group 2-HB 2001 limits design requirements of middle housing.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Willamette Greenway Overlay

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
14.3.1 Adopt lot-specific plan designations and zoning with development standards such as height limits, sloped setbacks, and buffering standards in a defined area along the Willamette Greenway within the neighborhood plan area to maintain a low density edge.	Easy	Short	\$	A - Group 1	City	Review and discuss as part of Willamette Greenway Overlay in Special Area Zone.
14.3.2 Rewrite Willamette River Greenway permit provisions to provide adequate protection for natural resources.	Moderate-Difficult	Long	\$\$\$	A - Group 1- Special Area Zone Group 3- Citywide code change	City	Group 1- This can be partially implemented with Special Area Zone. Discuss possible solutions to consider for the draft Willamette Greenway Overlay (e.g. clear and objective standards, transitions), but this would not change the citywide Willamette Greenway permit. Group 3- Changing the Willamette Greenway permit would be a citywide code amendment that would require a broader public process. Further implementation will require discussion with decision-makers. CAC to consider lobbying State to refine statewide planning goal.
14.3.3 Include clear and objective standards for development that lies within the greenway boundaries.	Moderate-Difficult	Long	\$\$\$	A - Group 1- Special Area Zone Group 3- Citywide code change	City	Group 1- This can be partially implemented with Special Area Zone. Discuss what's possible with Willamette Greenway Overlay. Group 3- Changing the Willamette Greenway permit would be a citywide code amendment that would require a broader public process. See comments in 14.3.2.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
1.4.4 Reduce zoning barriers that preclude urban farmers from collectively selling produce on-site.	Easy	Short	\$\$\$	A - Group 1	City	Staff previously proposed including this in the neighborhood plan adoption package.
10.3.3 Amend zoning to permit small scale collective sale of neighborhood grown produce.	Easy	Short	\$\$	A - Group 1	City	
10.3.5 Allow for increased opportunities for urban animal husbandry while balancing compatibility with neighboring uses.	Easy	Medium	\$\$\$	A - Group 1	City, County	Eugene Code standards were adopted within the City limits, but not added to the Urban Transition Area code, which is adopted by Lane County and applies to properties within Eugene’s UGB, but outside of the city limits. This action proposes to adopt these standards as part of the Urban Transition Area code to apply uniform standards within Eugene’s UGB.
18.2.3 Permit small scale collective sale of neighborhood produce	Moderate	short	\$\$\$	A - Group 1	City	

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Plan Designation and Zone Changes

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
3.1.2 Allow for the rezoning of properties along River Road to support employment growth consistent with the neighborhood vision (i.e. E2)	Moderate	Medium	\$\$\$	A - Group 1, B, C	City	Discuss what’s possible as part of Special Area Zone Corridor Mixed Use concept to support employment opportunities. This does not specifically include E-2 , which allows industrial, office, and commercial and is limited to areas designated Light-Medium Industrial - primarily on West 11 th and Hwy 99.
3.1.5 Support rezoning rezone properties for neighborhood commercial as appropriate.	Moderate	Short		A - Group 1	City	Recommend elevating to policy with revisions. Neighborhood commercial (C-1) zoning is allowed in areas with residential plan designation and can occur if siting requirements are met and with property owner interest.
13.1.2 Utilize the River Road Special Area Zone as a tool to redevelop the area on River Road north of the Special Area Zone area.	Easy	Short	\$	A - Group 1	City	Zone changes are being considered for Community Commercial zoned areas in River Road-Santa Clara.
13.1.3 Rezone C -2 Community Commercial areas outside the River Road Special Area Zone area but within the River Road-Santa Clara neighborhood plan area for mixed use commercial with development standards.	Easy	Short	\$	A - Group 1	City	Zone changes are being considered for Community Commercial zoned areas throughout River Road and Santa Clara.
14.2.4 Identify incompatible zoning and plan designations and inappropriate zoning and plan designation adjacencies and work to align the zoning and plan designations to make them compatible.	Easy	Short	\$	A - Group 1	City	Staff is conducting research to identify potential plan designation and zoning conflicts and proposing to resolve where possible. These recommendations will be included with other plan designation and zone changes proposed as part of the Special Area Zone.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Group 2 include actions related to existing projects in City or County work plans, which will involve collaboration between the community and staff as part of other planning processes.

Some actions in the Action Plan will involve collaboration with related City or County projects, including [Middle Housing Code Changes](#), [Complete Streets Design Guidelines](#), and Lane County illicit discharge code changes, among others.

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
4.1.2 a. Adopt new street standards that allow for more flexible sidewalk and bike lane design, and natural swales that clean stormwater, provide wildlife habitat, and ensure longevity.	Moderate	Short	\$\$	A - Group 2-Complete Streets	City	Anticipated change with Complete Street Design Guide (current draft, not adopted) - “Existing curbless neighborhood streets may be retrofitted to provide separated space on the street for people to walk, and for street trees and vegetated stormwater management.”
4.1.3 c. Respect neighborhood character, increase access to services for all, and ensure public safety.	Moderate	Ongoing	\$\$\$	A - Group 2-Complete Streets, B	City	This action is focused on sidewalks. Code can partially implement but might need multi-pronged solutions with projects and programs, such as ongoing transportation improvements and coordination with Lane County for interjurisdictional transfer. The Complete Streets Design Guide includes Neighborhood Residential Curbless: Context-sensitive design solutions should be used to provide cost effective improvements that maintain neighborhood character while proving comfortable travel for all street users.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
6.4.3 Amend Eugene and Lane County street classification systems and standards to include a new lane standard for lanes typical in River Road and Santa Clara.	Difficult	Short	\$\$\$	A- Group 2 (City-Complete Streets), Group 3 (County), B	City County	Related to the City's Complete Streets Design Guide project. County implementation is recommended by staff for Group 3 because it would need to be initiated and prioritized by decision-makers to receive funding and staff resources to implement.
6.3.3 Consider reducing parking requirements for commercial areas if they meet criteria that lower traffic impacts.	Difficult	Short	\$\$\$	A - Group 2- Transportation Demand Management (TDM)	City	City is developing a Transportation Demand Management Plan, which will aim to create/promote programs that coordinate the needs and travel options of multiple businesses and residences for purposes of reducing automobile and freight demand at times of peak congestion. This may include reducing parking requirements for commercial areas.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
6.3.4 Autonomous vehicles: Encourage commercial areas to plan for future needs, including the potential reduction of parking areas needed for customers.	Easy	Short	\$\$	A - Group 2 - Eugene's Transportation System Plan (TSP), Transportation Demand Management (TDM), B	City	Eugene's TSP acknowledged that the emergence of self-driving cars and delivery vehicles, along with other trends and technology advances, will impact travel behavior, fuel consumption, traffic congestion, and emissions. The TSP commits the City to working with community partners and stakeholders to use these upcoming tools so they complement and expand strategies within the TSP. TDM is the flip side of infrastructure. It focuses on understanding how people make their transportation decisions and helping people use the infrastructure in place for transit, ridesharing, walking, biking and telework. As autonomous vehicle options come online, this type of transit will likely impact the guidance and flexibility for developers.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
 Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
<p>7.1.2 Identify, protect and enhance waterways that are not currently protected</p> <ul style="list-style-type: none"> Public Easements - Identify location of easements and which easements are protected by goal 5 or goal 6 (WQ) Pursue County adoption of Goal 5 and Goal 6 (WQ) protections for parcels inside neighborhood boundaries 	Moderate-Difficult	Medium-Ongoing	\$\$	A - Group 2- County Illicit Discharge Code Changes, Group 3- County adoption of Goal 6, B	City, County, Community	<p>Easements aren't currently mapped/identified. This action is related to several City and County projects, such as the Stormwater Basin Master Plan update and upcoming County illicit discharge code amendments. The Stormwater Basin Master Plan, including the River Road - Santa Clara basin, will be updated to refine stormwater management strategies and continue to deliver flood protection, clean water and healthy habitat.</p> <p>Group 2- Lane County will be doing illicit discharge code amendments that must be adopted by February 2022, which may support the intent of this action by protecting and enhancing stormwater conveyances.</p> <p>Group 3- Lane County has adopted Goal 5 Water Resources Conservation Overlay protections for land inside the UGB that is outside the city limits. Goal 6 Water Quality Overlay was not adopted outside of the city limits but is applied upon annexation. This would need to be initiated and prioritized by decision-makers to receive funding and staff resources to implement.</p>
14.1.1 Develop transitions between R-1 properties.	Difficult	Short	\$\$	A - Group 2- HB 2001	City	<p>Eugene's middle housing project to consider approach for R-1 standards as part of implementation of HB 2001. Design standards must be the same or less restrictive than those in DLCD's model code. Discuss with Planning Commission. Could be challenging with HB2001.</p>

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
 Actions with feasibility concerns identified by staff

Group 3 includes remaining actions that will be actualized as processes and resources allow and will need to be initiated and prioritized by decision-makers to receive needed funding and staff resources to implement.

Some actions are recommended for Group 3 because they should be a citywide or county code amendment and would need a broader public process.

- Amending Lane County street classification systems and standards (see action 6.4.3 on page 13)
- Improvements to /WR Water Resources Conservation Overlay and /WQ Water Quality Overlay (see action 7.1.2 on page 15 and action 9.2.2 on page 17)
- Improve the Neighborhood/ Applicant Meetings process
- Remove barriers to tiny homes
- Implement Opportunity Siting
- Willamette Greenway Permit code changes (see actions 14.3.2 and 14.3.3 on page 9 and action 9.2.2 on page 17)
- Landscape maintenance in right-of-way

Other actions are recommended for Group 3 due to feasibility concerns identified by staff.

- Prohibit private streets
- Increase minimum parking standards

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
6.3.2 Require all large commercial spaces to conduct traffic impact analysis for permit issuance based on the next 20-years anticipated traffic volume.	Difficult	Long	\$\$	A - Group 3	City	

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation. Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
6.4.1 Prohibit allowance of private streets in new developments.	Difficult	Long	\$\$\$	A - Group 3	City	Related to Land Use Action 14.2.2 - both are recommended for Group 3 as staff has feasibility concerns. This would be a problem for cottage clusters or townhomes and could lead to more flag lots. Also, this could have a negative impact on the Buildable Lands Inventory as some developments are only possible with private streets. CAC interested in discussing solutions as part of City's Complete Street Design Guide project as well as discussing with City Council. This action would need to be initiated by Council and prioritized to receive needed funding and staff resources to implement.
14.2.2 Prohibit the creation of new private roads to ensure future maintenance.	Difficult	Long	\$\$\$	A - Group 3	City	Related to Action 6.4.1 – see notes above.
9.2.2 Support efforts to maintain the Greenway as a riparian area and wildlife corridor, identify the high value areas for ecosystem management, and work to enlarge the Water Resources Conservation areas to enhance high value areas.	Difficult	Long-Ongoing	\$\$\$\$	A - Group 3, B, C	City, County, Community, Nonprofits	This can be implemented in several ways. There is overlap with existing volunteer efforts to maintain and enhance the Willamette Greenway that can continue to support implementation. The intent of the last part of the action is focused on changing the Water Resources Conservation overlay criteria to better protect wildlife in riparian areas, which is recommended for Group 3 as this should be a citywide or county code change that would require a broader public process. Related to Land Use action 14.3.3 which is focused on the Willamette Greenway.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
 Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
11.1.1 Adopt a new process that requires developers to communicate with the RR or SC at least one month prior to submitting a land use application, preferably during the schematic Group of design, prior to the creation of construction documents. The process shall replace the current Chapter 9.7007 Neighborhood/Applicant Meetings process. Additionally, the new process should be required for proposed zone changes and Willamette Greenway Permits but be removed for partitions. Upon notification of a private development allow a month (2 weeks?) for the community to respond with concerns and prioritized design recommendations. The developer must respond in their completed application how it responds to concerns are addressed or mitigated in the plan prior to acceptance of the application.	Moderate	Medium	\$\$	A - Group 3	City	<p>Staff agrees process needs to be looked at, however, this should be a citywide code amendment and would need a broader public process. This action would need to be initiated by Council and prioritized to receive needed funding and staff resources to implement.</p> <p>CAC would like to discuss with decision-makers to find how to move forward together. Pilot Project?</p> <p>Pilots are used to test a concept in one area first, rather than as a way to save time and money, as they don't tend to take any less time. The first time we re-vamp this process is still going to take roughly the same amount of time, and if we think it might be something we want to use citywide, then we will keep that in mind during public engagement.</p>
12.1.4 Remove barriers for Tiny Homes such as land use restrictions and challenges in providing water and sewer hook ups.	Moderate	Medium	\$\$	A - Group 3, B	City	This would be a citywide code amendment that would require a broader public process. This is related to Housing Tools and Strategies and could also be partially implemented via a program or project, not just code.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
 Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
12.4.1 Utilize Opportunity Siting and other incentives to collaborate to develop innovative projects that are supported by a developer and the Neighborhood Association and approved by governing agency.	Difficult	Long	\$\$	A - Group 3, B, C	City, Community, Developers	Opportunity Siting is not adopted in code and incentives would require new funding. Recommend focusing more on collaboration between City, community and developers. The Housing Tools and Strategies project discussed this as a potential solution, but it didn't rise to the top. CAC recommends piloting this at the Santa Clara Transit Stop and propose funding Opportunity Siting development to the Eugene City Council. Adopting Opportunity Siting as code is recommended for Group 3 as it should be a citywide code amendment and would need a broader public process. This action would need to be initiated by Council and prioritized to receive needed funding and staff resources to implement.
14.1.2 Increase minimum required parking standards when higher density development abuts R-1 zoning and the adjacent streets (i.e. lanes) aren't developed to Eugene's local street standard or higher to avoid spillover parking problems.	Difficult	Medium	\$\$	A - Group 3	City	This would not be consistent with Eugene's Transportation System Plan, Climate Action Plan and Climate Recovery Ordinance, HB 2001 or in-progress state rulemaking for Climate Friendly and Equitable Communities, which specifically will address limiting off-street parking requirements. Could explore possible solutions to consider in Special Area Zone. May be better addressed by focusing on transportation improvements rather than code. Transportation topic area focuses on improving active transportation and transit to reduce need for parking.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.

Actions with feasibility concerns identified by staff

Action	Feasibility	Timeframe	Cost	A: Code Amendment B: Program /Project C: Community Partnership	Implemented by:	Notes (current consideration, potential next steps to implement, policy considerations, etc.)
						Continue efforts with City Parking Program to establish parking enforcement around ECCO Apartments. If implemented successfully, propose as policy for new commercial/multifamily developments adjacent to substandard streets.
18.2.2 Allow owner maintenance of landscaping between sidewalk and curb.	Moderate	Medium	\$\$	A - Group 3	City, County	This action was mostly about allowing fruit trees in the right-of-way for food production, however, this has previously been discouraged due to concerns around pests and maintenance.

A (High) Priority	
B (Medium) Priority	
C (Lesser) Priority	
Not prioritized	

Actions that involve County implementation.
 Actions with feasibility concerns identified by staff

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Ordinance to Finalize Compliance with ORS 197.312(5) for ADUs

Meeting Date: May 12, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Jeff Gepper
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

The City Council will hold a work session on a proposed ordinance to finalize the adoption of land use code amendments that implement a state law that governs the development of accessory dwelling units, Oregon Revised Statute (ORS) 197.312(5).

BACKGROUND

Housing availability and affordability have been a growing problem across Oregon for several years. In response to this ongoing housing shortage, the Oregon Legislature adopted a new law in 2017, now codified under ORS 197.312(5), with specific requirements for accessory dwelling units (ADUs). The 2017 law defined accessory dwelling units and required cities, including Eugene, to allow at least one accessory dwelling unit for each detached single-family dwelling in areas zoned for detached single-family dwellings, subject to reasonable local regulations relating to siting and design.

A detailed history of Eugene's efforts to comply with ORS 197.312(5) pertaining to accessory dwellings is provided in Attachment A. These efforts began in 2018 and resulted in two appeals to Oregon's Land Use Board of Appeals (LUBA), who sent the ordinances back ("remanded") to the City Council for additional work. In addition, both LUBA and the Oregon Court of Appeals issued decisions that added some clarity to the state law and the Oregon Legislature passed another law that explicitly prohibited regulations that require owner-occupancy or on-site parking for ADUs. In January 2020, the City Council adopted an ordinance to address these changes and comply with state law, which was also appealed.

Since the City Council adopted the ADU ordinance in January 2020, LUBA and the Oregon Court of Appeals have issued decisions that dictate how cities must interpret the 2017 law. These decisions were issued in a property-specific appeal filed against the City of Eugene (the Kamps-Hughes appeal) and in the appeal of the City's 2020 Ordinance, itself. LUBA's and the Court's interpretations of the law clarify which types of regulations can, and cannot, be applied to ADUs. Their interpretations, and their remand of the City's 2020 Ordinance, require the City Council to eliminate specific ADU regulations from the Eugene Code.

May 12, 2021, Work Session – Item 2

Based on LUBA's remand, the City Council is scheduled to consider proposed changes to the 2020 ordinance that would address these remaining issues and finalize compliance with state law. This is important because, although Eugene's land use code does not presently comply with state law, the provisions of ORS 197.312(5) apply directly. This means that the City must apply the statute directly at the time of a building permit submittal for an accessory dwelling, and certain accessory dwelling standards in Eugene's land use code can no longer be enforced.

Draft Ordinance

The proposed ordinance is drafted to explicitly address the remaining issues necessary to finalize compliance with state law. Using the interpretations issued by LUBA and the Court, we now know that the 2017 law imposes the following requirements on the City's regulation of ADUs:

1. On every lot in the City where the City's code allows a single-family dwelling, the code must also allow at least one ADU per single-family dwelling.
2. The only development standards the City can impose on ADUs are standards that either:
 - a. Relate to where the ADU can be placed on an individual lot that has a single family dwelling ("siting") ; or
 - b. The layout of the ADU or the materials used in the ADU's fabrication ("design").
3. The development standards described at 2. a. and b. must be "moderate," they cannot be "extreme," "absurd" or "excessive."

To draft the ordinance responding to these developments, staff started with Council's 2020 ordinance (Ordinance No. 20625) and made changes necessary to address LUBA's remand order and comply with the state law. A detailed summary of the proposed amendments to comply with ORS 197.312(5) is provided as Attachment B, but the changes since Council's 2020 ordinance include amendments that:

- Allow, where not addressed in the 2020 ordinance, an accessory dwelling for each single-family dwelling allowed by the code, including on alley access lots and flag lots
- Remove regulations that include accessory dwellings in maximum density calculations
- Remove regulations that prohibit ADUs based on lot area or lot dimensions
- Remove regulations that limit the number of people that can occupy an accessory dwelling or a property that includes an accessory dwelling
- Remove, where not addressed in 2020 ordinance, regulations that require on-site parking for accessory dwellings

The draft ordinance is provided in two formats, as Attachments C and D. The first, Attachment C, is a non-highlighted draft ordinance that finalizes compliance with state law. The second, Attachment D, includes highlighted text to clearly identify which amendments are substantive changes from the ordinance that Council adopted in January 2020. Specifically, the highlighted sections are changes or additions made to the Council's 2020 ordinance to address the Oregon Land Use Board of Appeals (LUBA) remand and ensure compliance with state law. Any amendment included in the annotated draft ordinance that is not highlighted is either: (1) an amendment that was included in the Council's 2020 ordinance; (2) a purely mechanical change necessitated by the highlighted text (e.g. renumbering); or (3) the addition of an operational clarification to assist a user.

Process/Next Steps

This work session and the upcoming public hearing are a continuation of the Code Amendment process started in 2018, but are specifically responding to the most recent remand from LUBA requiring Eugene's code be amended to comply with state law.

Notice of the upcoming public hearing was sent to the Oregon Department of Land Conservation and Department (DLCD) on April 12, 2021 and mailed to interested parties on April 13, 2021. The draft ordinance and other pertinent information was posted on the City's website on April 16, 2021. While some of these notices may not be required, staff thought it prudent to offer ample opportunity for interested parties to review the materials leading up to the public hearing.

Following this work session, the City Council is scheduled to hold the public hearing for the proposed ordinance finalizing compliance with ORS 197.312(5) on May 17, 2021. Then the Council is scheduled to hold deliberations and potentially take action on the proposed ordinance on May 24, 2021.

PREVIOUS COUNCIL DIRECTION

[January 17, 2018 Work Session](#)

[January 22, 2018 Work Session](#)

- o Move to initiate land use code changes for a phased approach to implementation of Senate Bill 1051 related to secondary dwellings. *(Motion Passed)*

[April 16, 2018 Public Hearing](#)

[May 23, 2018 Work Session](#)

[June 11, 2018 Work Session](#)

- o Move to substitute Attachment B to the AIS, which is labeled "Ordinance 1 / Substitute Ordinance," in place of the Ordinance #1 now on the table. *(Motion Passed)*
- o Move to adopt Ordinance #2, Attachment C to the AIS. *(Motion Passed)*

[February 20, 2019 Work Session](#)

- o Move to direct the City Manager to prepare a proposed ordinance consistent with the Council's direction on accessory dwelling units, and to schedule a public hearing on the proposed ordinance in response to LUBA's remand. *(Motion Passed)*

[May 20, 2019 Public Hearing](#)

[September 16, 2019 Work Session](#)

- o Move to not take action on the ordinance at the work session. *(Motion Passed)*
- o Move to direct the City Manager to come back with a memo addressing a 10-year property tax exemption for any additional property value attained from an ADU, an SDC discount or credit for ADUs, and other financial incentives identified by staff. *(Motion Passed)*
- o Move to direct the City Manager to revise the draft ordinance to eliminate the ADU standards for the AG, R-1, R-2, R-3, R-4 and S-E zones that apply only to flag lots, making ADUs on flag lots in those zones subject to the same flag lot standards that apply on regular (non-flag lot) lots in the same zone. *(Motion Tabled)*
- o Move to table the motion on flag lots. *(Motion Passed)*

May 12, 2021, Work Session – Item 2

October 23, 2019 Work Session

- o Move to direct the City Manager to revise the draft ordinance to remove the barriers to above-garage ADUs in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for ADU building height and interior setback. *(Motion Passed)*
- o Move to direct the City Manager to revise the draft ordinance to remove barriers to ADUs on sloped lots in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for ADU building height and interior setback. *(Motion Passed)*

January 21, 2020 Work Session

- o Move to adopt an Ordinance Concerning Accessory Dwellings; Replacing the Term “Secondary Dwelling” with “Accessory Dwelling” Throughout the Eugene Code 1971; Making Additional Amendments to Sections 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.3060, 9.3115, 9.3125, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3625, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410, and 9.8030 of that Code; and Addressing the Oregon Land Use Board Of Appeals’ Remand of Ordinance Nos. 20594 And 20595. *(Motion Passed with numerous Amendments noted in [January 21, 2020 Minutes](#))*

ATTACHMENTS

- A. Land Use Code Amendment History for Accessory Dwelling Units (CA 18-1)
- B. Updated Summary of Land Use Code Amendments
- C. Draft Ordinance
- D. Draft Ordinance with highlights showing changes from Ordinance No. 20625

FOR MORE INFORMATION

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Land Use Code Amendment History

Accessory Dwellings Land Use Code Amendment – City File: CA 18-1

2017 - Adoption of Senate Bill 2051

In 2017, the Oregon Legislature adopted a new law, Senate Bill 1051 (“2017 law”) as part of its efforts to promote housing affordability statewide. Pertinent to this work session is the portion of the 2017 law that addresses “accessory dwelling units.” The 2017 law defines “accessory dwelling unit” as an “interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.” It requires: “A city with a population greater than 2,500 . . . 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.”

2018 - City Council Process

To implement Senate Bill 1051, the City Council initiated a two-phased approach for land use code changes to implement the 2017 law. Phase 1 would address the 2017 law’s requirement that the City allow accessory dwelling units in more areas of the City (the “where” phase). The intent was to address, as a later Phase 2, the 2017 law’s requirement that accessory dwelling units be subject to only “reasonable local regulations relating to siting and design.”

In June 2018, the Council adopted ordinances (Ordinance Nos. [20594](#) and [20595](#)) that revised the land use code to allow accessory dwellings in additional zones. The ordinances also adopted the 2017 law’s “accessory dwelling” terminology. Notably, these ordinances made the accessory dwelling units in these additional zones subject to the development standards that were already set out in the land use code for secondary dwellings in the R-1 zone.

Ordinances Nos. 20594 and 20595 were appealed to The Oregon Land Use Board of Appeals (LUBA) by numerous parties. LUBA sent the ordinances back (“remanded”) to the City Council for additional work on November 29, 2018, meaning they are no longer in effect. LUBA’s 2018 decision is available [here](#). LUBA found that the ordinances were inconsistent with the 2017 law because they extended the applicability of the code’s R-1 zone development standards for secondary dwellings to the additional zones without addressing the part of the 2017 law that requires such development standards to be “reasonable local regulations relating to siting and design.”

2019/2020 - City Council Process

In 2019, staff provided the City Council with a list of the land use code standards that were raised / challenged in the 2018 LUBA appeal. Staff provided recommendations for each standard’s retention or elimination, based on the “reasonable regulation relating to siting

and design” requirement in the 2017 law, but the meaning of those terms was unclear. For each of the standards raised in the LUBA appeal, Council provided preliminary input and a draft ordinance was prepared to re-adopt the allowances for accessory dwellings and to eliminate from the land use code those development standards that, in this initial review, were found to not be “reasonable regulations relating to siting and design.”

On May 20, 2019, the City Council held a public hearing on the draft ordinance, hearing from 33 people. A majority of those who provided testimony (20 people) expressed support for removing barriers to accessory dwellings and for the provision of more affordable housing. Support was also expressed for eliminating even more of the standards that now apply to accessory dwellings and concern was expressed by some that Eugene is not doing enough to comply with the intent of the 2017 law. Testimony from others expressed concern that the actions could reduce the livability of existing neighborhoods.

In addition, before the City adopted the ordinance, LUBA issued an order in a different appeal that added *some* clarity to the statutory definition of “accessory dwelling unit.” Additionally, the Oregon Legislature adopted House Bill (HB) 2001 (“2019 law”) that explicitly prohibited regulations that require owner-occupancy or on-site parking.

Based on the testimony and new state-level developments, the City Council made numerous changes to the draft ordinance. In January 2020, the City adopted Ordinance No. [20625](#) based on these changes. However, the ordinance process was difficult due to some lack of clarity within State’s ADU law requirements. The City’s ordinance was appealed to LUBA by the Homebuilders Association and two groups of individuals.

2020/2021 - Court of Appeal Decision and LUBA Remand

Since the City Council adopted the ADU ordinance in January 2020, LUBA and the Oregon Court of Appeals have issued decisions that dictate how cities must interpret the 2017 law. These decisions were issued in a property-specific appeal filed against the City of Eugene (the Kamps-Hughes appeal) and in the appeal of the City’s 2020 Ordinance, itself. LUBA’s and the Court’s interpretations of the law clarify which types of regulations can, and cannot, be applied to ADUs. Their interpretations, and their remand of the City’s 2020 Ordinance require the City Council to eliminate specific ADU regulations from the Eugene Code. LUBA’s decision providing clear direction on the remaining issues is available [here](#).

Using the interpretations issued by LUBA and the Court, we now know that the 2017 law imposes the following requirements on the City’s regulation of ADUs:

1. On every lot in the City where the City’s code allows a single-family dwelling, the code must also allow at least one ADU per single-family dwelling.
2. The only development standards the City can impose on ADUs are standards that either:
 - a. Relate to where the ADU can be placed on an individual lot that has a single family dwelling (“siting”) ; or

- b. The layout of the ADU or the materials used in the ADU's fabrication ("design").
- 3. The development standards described at 2. a. and b. must be "moderate," they cannot be "extreme," "absurd" or "excessive."

Proposed changes to the 2020 ordinance that respond to these clear direction will be presented to the City Council for their consideration in 2021.

Summary of Land Use Code Amendments For April 16, 2021 Public Hearing

The ordinance for public hearing includes the re-adoption of those changes approved by the City Council in 2020 that have been subsequently affirmed (or otherwise validated) through the legal appeal process and adoption of additional code changes that are required due to orders of the Land Use Board of Appeals or the Oregon Court of Appeals since the City Council's 2020 action.

(1) Re-adoption of all the code changes that were included in the 2020 ordinance (which is no longer in effect) as follows:

- A. Changes the term “secondary dwelling” to “accessory dwelling” throughout the code
- B. Clarifies that an “accessory dwelling” is regulated differently than an “accessory building”
- C. Replaces the City’s definition of “secondary dwelling” with the State law’s definition of “accessory dwelling” provided at ORS 197.312(5)
- D. Adds “Accessory Dwellings” use category as an explicitly permitted use in the following zones:
 - AG Agricultural
 - R-2 Medium Density Residential
 - R-3 Limited High-Density Residential
 - R-4 High Density Residential
 - S-E Elmira Road Special Area Zone
 - S-HB Blair Boulevard Historic Commercial Special Area Zone
- E. Adds language to the S-JW Jefferson Westside Special Area Zone and S-C Chambers (R-2 Subarea) Special Area Zone to clarify that, in the code provisions for these zones, any dwelling that meets the definition of “accessory dwelling” will continue to be referred to as a “one-family dwelling”
- F. Applies the R-1 Low Density Residential zone standards for accessory dwellings to accessory dwellings in the following zones:
 - AG Agricultural
 - R-2 Medium Density Residential
 - R-3 Limited High-Density Residential
 - R-4 High Density Residential
 - S-E Elmira Road Special Area Zone
- G. Removes regulations that require either the primary dwelling or the accessory dwelling to be the principal residence of the property owner
- H. Removes regulations that regulate dog keeping differently for lots with accessory dwellings

- I. Removes, from some zones, regulations that require on-site parking for accessory dwellings and removes or revises regulations that regulate the development of required parking for accessory dwellings
- J. Increases building height/sloped setback inflection point from 8 feet to 10 feet (meaning the accessory dwelling can now be 10 feet in height at the interior yard setback, before sloping up to the maximum height)
- K. Removes barriers to above-garage accessory dwellings and accessory dwellings on sloped lots by adjusting standards to building height and interior setback
- L. Removes some prohibitions on accessory dwellings on flag lots

(2) Adoption of additional code changes (that were not included in the 2020 ordinance) to amend to amend or remove code provisions that were invalidated by rulings of the Oregon Court of Appeals in *Kamps-Hughes v. City of Eugene* as follows:

- A. Allows, where not addressed in the 2020 ordinance, an accessory dwelling for each single-family dwelling allowed by the code, including on alley access lots and flag lots
- B. Removes regulations that include accessory dwellings in maximum density calculations
- C. Removes regulations that prohibit ADUs based on lot area or lot dimensions
- D. Removes regulations that limit the number of people that can occupy an accessory dwelling or a property that includes an accessory dwelling
- E. Removes, where not addressed in 2020 ordinance, regulations that require on-site parking for accessory dwellings

ORDINANCE NO. _____

AN ORDINANCE CONCERNING ACCESSORY DWELLINGS; REPLACING THE TERM “SECONDARY DWELLING” WITH “ACCESSORY DWELLING” THROUGHOUT THE EUGENE CODE 1971; MAKING ADDITIONAL AMENDMENTS TO SECTIONS 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.3060, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 AND 9.8030 OF THAT CODE; ADDRESSING THE OREGON LAND USE BOARD OF APPEALS’ REMAND OF ORDINANCE NOS. 20594, 20595, AND 20625; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The term “secondary dwelling” is replaced with “accessory dwelling” (including grammatical revisions for plural and a/an agreement) throughout the Eugene Code, 1971. Where this change occurs in the Code sections further amended by this Ordinance, this change is also shown.

Section 2. The following definitions in Section 9.0500 of the Eugene Code, 1971, are amended to provide as follows:

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

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site. In addition, for the purposes of EC 9.2700 through 9.2751, in the R-1 zone, an accessory building that shares a common wall with the primary dwelling for less than 8 feet is considered a detached accessory building. ***An accessory dwelling is not an accessory building.***

Dwelling, [Secondary] Accessory. ~~[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.***

Kennel. An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and ~~an [secondary] accessory dwelling [unit],~~ the “premises” means the lot. ~~[(See EC 9.2751(17)(a)6. and (c)10.)]~~

Section 3. The “Dwellings” subsection in the “Residential” section in Table 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>Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i>	<i>P(2)</i>

Section 4. 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 accessory dwellings at EC 9.2751(17).***

Section 5. The following entries under the “Residential” section in Table 9.2740 of the Eugene Code, 1971, are 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] Accessory Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P(2)		<i>P(2)</i>	<i>P(2)</i>	<i>P(2)</i>

Section 6. 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]~~ **Accessory Dwellings.** ~~[Secondary]~~ ***One accessory*** dwelling[s are only permitted in R-1 and] ***is allowed for each detached one-family dwelling on the same lot,*** subject to the standards [beginning] at EC 9.2750 ***and EC 9.2751***~~[, except that new [secondary] accessory dwellings are prohibited on alley access lots].~~

Section 7. The following entries under the “Maximum Building Height,” “Minimum Building Setbacks,” “Maximum Lot Coverage” and “Secondary Dwellings” sections in Table 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] Accessory 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] Accessory Dwellings	See (17)	--	[See (17)]	[See (17)]	[See (17)]
Maximum Lot Coverage (17), (18)					
Lots with [Secondary] Accessory Dwellings (Area-Specific)	See (17)(c)	--	--	--	--
[Secondary] Accessory Dwellings (17)					
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)	--	--	--	--

Section 8. Figure 9.2751(16)(b)(3) is amended as shown in Exhibit A attached to this Ordinance; Figure 9.2751(17)(a)3.b.(2)(A), Figure 9.2751(17)(a)3.b.(2)(B) and Figure 9.2751(17)(a)3.c.(2), attached to this Ordinance at Exhibit A, are added; and Subsections (1), (17) and (18) of Section 9.2751 of the Eugene Code, 1971, are amended to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(1) Density.

- (a) The minimum residential density requirements set forth in Table 9.2750 do not apply to:
 1. ~~[Attached secondary]~~**Accessory** dwellings ~~[in R-1]~~;
 2. Lots zoned R-2 that are less than a half-acre (21,780 square feet) and that were created before August 24, 2017;
 3. Lots or development sites in the R-3 or R-4 zones that are developed and are 13,500 square feet or less in size;
 4. Lots within a # overlay zone as described in EC 9.4050 to EC 9.4065; or
 5. Dwellings exclusively for low income individuals and/or families where all units are subsidized. For this purpose, 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. For these types of dwellings the minimum density is 10 units per net acre.

(Refer to Table 9.2750 Residential Zone Development Standards for the required net area per dwelling unit.)

(b) The maximum residential density requirements set forth in Table 9.2750 do not apply to accessory dwellings.

(bc) For purposes of this section, "net density" is the number of dwelling units per acre of land in actual residential use and reserved for the exclusive use of the residents in the development, such as common open space or recreation facilities.

(ed) For purposes of calculating net density:

1. The acreage of land considered part of the residential use shall exclude public and private streets and alleys, public parks, and other public facilities.
2. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number.
3. In calculating the maximum net density allowed for a specific lot or development site the planning director shall round up to the next whole number only for:
 - a. A lot or development site that is 13,500 square feet or more in area;
 - b. A lot or development site that is not abutting the boundary of, or directly across an alley from land zoned R-1; and
 - c. Fractions of .75 or above.In all other circumstances, the planning director shall round down to the previous whole number.
4. At the request of the developer, the acreage described in 1., above, also may exclude natural or historic resources. For purposes of this section, natural resources include those designated for protection in an adopted plan and the area within natural resources protection or conservation setbacks that have been applied to the development site. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as "primary" or "secondary." It may also include additional natural or historic resources upon approval of the planning director.

(de) Legally established buildings and uses conforming to the residential net density requirements in the R-2, R-3 and R-4 zones on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the R-2, R-3, and R-4 zones on which residential buildings and uses existed, or in which a development permit or land use application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards of this section.

(ef) Provided the number of dwelling units are not reduced below the number present at the time of historic landmark designation, changes in the

number of dwelling units within the historic property are exempt from the residential net density minimums.

* * *

(17) [Secondary] Accessory Dwellings[- in R-1].

(a) General Standards for Attached [Secondary] Accessory Dwellings.

Except as provided in subsection (c) below, **[secondary] attached accessory** dwellings ~~[that are within the same building as the primary dwelling]~~ shall comply with all of the following:

~~[1. **Lot Area.** To allow a secondary dwelling, flag lots shall contain at least 12,500 square feet, excluding the pole portion of the lot, and shall have a minimum pole width as required under EC 9.2775(5)(e). All other lots shall contain at least 6,100 square feet.]~~

21. Building Size. The total building square footage of an **[secondary] accessory** dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

32. Building Height/Interior Setback. Except for **[secondary] accessory** dwellings on flag lots (see EC 9.2775), the following standards apply:

a. For **any portion of an** attached **[secondary] accessory** dwelling[s] located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750.

b. For **any portion of an** attached **[secondary] accessory** dwelling[s] located greater than 60 feet ~~[of]~~ **from** a front lot line, ~~[interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3.)]~~ **the following standards apply:**

(1) Except as provided in subsection (2) below, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3. Building Height/Interior Setbacks)

(2) For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (See Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation

& Sloped Setback for Sloped Lots), the following standards apply:

(A) For an interior lot line that is not addressed in (2)(B) below or an interior lot line that abuts an alley, the minimum interior yard setback from that lot line is 5 feet and the maximum building height is 25 feet.

(B) Where an interior lot line abuts property that is zoned R-1, R-1.5, S-C/R-1 or S-RN/LDR, the interior yard setbacks shall be at least 5 feet. In addition, at a point that is 18 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet. If the building is setback a minimum of 20 feet from an interior property line, the sloped portion of the setback does not apply along that property line. (See Figure 9.2751(17)(a)2.b.(2)(B) Accessory Dwelling Above Garage)

c. Exceptions. If the accessory dwelling is above a garage or on a slope as described in EC 9.2751(17)(a)2.b.(2) above, the following exceptions apply:

(1) An accessory dwelling may intrude into the 5-foot interior yard if a 10-foot separation exists between the accessory dwelling and buildings on the abutting lot and if the owner of the accessory dwelling has secured and recorded in the office of the Lane County Recorder a maintenance access easement adjacent to the intruding side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends and require the continuation of a 10-foot separation between buildings on the separate lots. The easement shall be on a form provided by the city and be subject to payment of a fee set by the city manager.

(2) An accessory dwelling's dormers may intrude into the sloped portion of any interior yard setback if:

(A) The total width of all dormers does not exceed fifty percent of the width of the roof on which the dormers are located (for hipped roofs, the width of the roof shall be measured at the eave); and

(B) The walls of the dormer(s) are set back a minimum of 2 feet from the face of all exterior building walls of the accessory dwelling.

(See Figure 9.2751(17)(a)2.c.(2) Dormer Placement & Size Calculation)

ed. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in

subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.

43. Minimum Attachment. The [secondary] **accessory** dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
- ~~5. Maximum Bedrooms. The secondary dwelling shall contain no more than 2 bedrooms.~~
- ~~6. Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~
- ~~7. Ownership/Occupancy Requirements. Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.~~
- ~~8. Temporary Leave. Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).~~
- ~~9. Deed Restriction. Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a~~

~~reference to the deed under which the property was acquired by the present owner and include the following provisions:~~

- ~~a. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.~~
- ~~b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.~~
- ~~c. The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.~~

~~10. Verification. At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 7. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.~~

~~114. Additional Standards for [Secondary] Accessory Dwellings on Flag Lots. [Secondary] Accessory dwellings on flag lots are also subject to the standards at EC 9.2775(5)(e).~~

(b) General Standards for Detached [Secondary] Accessory Dwellings. In addition to the standards in subsection (a) of this section, detached [secondary] accessory dwellings shall comply with the following, except as provided in subsection (c) below:

1. Building Size. ***For an accessory dwelling located above a garage, up to 800 square feet of unheated garage or other unheated storage space attached to the accessory dwelling is allowed and is not counted in the total building square footage for the accessory dwelling. For other accessory dwellings, [U]p to 300 square feet of un[-]heated garage or other unheated storage space attached to the [secondary] accessory dwelling [unit] is allowed and is not counted in the allowable total building square footage for the accessory dwelling.***
2. Pedestrian Access. A pedestrian walkway shall be provided from the street or alley to the primary entrance of the [secondary] accessory dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.
3. Primary Entrance. The primary entry to ***an*** [secondary] accessory dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
4. Outdoor Storage/Trash. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
5. Building Height/Interior Setback. Except for [secondary]

accessory dwellings on flag lots (see EC 9.2775), the following standards apply:

- a. ***Except as provided in subsection b. below, [§]interior yard setbacks shall be at least 5 feet. In addition, at a point that is [§] 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3. Building Height/Interior Setbacks)***
- b. ***For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (see Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation & Sloped Setback for Sloped Lots), the standards at EC 9.2751(17)(a)2.b.(2) and EC 9.2751(17)(a)2.c. apply.***
- ~~b.c.~~ The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. ***or b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. [(See Figure 9.2751(16)(b)3.)]***
- ~~c.~~ This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).]
6. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).
- (c) Area-Specific [Secondary] Accessory Dwelling Standards. ***Except as provided in this subsection (c), the standards at (a) and (b) do not apply to accessory dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*** The following standards apply to all new attached or detached [secondary] **accessory** dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
 - ~~[1. Lot Area. To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.~~
 - ~~2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.]~~
 - ~~31.~~ Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
 - ~~[4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of~~

~~the total lot area.]~~

52. Building Size. For lots ~~[at least 7,500 square feet and]~~ less than 9,000 square feet in area, the ~~[secondary]~~ **accessory** dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the ~~[secondary]~~ **accessory** dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. ***For an accessory dwelling located above a garage, up to 800 square feet of unheated garage or other unheated storage space is allowed and is not counted in the total building square footage for the accessory dwelling.***
63. Minimum Attachment. The standards at EC 9.2751(17)(a)43. are applicable.
74. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the ~~[secondary]~~ **accessory** dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the ~~[secondary]~~ **accessory** dwelling shall be limited to 1 bedroom.
- ~~[8. Maximum Occupancy. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.]~~
95. Building Height/Interior Setback. ~~[For detached secondary dwellings:]~~
- a. ~~[The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.]~~ ***The standards at EC 9.2751(17)(b)5.a. and b. are applicable to detached accessory dwellings.***
- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in ~~[1]a.~~ above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

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

- ~~10. Dog Keeping. The standards at EC 9.2751(17)(a)6. are applicable.~~
- ~~11. Ownership/Occupancy Requirements. The standards at EC 9.2751(17)(a)7. are applicable.~~
- ~~12. Temporary Leave. The standards at EC 9.2751(17)(a)8. are applicable.~~
- ~~13. Deed Restriction. The standards at EC 9.2751(17)(a)9. are applicable.~~
- ~~14. Verification. The standards at EC 9.2751(17)(a)10. are applicable.~~
- ~~15. Parking. For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall~~

~~be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.~~

- ~~16. Alley Access Parking and Driveway. The standards at EC 9.2751(18)(a)11. are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.]~~
- ~~176. Pedestrian Access. The standards at EC 9.2751(17)(b)2. are applicable to attached and detached [secondary] **accessory** dwellings[, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley].~~
- ~~187. Primary Entrance. The standards at EC 9.2751(17)(b)3. are applicable to detached [secondary] **accessory** dwellings only.~~
- ~~198. Outdoor Storage/Trash. The standards at EC 9.2751(17)(b)4. are applicable to detached [secondary] **accessory** dwellings only.~~
- ~~209. Maximum Wall Length. The standards at EC 9.2751(17)(b)6. are applicable to detached [secondary] **accessory** dwellings only.~~
- (d) Adjustment Review. ~~[The standards at [EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, a]~~An adjustment may be requested to convert an existing building into an **[secondary] accessory** dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For **[secondary] accessory** dwellings, these are the only standards that may be adjusted. ~~[With the exception of EC 9.2751(17)(a)8. regarding temporary leave, t]~~These standards are not adjustable for **[secondary] accessory** dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.

(18) Alley Access Lots in R-1.

- (a) General Standards.
 1. Applicability. Except as provided in (b) **and (c)** below, the following standards apply to development on alley access lots in R-1.
 2. Use Regulations. Alley access lots have the same land use regulations as the base zone ~~[except that there is no allowance for an accessory dwelling].~~
 3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
 4. Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
 5. Building Height/Interior Setback.
 - a. Interior yard setbacks shall be at least 5 feet, including along

the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 18 feet.

- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.
(See Figure 9.2751(16)(b)3.)
 - c. These standards may be adjusted in accordance with EC 9.8030(35).
6. Windows, Dormers and Balconies.
- a. Any window on the upper story must be located a minimum of 10 feet from any property line.
 - b. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.
 - c. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley[?] and shall be setback at least 10 feet from the alley.
 - d. Notwithstanding b. and c. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.
7. Bedrooms. The dwelling shall contain no more than 3 bedrooms.
8. Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
9. Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.
10. Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
11. Parking and Driveway.
- a. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
 - b. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
 - c. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards

- one parking space.
 - d. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
 - e. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
 - f. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
 - g. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
 - h. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
 - i. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
 - j. No parking shall occur outside of the vehicle use area.
(See Figure 9.2751(18)(a)11.)
12. Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.
 13. Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
 14. Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.
 15. Adjustment Review. For alley access lots, EC 9.2751(18)(a)(5) is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (b) Area – Specific Alley Access Lot Standards in R-1. Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)(3) Building Size, the following applies:
1. Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

2. This standard may not be adjusted.
- (c) ***The standards in (a) and (b) do not apply to accessory dwellings. Accessory dwellings on alley access lots in R-1 shall comply with the standards at EC 9.2751(17).***

Section 9. Subsections (4) and (5)(e) of Section 9.2775 of the Eugene Code, 1971, are amended to provide as follows:

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

- (4) **Use Regulations.** Residential flag lots have the same land use regulations as the base zone except~~[:]~~***that***
 - ~~[(a) H]home occupations are not allowed on residential flag lots of less than 13,500 square feet[:].~~
 - ~~[(b) Secondary dwellings are not allowed on flag lots less than 12,500 square feet,; and~~
 - ~~[(c) Secondary dwellings are not allowed on flag lots that did not exist or were not approved prior to August 29, 2014.]~~
- (5) **Development Standards.**
 - (e) **Additional Standards for [Secondary] Accessory Dwellings on Flag Lots.**
 - ~~1. Access Pole Width. To allow for a secondary dwelling on flag lots existing or approved prior to August 29, 2014, that do not have legal access other than the individual or combined pole, the minimum width of the individual or combined pole shall be 25 feet.~~
 - ~~2. Access. No more than four dwellings (including primary and secondary dwellings) may take access off an individual pole or combined poles.]~~
 - 31. Building Height/Interior Setback.**
 - a. ***Except as provided in subsection b. below, [H]interior yard setbacks shall be at least 10 feet. In addition, at a point that is [8] 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet for detached [secondary] accessory dwellings and the maximum building height of the primary dwelling for attached [secondary] accessory dwellings.***
 - b. ***For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (See Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation & Sloped Setback for Sloped Lots), the following standards apply:***
 - (1) For an interior lot line that is not addressed in b.(2) below, the minimum interior yard setback from that lot line is 10 feet and the maximum building height is 25 feet.***

(2) *Where an interior lot line abuts property that is zoned R-1, R-1.5, S-C/R-1 or S-RN/LDR,, the interior yard setbacks shall be at least 10 feet. In addition, at a point that is 18 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet. If the building is setback a minimum of 20 feet from an interior property line, the sloped portion of the setback does not apply along that property line. (See Figure 9.2751(17)(a)2.b.(2)(B) Accessory Dwelling Above Garage)*

c. **Exceptions.** *If the accessory dwelling is above a garage or on a slope as described in EC 9.2775(5)(e)1.b. above, an accessory dwelling's dormers may intrude into the sloped portion of any interior yard setback if:*

- (1) *The total width of all dormers does not exceed fifty percent of the width of the roof on which the dormers are located (for hipped roofs, the width of the roof shall be measured at the eave); and*
- (2) *The walls of the dormer(s) are set back a minimum of 2 feet from the face of all exterior building walls of the accessory dwelling.*

(See Figure 9.2751(17)(a)2.c.(2) Dormer Placement & Size Calculation)

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

~~[c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).]~~

42. Driveway Standards.

a. **Paving.** The driveway paving width shall be as follows:

- (1) For flag lots served by an individual pole, the minimum driveway width shall be 12 feet, and the maximum driveway paving width shall be 20 feet.
- (2) For flag lots served by a combined pole, the driveway width shall be 20 feet or a lesser width as approved by the fire code official.

b. **Driveway Setbacks.** The driveway paving shall be setback from the edge of the pole as follows:

- (1) For flag lots that are served by an individual pole, the driveway paving shall be setback a minimum of six feet.
- (2) For flag lots that are served by a combined pole, the driveway paving shall be setback a minimum of 2.5 feet.

c. **Driveway Use.** Parking is not allowed on any portion of the pole.

- d. Landscaping. The entire length of both sides of the pole, within the area between the driveway paving and the edge of the pole, shall be landscaped to meet the Low Screen Landscape Standard (L-2) in EC 9.6210(2)(a), except as follows:
 - (1) The shrubs required for continuous screen at EC 9.6210(2)(a)1. shall be at least 45 inches high within three years and maintained at a height not to exceed 60 inches, with the intent to minimize headlight glare;
 - (2) The canopy tree requirement at EC 9.6210(2)(a)2., is not applicable; and
 - (3) In lieu of a masonry wall or berm, a solid wood fence may be permitted where the bottom of the fence is no higher than 12 inches above grade and the top of the fence is at least 45 inches above grade.
- 53. Exceptions. Exceptions to driveway setback and landscaping standards are allowed where the affected adjacent property owners consent in writing on a form approved by the city.
- 64. Adjustments. The standards at EC 9.2775(5)(e)42.b. and d. regarding driveway setbacks and landscaping may be adjusted in accordance with EC 9.8030(34)(~~d~~)(b).

Section 10. Subsection (2) of Section 9.3060 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3060 S-C Chambers Special Area Zone – Land Use and Permit Requirements and Special Use Limitations.** Except where the standards in EC 9.3065 S-C Chambers Special Area Zone Development Standards specifically provide otherwise:
- (2) The land use and permit requirements and special use limitations applicable in the S-C/R-2 subarea shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone, ***except that any additional (interior, attached or detached) residential structure that is used in connection with or that is accessory to a single family dwelling may be permitted on a lot only as an additional “One-Family Dwelling” and not as an “Accessory Dwelling.”***

Section 11. Subsections (2)(a) and (3)(a) of Section 9.3065 of the Eugene Code, 1971, are amended to provide as follows:

- 9.3065 S-C Chambers Special Area Zone – Development Standards.**
- (2) **Development Standards Applicable in the S-C/R-1 Subarea.** Except as provided in this subsection, the development standards applicable in the S-C/R-1 Subarea shall be those set forth in EC 9.2750 to EC 9.2777 for the R-1 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885.

- (a) Lot Size Minimums for Flag Lots. In lieu of any conflicting provisions in EC 9.2750 to 9.2777 for flag lots in the R-1 zone, the following standards apply for flag lots in the S-C/R-1 subarea:
1. Single dwellings [~~and attached secondary dwellings~~]: minimum lot size 4,500 square feet.
 - ~~[2. Detached secondary dwellings: minimum lot size 6,000 square feet.]~~
 32. The original lot, prior to creation of the flag lot, is not subject to a minimum lot size of 13,500 square feet.
- In calculating the lot area, only the flag portion of the lot (exclusive of the pole) is counted.

* * *

(3) Development Standards Applicable in S-C/R-2 Subarea. Except as provided in this subsection, the development standards applicable in the S-C/R-2 subarea shall be those set out in EC 9.2750 to 9.2777 for the R-2 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885.

- (a) Density Standards. In lieu of the density standards for the R-2 zone in Table 9.2750 and EC 9.2750(1), there is no minimum density requirement regardless of lot size, and the following maximum density standards apply:
1. For lots with street access:
 - a. One dwelling unit **and one additional one-family dwelling as described in 9.3060(2) per lot** if the lot area is less than or equal to 4,500 square feet.
 - b. Two dwelling units **and for each detached one-family dwelling, one additional one-family dwelling as described in 9.3060(2)** if the lot area is greater than 4,500 square feet and less than or equal to 9,200 square feet.
 - c. Three dwelling units **and for each detached one-family dwelling, one additional one-family dwelling as described in 9.3060(2)** if the lot area is greater than 9,200 square feet.
 2. For alley access lots: One dwelling unit **and one additional one-family dwelling as described in 9.3060(2)** regardless of lot size.

* * *

Section 12. The “Dwellings” subsection in the “Residential” section in Table 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			

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
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
Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)		P	P
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
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 13. In Table 9.3125(3)(g) of the Eugene Code, 1971, a “Density” heading is added and the row thereunder for “Minimum Net Density per Acre” is amended; and the row for “Accessory Building” under the “Maximum Building Height” heading 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
Density (1)(2)			
Minimum Net Density per Acre [(1)]	20 units/acre if all residential in a single building	20 units [(2)(b)]	20 units [(2)(a)]
Maximum Net Density	112	112	112

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
Minimum Building Height	At least 2 functional floors if located along Garden Way		
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'
Accessory Dwellings Detached from Main Building		30'	30'

Section 14. Subsection (2) of Section 9.3126 of the Eugene Code, 1971, is amended to provide as follows:

9.3126 Special Development Standards for Table 9.3125(3)(g).

- (2) ~~[Minimum]~~Density.
- (a) ~~HDR Subarea.~~ **Minimum density a**[Applies to new residential development except rowhouses **and Accessory Dwelling Units.**
 - (b) ~~HDR/MU Subarea.~~ **Minimum density a**[Applies to new development except rowhouses **and Accessory Dwelling Units.**
 - (c) **Maximum density applies to all new residential development except Accessory Dwelling Units.**

Section 15. The “Dwellings” subsection in the “Residential” section in Table 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] Accessory 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 16. 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. ***Accessory dwellings shall be subject to the R-4 standards, except EC 9.2751(17).***

Section 17. The “Dwellings” subsection in the “Residential” section in Table 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>Accessory 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 18. 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) Accessory Dwellings (1 Per Detached One-Family Dwelling on Same Lot).**
 - (bc) Duplexes.
 - (cd) Triplexes.
 - (de) Four-plexes.
 - (ef) Multiple-family dwellings.
 - (fg) Home occupations.

(g

Section 19. Section 9.3615 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3615 S-JW Jefferson Westside Special Area Zone Land Use and Permit Requirements and Special Use Limitations.** The land use and permit requirements and special use limitations applicable in the S-JW Jefferson Westside Special Area Zone shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone, except:
- (1)** ~~¶~~The following uses listed on Table EC 9.2740 are prohibited in the S-JW Jefferson Westside Special Area Zone:
 - (1a)** Correctional Facilities.
 - (2b)** C-1 Neighborhood Commercial Zone permitted uses, unless such a use is specifically listed in another row on Table 9.2740 as an allowable use under the “R-2” column.
 - (2)** ***Any additional (interior, attached or detached) residential structure that is used in connection with or that is accessory to a single family dwelling may be permitted on a lot only as an additional “One-Family Dwelling” and not as an “Accessory Dwelling.”***

Section 20. Subsections (3), (7) and (8) of Section 9.3625 of the Eugene Code, 1971, are amended to provide as follows:

- 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards.**
- (3)** Alley development standards.
 - (a)** Primary Vehicle Access. For the purposes of this section, “primary vehicle access” means the primary means by which inhabitants take vehicular access to a dwelling or on-site parking space(s) provided for a dwelling. Primary vehicle access is determined as follows:
 1. On an alley access only lot, every dwelling’s primary vehicle access is the alley.
 2. On a lot that is not an alley access only lot and that, consistent with access standards in the EC, could take vehicular access from an alley, a dwelling’s primary vehicle access is:
 - a. The street, when there is only one dwelling on the lot.
 - b. When there are multiple dwellings on the lot, for each on-site parking space that complies with the standards applicable in the S-JW special area zone and that can only be accessed and exited via a street (i.e., cannot use the alley for entry or exit), one dwelling is considered to take primary vehicle access from the street. The remainder of the dwellings shall be considered to take primary vehicle access from the alley.

If there are one or more dwellings with the alley as primary vehicle access, the dwelling(s) closest to the alley shall be considered to have primary access from the alley. In cases where multiple dwellings are equidistant from the alley and not all of them take primary access from the alley, the

property owner may designate which dwellings take primary access from the alley. The provisions in this subsection (3)(a)2.b. may be adjusted based on the criteria of EC 9.8030(26)(2).

3. On all lots not addressed in 1. or 2., above, all dwellings' primary vehicle access is the street.
- (b) No more than one dwelling on the same development site may take primary vehicle access from an alley unless the site also abuts a street that the alley intersects.
- (c) On any lot that contains one or more dwellings whose primary vehicle access is an alley, there must be at least an undivided 400 square-foot open space area (not including buildings, parking or driveways) abutting the alley. Except as provided in 4., below, the open space area:
 1. shall abut the alley for at least 25% of the length of the lot line abutting the alley;
 2. shall be a minimum of 10 feet in depth for the entire extent that the open space area abuts the alley; and
 3. may include areas that are within setbacks.
 4. The open space required in this subsection (c) may be placed behind parallel parking abutting the alley.
- (d) For a dwelling whose primary vehicle access is an alley:
 1. The dwelling may not have more than three bedrooms.
 2. If the dwelling is in the residential building closest to the alley, then the dwelling shall include a main entrance that is visible from the alley (see Figure 9.3625(3)(d)2.) and meets one of the following conditions:
 - a. Faces the alley;
 - b. Faces the side of the lot and meets all the following conditions:
 - (1) The entrance opening is not more than 8 feet from the building façade facing the alley and nearest the alley;
 - (2) The entrance includes a covered porch of at least 30 square feet;
 - (3) The porch abuts both the façade containing the entrance and a façade facing the alley; or
 - c. Faces the side of the lot and meets all the following conditions:
 - (1) The entrance opening is no more than 8 feet from the building façade facing the alley and nearest the alley.
 - (2) The entrance provides direct resident access to a head-in parking area on the same side of building.
 - (3) The entrance includes a covered porch of at least 20 square feet.
 - (4) The façade facing the alley includes windows that total at least 8 feet wide when measured at 5' above the floor of the first story and that have a minimum area of at least 20 square feet.
 3. One on-site parking space, accessible from the alley, per dwelling is required. ***This parking requirement does not apply to an additional one-family dwelling, as described at EC 9.3615(2).***

* * *

(7) Parking Standards.

(a) Except as provided in (3)(d)3. above **and (7)(b) below**, each dwelling shall have one on-street or on-site vehicle parking space for every three bedrooms, rounded up to the next whole number (i.e. a four-bedroom dwelling must have at least two parking spaces). For purposes of this subsection, each uninterrupted twenty feet of lot line that abuts a street right-of-way where parking is legal within the entirety of that twenty feet shall count as one on-street parking space. The twenty feet may not include any portion of a curb cut.

(b) The parking space requirement in (a), above, does not apply:

- 1. To an additional one-family dwelling, as described in 9.3615(2); or**
- 2. To one dwelling that has primary vehicle access from the street and no more than three bedrooms, when there are two or more dwellings and there is no on-street parking space as defined in subsection (7)(a) above.**

(b)c) No portion of a vehicle parking area may be located in the area defined by the Street Setback minimum standard (i.e., from which structures, other than permitted intrusions, are excluded) or between the street and the residential building façade that faces, and is closest to, the street.

(See Figure 9.3625(7)(b) Vehicular (No) Parking Areas).

(8) The following Table 9.3625 sets forth the S-JW Special Area Zone development standards, subject to the special development standards in EC 9.3626.

Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)	
Density(1)	
Minimum Dwellings Per Lot	
Lots less than 13,500 Square Feet	--
Lots 13,500 square feet and larger	1 dwelling per lot for every 6,750 square feet (fractional values are rounded down to the nearest whole number)
Maximum Dwellings Per Lot(1)	
Alley Access Only Lot	1 dwelling and 1 additional one-family dwelling as described in 9.3615(2) per lot
Lots [less than 2,250] up to 4,499 square feet	[No additional dwellings after December 14, 2009] 1 dwelling and 1 additional one-family dwelling as described in 9.3615(2) per lot
[Lots between 2,250 and 4,499 square feet]	[1 dwelling per lot]
Lots between 4,500 and 8,999 square feet	2 dwellings and, for each detached one family dwelling, 1 additional one-family dwelling as described in 9.3615(2) per lot

Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)	
Lots 9,000 square feet and larger	1 per lot for every 4,500 square feet (fractional values are rounded down to the nearest whole number) and, for each such detached one family dwelling, 1 additional one-family dwelling as described in 9.3615(2)
Maximum Building Height (2) (9)	
Minimum Building Setbacks (3) (4) (5) (9)	
Maximum Lot Coverage (6) (7)	50%
Maximum Vehicle Use Area (6)	20%
Common and Private Open Space (7)	
Fences (8)	
(Maximum Height Within Interior Yard Setbacks)	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches

Section 21. Subsection (g) is added to subsection (1) of Section 9.3625 of the Eugene Code, 1971, to provide as follows:

9.3626 Special Development Standards for Table 9.3625.

- (1) Density. For purposes of determining the maximum allowable dwellings on a lot:
- (g) ***Additional one-family dwellings as described in 9.3615(2) are not subject to the provisions of (1) and shall not be considered within the calculations of dwellings or bedrooms.***

Section 22. The “Dwellings” subsection in the “Residential” section in Table 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] Accessory 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)		

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
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 23. Subsection (1) of Section 9.3811 of the Eugene Code, 1971, is amended to provide as follows:

9.3811 Special Use Limitations for Table 9.3810.

(1) ~~[Secondary]~~ **Accessory Dwellings.** ~~[Secondary]~~ **Accessory** dwellings shall conform to all of the following:

(a) The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.

~~[(b) Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~

~~(c) There shall be at least 1 off-street parking space on the property.~~

~~(d) The dwelling shall be located on a lot that is not a flag lot.]~~

(eb) Detached ~~[secondary]~~ **accessory** dwellings shall:

~~[1. Comply with the residential density limitations in Table 9.3815(3)(n) Royal Node Special Area Zone Development Standards.]~~

21. Provide a pedestrian walkway from the street or alley to the primary entrance of the ~~[secondary]~~ **accessory** dwelling.

32. The primary entrance to ~~an~~ ~~[secondary]~~ **accessory** dwelling shall be defined by a roofed porch.

43. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.

~~[Prior to issuance of a final occupancy permit for the secondary dwelling, the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the secondary dwelling or primary dwelling is owner/occupied.]~~

Section 24. The “Maximum Building Height” section in Table 9.3815(3)(n) 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'
<i>Accessory Dwellings Detached from Main Building</i>	<i>25 feet</i>	<i>25 feet</i>	<i>25 feet</i>		

Section 25. The “Accessory Uses” section, and the “Dwellings” subsection of the “Residential” section in Table 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>Accessory 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(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 26. 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) **Accessory dwellings shall be subject to the standards established at EC 9.2750 and EC 9.2751(17).**

Section 27. Subsection (4)(a) of Section 9.3970 of the Eugene Code, 1971, is amended to provide as follows:

9.3970 S-WS Walnut Station Special Area Zone Development Standards Applicable to All Properties in the Walnut Station Special Area Zone.

(4) Parking Requirements.

- (a) Required off-street motor vehicle parking. The following minimum and maximum parking standards apply instead of the standards in Table 9.6410. The provisions in EC 9.6410(1)(a) through (c), EC 9.6415 (1) through (3), EC 9.6420(1), (2), (3)(a), (b), and (e), (4), (5), and (6), apply to the siting and design of parking and loading facilities in the Walnut Station area. Uses not listed do not have a parking requirement.

Use	Minimum Number of Off-street Parking Spaces	Maximum Number of Off-Street Parking Spaces
Residential	<p><i>No off-street parking spaces are required for accessory dwellings.</i></p> <p>Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces <i>for all other residential uses</i> shall be .5 parking spaces per dwelling unit.</p>	Except for required parking spaces for persons with disabilities, a maximum of 2.25 parking spaces are allowed per dwelling unit.
Non-Residential Uses	Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces shall be 1 parking space for every 660 square feet of gross floor area.	Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking with two or more levels, the maximum number of parking spaces is 1 parking space per every 250 square feet of gross floor area.

Section 28. The following entry in the “Dwellings” subsection of the “Residential” section in Table 9.6410 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
Residential	
Dwelling	
[Secondary] Accessory Dwelling (Either attached or detached from primary one-family dwelling on same lot) / Additional one-family dwelling in the R-2 subarea of the S-C Chambers Special Area Zone	[1 per dwelling.] 0

Section 29. Subsection (34) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

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

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

~~[(a) **Temporary Leave.** A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.]~~

(ba) Conversion of Existing Building. A legally established building existing as of August 29, 2014, may be converted to an ~~[secondary]~~ **accessory** dwelling if it complies with all of the following:

1. The existing structure satisfies all ~~[secondary]~~ **accessory** dwelling standards except the applicable sloped setback under Building Height/Interior Setback at EC 9.2571(17)(a)~~32.~~ or EC 9.2751(17)(b)5.
2. The ~~[secondary]~~ **accessory** dwelling is limited to 600 square feet in total building square footage~~[-, and 15 feet in height].~~
3. If the existing structure is closer than 5 feet to an interior property line, ~~[the adjacent property owner must provide written consent pursuant to EC 9.2751(7)]~~ **there must be a 10-foot separation between the accessory dwelling and buildings on the abutting lot and the owner of the accessory dwelling must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to the intruding side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends and require the continuation of a 10-foot separation between buildings on the separate lots. The easement shall be on a form provided by the city and be**

subject to payment of a fee set by the city manager.

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

Section 30. The findings in support of this Ordinance are included in the records compiled for this Ordinance and Ordinances 20594, 20595, and 20625, including the final orders issued by the Oregon Land Use Board of Appeals and the Court of Appeals.

Section 31. 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 32. 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. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals or the Oregon Court of Appeals, those sections, subsections, sentences, clauses, phrases or portions of this Ordinance that are not the subject of the remand shall be deemed separate, distinct and independent provisions and such remand shall not affect their validity or effect.

Section 33. The code amendments made by this Ordinance are required for compliance with ORS 197.312(5), which is now in effect. Therefore, 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 upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto.

Passed by the City Council this

_____ day of _____, 2021

City Recorder

Approved by the Mayor this

_____ day of _____, 2021

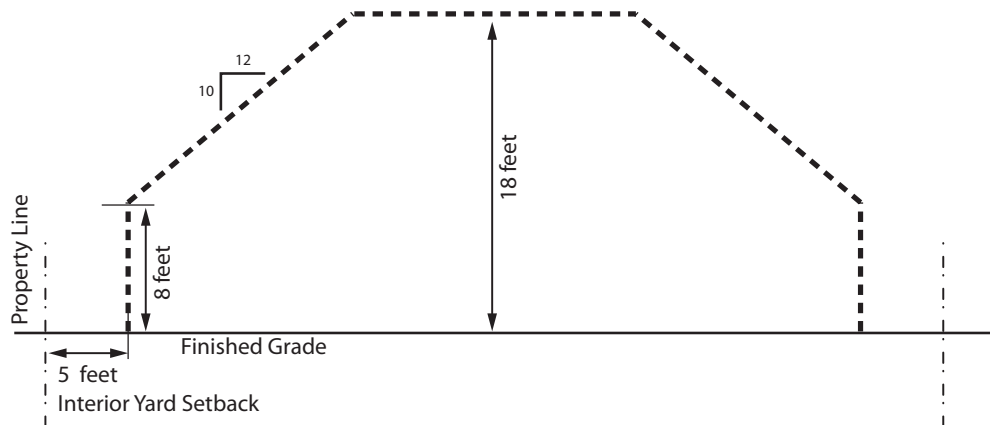
Mayor

Figure
9.2751(16)(b)3.

Building Height /Interior Setbacks for:

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

Accessory Buildings and Alley Access Lots



Accessory Dwellings

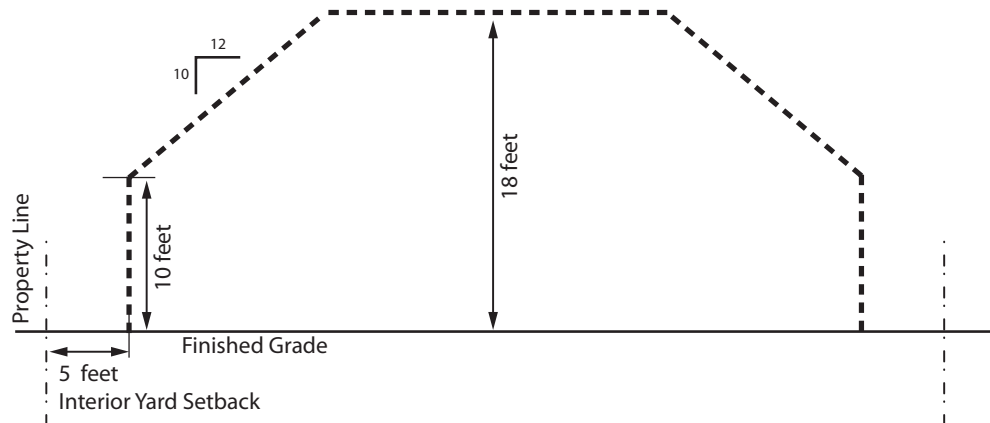


Figure
9.2751(17)(a)2.b.(2)(A)

**Building Height Calculation & Sloped Setback
for Sloped Lots**

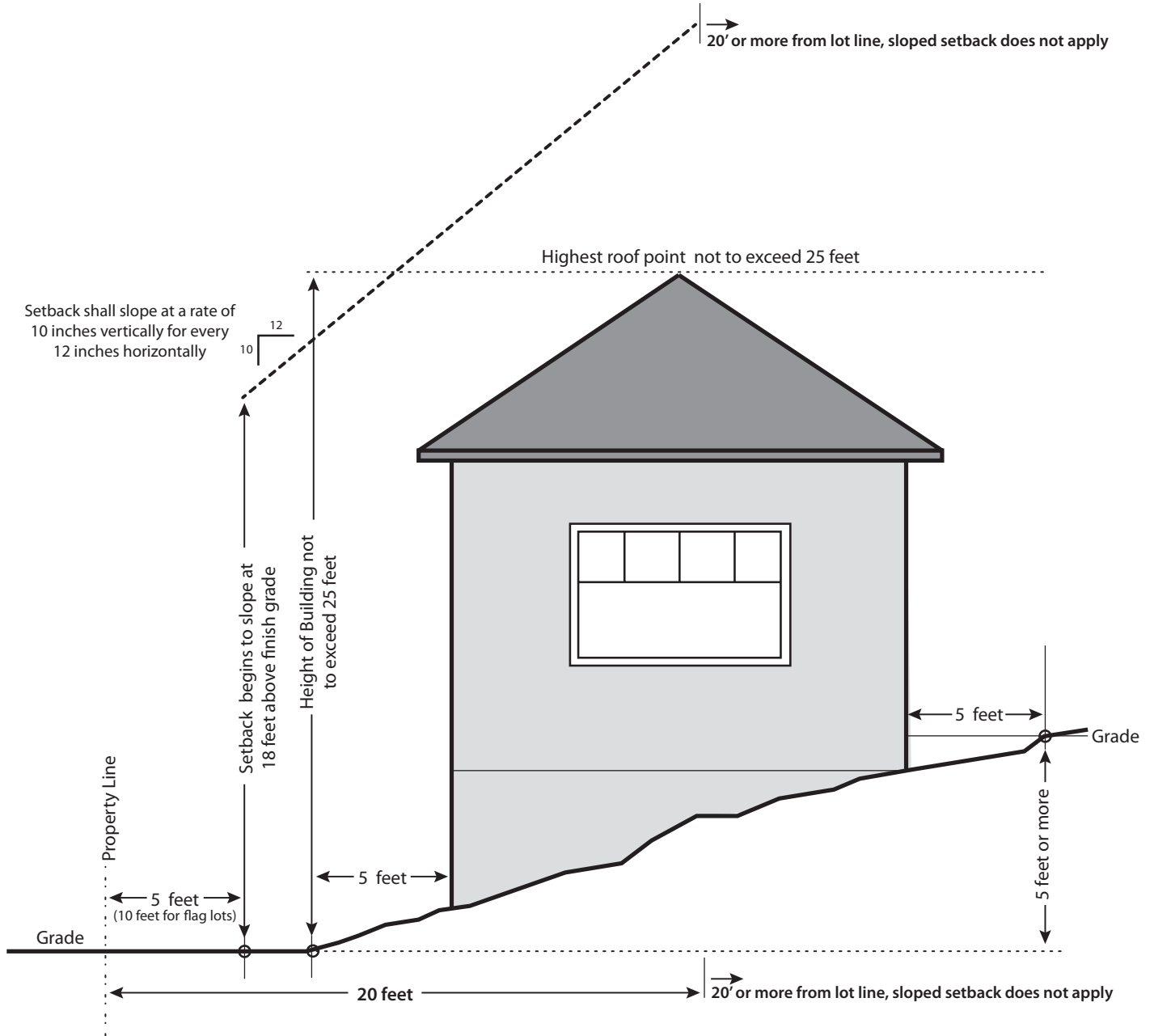


Figure
9.2751(17)(a)2.b.(2)(B)

Accessory Dwelling Above Garage

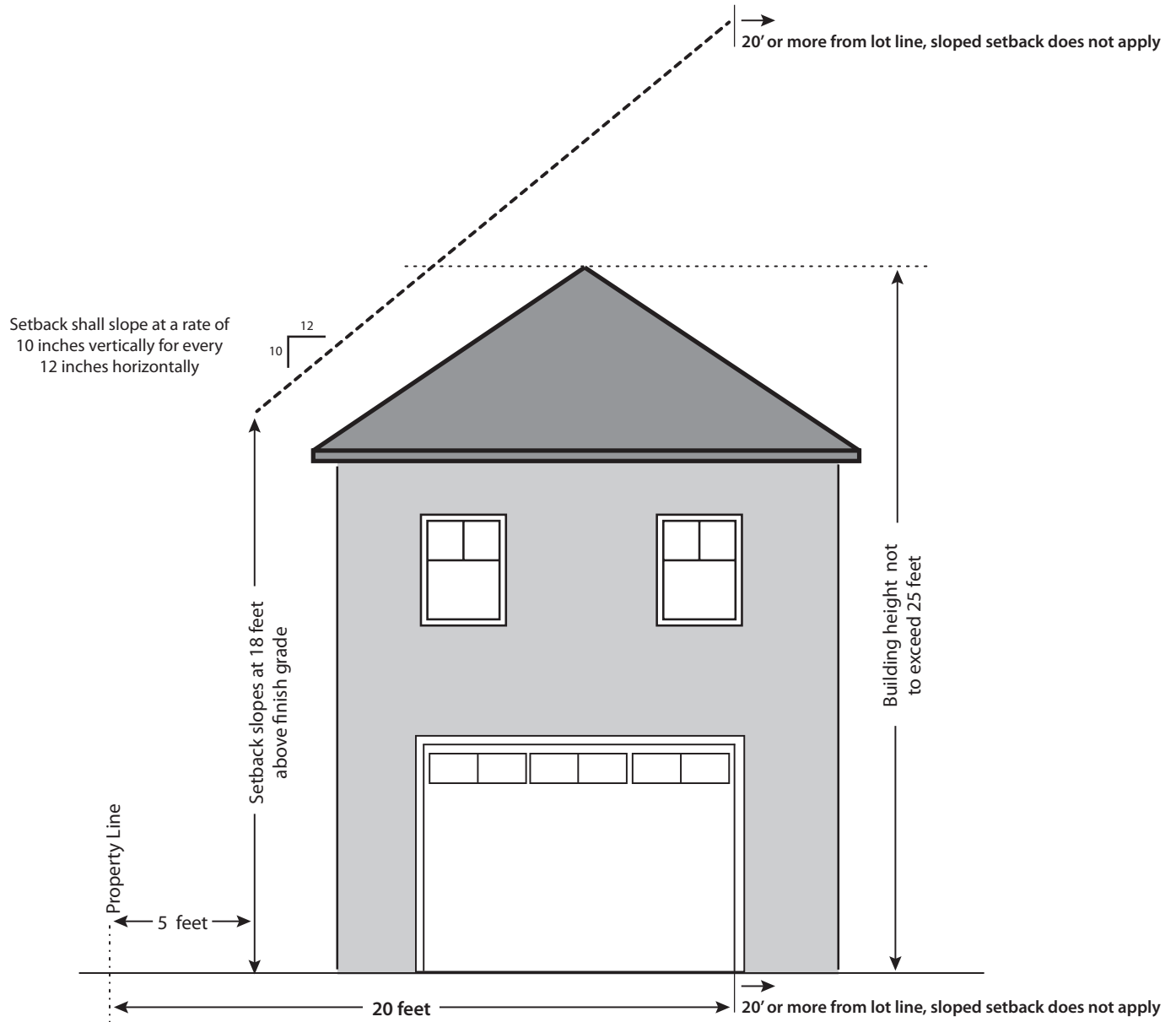


Figure
9.2751(17)(a)2.c.(2)

Dormer Placement & Size Calculation



ORDINANCE NO. _____

AN ORDINANCE CONCERNING ACCESSORY DWELLINGS; REPLACING THE TERM “SECONDARY DWELLING” WITH “ACCESSORY DWELLING” THROUGHOUT THE EUGENE CODE 1971; MAKING ADDITIONAL AMENDMENTS TO SECTIONS 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.3060, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 AND 9.8030 OF THAT CODE; ADDRESSING THE OREGON LAND USE BOARD OF APPEALS’ REMAND OF ORDINANCE NOS. 20594, 20595, AND 20625; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The term “secondary dwelling” is replaced with “accessory dwelling” (including grammatical revisions for plural and a/an agreement) throughout the Eugene Code, 1971. Where this change occurs in the Code sections further amended by this Ordinance, this change is also shown.

Section 2. The following definitions in Section 9.0500 of the Eugene Code, 1971, are amended to provide as follows:

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

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site. In addition, for the purposes of EC 9.2700 through 9.2751, in the R-1 zone, an accessory building that shares a common wall with the primary dwelling for less than 8 feet is considered a detached accessory building. ***An accessory dwelling is not an accessory building.***

Dwelling, [Secondary] Accessory. ~~[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.***

Kenel. An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and ~~an [secondary] accessory dwelling [unit],~~ the “premises” means the lot. ~~[(See EC 9.2751(17)(a)6. and (c)10.)]~~

Section 3. The “Dwellings” subsection in the “Residential” section in Table 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>Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i>	<i>P(2)</i>

Section 4. 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 accessory dwellings at EC 9.2751(17).***

Section 5. The following entries under the “Residential” section in Table 9.2740 of the Eugene Code, 1971, are 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] Accessory Dwelling [(Either Attached or Detached from Primary One-Family Dwelling on Same Lot)]	P(2)		<i>P(2)</i>	<i>P(2)</i>	<i>P(2)</i>

Section 6. 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]~~ **Accessory Dwellings.** ~~[Secondary]~~ ***One accessory*** dwelling[s are only permitted in R-1 and] ***is allowed for each detached one-family dwelling on the same lot,*** subject to the standards [beginning] at EC 9.2750 ***and EC 9.2751*** ~~[, except that new [secondary] accessory dwellings are prohibited on alley access lots].~~

Section 7. The following entries under the “Maximum Building Height,” “Minimum Building Setbacks,” “Maximum Lot Coverage” and “Secondary Dwellings” sections in Table 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] Accessory 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] Accessory Dwellings	See (17)	--	[See (17)]	[See (17)]	[See (17)]
Maximum Lot Coverage (17), (18)					
Lots with [Secondary] Accessory Dwellings (Area-Specific)	See (17)(c)	--	--	--	--
[Secondary] Accessory Dwellings (17)					
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)	--	--	--	--

Section 8. Figure 9.2751(16)(b)(3) is amended as shown in Exhibit A attached to this Ordinance; Figure 9.2751(17)(a)3.b.(2)(A), Figure 9.2751(17)(a)3.b.(2)(B) and Figure 9.2751(17)(a)3.c.(2), attached to this Ordinance at Exhibit A, are added; and Subsections (1), (17) and (18) of Section 9.2751 of the Eugene Code, 1971, are amended to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(1) Density.

- (a) The minimum residential density requirements set forth in Table 9.2750 do not apply to:
 1. ~~[Attached secondary]~~ **Accessory** dwellings ~~[in R-1]~~;
 2. Lots zoned R-2 that are less than a half-acre (21,780 square feet) and that were created before August 24, 2017;
 3. Lots or development sites in the R-3 or R-4 zones that are developed and are 13,500 square feet or less in size;
 4. Lots within a /# overlay zone as described in EC 9.4050 to EC 9.4065; or
 5. Dwellings exclusively for low income individuals and/or families where all units are subsidized. For this purpose, 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. For these types of dwellings the minimum density is 10 units per net acre.

(Refer to Table 9.2750 Residential Zone Development Standards for the required net area per dwelling unit.)

- (b) **The maximum residential density requirements set forth in Table 9.2750 do not apply to accessory dwellings.**
- (bc) For purposes of this section, "net density" is the number of dwelling units per acre of land in actual residential use and reserved for the exclusive use of the residents in the development, such as common open space or recreation facilities.
- (ed) For purposes of calculating net density:
 - 1. The acreage of land considered part of the residential use shall exclude public and private streets and alleys, public parks, and other public facilities.
 - 2. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number.
 - 3. In calculating the maximum net density allowed for a specific lot or development site the planning director shall round up to the next whole number only for:
 - a. A lot or development site that is 13,500 square feet or more in area;
 - b. A lot or development site that is not abutting the boundary of, or directly across an alley from land zoned R-1; and
 - c. Fractions of .75 or above.In all other circumstances, the planning director shall round down to the previous whole number.
 - 4. At the request of the developer, the acreage described in 1., above, also may exclude natural or historic resources. For purposes of this section, natural resources include those designated for protection in an adopted plan and the area within natural resources protection or conservation setbacks that have been applied to the development site. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as "primary" or "secondary." It may also include additional natural or historic resources upon approval of the planning director.
- (ef) Legally established buildings and uses conforming to the residential net density requirements in the R-2, R-3 and R-4 zones on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the R-2, R-3, and R-4 zones on which residential buildings and uses existed, or in which a development permit or land use application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards of this section.
- (ef) Provided the number of dwelling units are not reduced below the number present at the time of historic landmark designation, changes in the

number of dwelling units within the historic property are exempt from the residential net density minimums.

* * *

(17) **[Secondary] Accessory Dwellings[- in R-1].**

(a) **General Standards for Attached [Secondary] Accessory Dwellings.**

Except as provided in subsection (c) below, **[secondary] attached accessory** dwellings ~~[that are within the same building as the primary dwelling]~~ shall comply with all of the following:

~~[1. **Lot Area.** To allow a secondary dwelling, flag lots shall contain at least 12,500 square feet, excluding the pole portion of the lot, and shall have a minimum pole width as required under EC 9.2775(5)(e). All other lots shall contain at least 6,100 square feet.]~~

21. **Building Size.** The total building square footage of an **[secondary] accessory** dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

32. **Building Height/Interior Setback.** Except for **[secondary] accessory** dwellings on flag lots (see EC 9.2775), the following standards apply:

a. For **any portion of an** attached **[secondary] accessory** dwelling[s] located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750.

b. For **any portion of an** attached **[secondary] accessory** dwelling[s] located greater than 60 feet ~~[of]~~ **from** a front lot line, ~~[interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3.)]~~ **the following standards apply:**

(1) **Except as provided in subsection (2) below, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3. Building Height/Interior Setbacks)**

(2) **For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (See Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation**

& Sloped Setback for Sloped Lots), the following standards apply:

(A) For an interior lot line that is not addressed in (2)(B) below or an interior lot line that abuts an alley, the minimum interior yard setback from that lot line is 5 feet and the maximum building height is 25 feet.

(B) Where an interior lot line abuts property that is zoned R-1, R-1.5, S-C/R-1 or S-RN/LDR, the interior yard setbacks shall be at least 5 feet. In addition, at a point that is 18 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet. If the building is setback a minimum of 20 feet from an interior property line, the sloped portion of the setback does not apply along that property line. (See Figure 9.2751(17)(a)2.b.(2)(B) Accessory Dwelling Above Garage)

c. Exceptions. If the accessory dwelling is above a garage or on a slope as described in EC 9.2751(17)(a)2.b.(2) above, the following exceptions apply:

(1) An accessory dwelling may intrude into the 5-foot interior yard if a 10-foot separation exists between the accessory dwelling and buildings on the abutting lot and if the owner of the accessory dwelling has secured and recorded in the office of the Lane County Recorder a maintenance access easement adjacent to the intruding side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends and require the continuation of a 10-foot separation between buildings on the separate lots. The easement shall be on a form provided by the city and be subject to payment of a fee set by the city manager.

(2) An accessory dwelling's dormers may intrude into the sloped portion of any interior yard setback if:

(A) The total width of all dormers does not exceed fifty percent of the width of the roof on which the dormers are located (for hipped roofs, the width of the roof shall be measured at the eave); and

(B) The walls of the dormer(s) are set back a minimum of 2 feet from the face of all exterior building walls of the accessory dwelling.

(See Figure 9.2751(17)(a)2.c.(2) Dormer Placement & Size Calculation)

ed. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in

subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.

43. Minimum Attachment. The [secondary] **accessory** dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
- ~~5. Maximum Bedrooms. The secondary dwelling shall contain no more than 2 bedrooms.~~
- ~~6. Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~
- ~~7. Ownership/Occupancy Requirements. Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.~~
- ~~8. Temporary Leave. Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).~~
- ~~9. Deed Restriction. Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a~~

~~reference to the deed under which the property was acquired by the present owner and include the following provisions:~~

- ~~a. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.~~
- ~~b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.~~
- ~~c. The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.~~

~~10. Verification. At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 7. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.]~~

~~114. Additional Standards for [Secondary] Accessory Dwellings on Flag Lots. [Secondary] Accessory dwellings on flag lots are also subject to the standards at EC 9.2775(5)(e).~~

(b) General Standards for Detached [Secondary] Accessory Dwellings. In addition to the standards in subsection (a) of this section, detached [secondary] **accessory** dwellings shall comply with the following, except as provided in subsection (c) below:

1. Building Size. ***For an accessory dwelling located above a garage, up to 800 square feet of unheated garage or other unheated storage space attached to the accessory dwelling is allowed and is not counted in the total building square footage for the accessory dwelling. For other accessory dwellings, [U]up to 300 square feet of un[-]heated garage or other unheated storage space attached to the [secondary] accessory dwelling [unit] is allowed and is not counted in the allowable total building square footage for the accessory dwelling.***
2. Pedestrian Access. A pedestrian walkway shall be provided from the street or alley to the primary entrance of the [secondary] **accessory** dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.
3. Primary Entrance. The primary entry to **an** [secondary] **accessory** dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
4. Outdoor Storage/Trash. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
5. Building Height/Interior Setback. Except for [secondary]

accessory dwellings on flag lots (see EC 9.2775), the following standards apply:

- a. ***Except as provided in subsection b. below, [1] interior yard setbacks shall be at least 5 feet. In addition, at a point that is [8] 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3. Building Height/Interior Setbacks)***
- b. ***For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (see Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation & Sloped Setback for Sloped Lots), the standards at EC 9.2751(17)(a)2.b.(2) and EC 9.2751(17)(a)2.c. apply.***
- ~~b.c.~~ The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. ***or*** b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. ~~[(See Figure 9.2751(16)(b)3.)]~~
- ~~c.~~ This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).]
6. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).
- (c) Area-Specific [Secondary] Accessory Dwelling Standards. ***Except as provided in this subsection (c), the standards at (a) and (b) do not apply to accessory dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*** The following standards apply to all new attached or detached [secondary] **accessory** dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
 - ~~[1. Lot Area. To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.~~
 - ~~2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.]~~
 31. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
 - ~~[4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of~~

~~the total lot area.]~~

52. Building Size. For lots **[at least 7,500 square feet and]** less than 9,000 square feet in area, the ~~[secondary]~~ **accessory** dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the ~~[secondary]~~ **accessory** dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. ***For an accessory dwelling located above a garage, up to 800 square feet of unheated garage or other unheated storage space is allowed and is not counted in the total building square footage for the accessory dwelling.***
63. Minimum Attachment. The standards at EC 9.2751(17)(a)43. are applicable.
74. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the ~~[secondary]~~ **accessory** dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the ~~[secondary]~~ **accessory** dwelling shall be limited to 1 bedroom.
- ~~[8. Maximum Occupancy. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.]~~
95. Building Height/Interior Setback. ~~[For detached secondary dwellings:]~~
- a. ~~[The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.]~~ ***The standards at EC 9.2751(17)(b)5.a. and b. are applicable to detached accessory dwellings.***
- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in [4]a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.
- [(See Figure 9.2751(16)(b)3.)***
- ~~10. Dog Keeping. The standards at EC 9.2751(17)(a)6. are applicable.~~
- ~~11. Ownership/Occupancy Requirements. The standards at EC 9.2751(17)(a)7. are applicable.~~
- ~~12. Temporary Leave. The standards at EC 9.2751(17)(a)8. are applicable.~~
- ~~13. Deed Restriction. The standards at EC 9.2751(17)(a)9. are applicable.~~
- ~~14. Verification. The standards at EC 9.2751(17)(a)10. are applicable.~~
- ~~15. Parking. For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall~~

- ~~be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.~~
- ~~16. Alley Access Parking and Driveway. The standards at EC 9.2751(18)(a)11. are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.]~~
 - ~~176. Pedestrian Access. The standards at EC 9.2751(17)(b)2. are applicable to attached and detached [secondary] **accessory** dwellings[, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley].~~
 - ~~187. Primary Entrance. The standards at EC 9.2751(17)(b)3. are applicable to detached [secondary] **accessory** dwellings only.~~
 - ~~198. Outdoor Storage/Trash. The standards at EC 9.2751(17)(b)4. are applicable to detached [secondary] **accessory** dwellings only.~~
 - ~~209. Maximum Wall Length. The standards at EC 9.2751(17)(b)6. are applicable to detached [secondary] **accessory** dwellings only.~~
 - (d) Adjustment Review. ~~[The standards at [EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, a]~~ An adjustment may be requested to convert an existing building into an **[secondary] accessory** dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For **[secondary] accessory** dwellings, these are the only standards that may be adjusted. ~~[With the exception of EC 9.2751(17)(a)8. regarding temporary leave, t]~~ These standards are not adjustable for **[secondary] accessory** dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
 - (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.
- (18) Alley Access Lots in R-1.**
- (a) General Standards.
 1. Applicability. Except as provided in (b) **and (c)** below, the following standards apply to development on alley access lots in R-1.
 2. Use Regulations. Alley access lots have the same land use regulations as the base zone **[except that there is no allowance for an accessory dwelling].**
 3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
 4. Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
 5. Building Height/Interior Setback.
 - a. Interior yard setbacks shall be at least 5 feet, including along

the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 18 feet.

- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.
(See Figure 9.2751(16)(b)3.)
 - c. These standards may be adjusted in accordance with EC 9.8030(35).
6. Windows, Dormers and Balconies.
- a. Any window on the upper story must be located a minimum of 10 feet from any property line.
 - b. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.
 - c. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley[?] and shall be setback at least 10 feet from the alley.
 - d. Notwithstanding b. and c. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.
7. Bedrooms. The dwelling shall contain no more than 3 bedrooms.
8. Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
9. Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.
10. Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
11. Parking and Driveway.
- a. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
 - b. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
 - c. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards

- one parking space.
 - d. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
 - e. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
 - f. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
 - g. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
 - h. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
 - i. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
 - j. No parking shall occur outside of the vehicle use area.
(See Figure 9.2751(18)(a)11.)
12. Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.
 13. Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
 14. Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.
 15. Adjustment Review. For alley access lots, EC 9.2751(18)(a)(5) is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (b) Area – Specific Alley Access Lot Standards in R-1. Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)(3) Building Size, the following applies:
1. Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

2. This standard may not be adjusted.
- (c) **The standards in (a) and (b) do not apply to accessory dwellings. Accessory dwellings on alley access lots in R-1 shall comply with the standards at EC 9.2751(17).**

Section 9. Subsections (4) and (5)(e) of Section 9.2775 of the Eugene Code, 1971, are amended to provide as follows:

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

- (4) **Use Regulations.** Residential flag lots have the same land use regulations as the base zone except[;] **that**
- [~~(a) H~~] ~~home occupations are not allowed on residential flag lots of less than 13,500 square feet[;].~~
- [~~(b) Secondary dwellings are not allowed on flag lots less than 12,500 square feet[;] and~~
- ~~(c) Secondary dwellings are not allowed on flag lots that did not exist or were not approved prior to August 29, 2014.]~~
- (5) **Development Standards.**
- (e) **Additional Standards for [Secondary] Accessory Dwellings on Flag Lots.**
- [~~1. Access Pole Width. To allow for a secondary dwelling on flag lots existing or approved prior to August 29, 2014, that do not have legal access other than the individual or combined pole, the minimum width of the individual or combined pole shall be 25 feet.~~
- ~~2. Access. No more than four dwellings (including primary and secondary dwellings) may take access off an individual pole or combined poles.]~~
- 31. Building Height/Interior Setback.**
- a. **Except as provided in subsection b. below,** [~~H~~] interior yard setbacks shall be at least 10 feet. In addition, at a point that is [~~8~~] **10** feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet for detached [~~secondary~~] **accessory** dwellings and the maximum building height of the primary dwelling for attached [~~secondary~~] **accessory** dwellings.
- b. **For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (See Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation & Sloped Setback for Sloped Lots), the following standards apply:**
- (1) **For an interior lot line that is not addressed in b.(2) below, the minimum interior yard setback from that lot line is 10 feet and the maximum building height is 25 feet.**

(2) **Where an interior lot line abuts property that is zoned R-1, R-1.5, S-C/R-1 or S-RN/LDR,, the interior yard setbacks shall be at least 10 feet. In addition, at a point that is 18 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet. If the building is setback a minimum of 20 feet from an interior property line, the sloped portion of the setback does not apply along that property line. (See Figure 9.2751(17)(a)2.b.(2)(B) Accessory Dwelling Above Garage)**

c. **Exceptions. If the accessory dwelling is above a garage or on a slope as described in EC 9.2775(5)(e)1.b. above, an accessory dwelling's dormers may intrude into the sloped portion of any interior yard setback if:**

- (1) **The total width of all dormers does not exceed fifty percent of the width of the roof on which the dormers are located (for hipped roofs, the width of the roof shall be measured at the eave); and**
- (2) **The walls of the dormer(s) are set back a minimum of 2 feet from the face of all exterior building walls of the accessory dwelling.**

(See Figure 9.2751(17)(a)2.c.(2) Dormer Placement & Size Calculation)

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

~~[c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).]~~

42. Driveway Standards.

a. **Paving.** The driveway paving width shall be as follows:

- (1) For flag lots served by an individual pole, the minimum driveway width shall be 12 feet, and the maximum driveway paving width shall be 20 feet.
- (2) For flag lots served by a combined pole, the driveway width shall be 20 feet or a lesser width as approved by the fire code official.

b. **Driveway Setbacks.** The driveway paving shall be setback from the edge of the pole as follows:

- (1) For flag lots that are served by an individual pole, the driveway paving shall be setback a minimum of six feet.
- (2) For flag lots that are served by a combined pole, the driveway paving shall be setback a minimum of 2.5 feet.

c. **Driveway Use.** Parking is not allowed on any portion of the pole.

- d. Landscaping. The entire length of both sides of the pole, within the area between the driveway paving and the edge of the pole, shall be landscaped to meet the Low Screen Landscape Standard (L-2) in EC 9.6210(2)(a), except as follows:
 - (1) The shrubs required for continuous screen at EC 9.6210(2)(a)1. shall be at least 45 inches high within three years and maintained at a height not to exceed 60 inches, with the intent to minimize headlight glare;
 - (2) The canopy tree requirement at EC 9.6210(2)(a)2., is not applicable; and
 - (3) In lieu of a masonry wall or berm, a solid wood fence may be permitted where the bottom of the fence is no higher than 12 inches above grade and the top of the fence is at least 45 inches above grade.
- 53. Exceptions. Exceptions to driveway setback and landscaping standards are allowed where the affected adjacent property owners consent in writing on a form approved by the city.
- 64. Adjustments. The standards at EC 9.2775(5)(e)42.b. and d. regarding driveway setbacks and landscaping may be adjusted in accordance with EC 9.8030(34)(~~d~~)(b).

Section 10. Subsection (2) of Section 9.3060 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3060 S-C Chambers Special Area Zone – Land Use and Permit Requirements and Special Use Limitations.** Except where the standards in EC 9.3065 S-C Chambers Special Area Zone Development Standards specifically provide otherwise:
- (2) The land use and permit requirements and special use limitations applicable in the S-C/R-2 subarea shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone, ***except that any additional (interior, attached or detached) residential structure that is used in connection with or that is accessory to a single family dwelling may be permitted on a lot only as an additional “One-Family Dwelling” and not as an “Accessory Dwelling.”***

Section 11. Subsections (2)(a) and (3)(a) of Section 9.3065 of the Eugene Code, 1971, are amended to provide as follows:

- 9.3065 S-C Chambers Special Area Zone – Development Standards.**
- (2) **Development Standards Applicable in the S-C/R-1 Subarea.** Except as provided in this subsection, the development standards applicable in the S-C/R-1 Subarea shall be those set forth in EC 9.2750 to EC 9.2777 for the R-1 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885.

- (a) Lot Size Minimums for Flag Lots. In lieu of any conflicting provisions in EC 9.2750 to 9.2777 for flag lots in the R-1 zone, the following standards apply for flag lots in the S-C/R-1 subarea:
1. Single dwellings [~~and attached secondary dwellings~~]: minimum lot size 4,500 square feet.
 - ~~2. Detached secondary dwellings: minimum lot size 6,000 square feet.~~
 32. The original lot, prior to creation of the flag lot, is not subject to a minimum lot size of 13,500 square feet.
- In calculating the lot area, only the flag portion of the lot (exclusive of the pole) is counted.

* * *

(3) Development Standards Applicable in S-C/R-2 Subarea. Except as provided in this subsection, the development standards applicable in the S-C/R-2 subarea shall be those set out in EC 9.2750 to 9.2777 for the R-2 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885.

- (a) Density Standards. In lieu of the density standards for the R-2 zone in Table 9.2750 and EC 9.2750(1), there is no minimum density requirement regardless of lot size, and the following maximum density standards apply:
1. For lots with street access:
 - a. One dwelling unit **and one additional one-family dwelling as described in 9.3060(2) per lot** if the lot area is less than or equal to 4,500 square feet.
 - b. Two dwelling units **and for each detached one-family dwelling, one additional one-family dwelling as described in 9.3060(2)** if the lot area is greater than 4,500 square feet and less than or equal to 9,200 square feet.
 - c. Three dwelling units **and for each detached one-family dwelling, one additional one-family dwelling as described in 9.3060(2)** if the lot area is greater than 9,200 square feet.
 2. For alley access lots: One dwelling unit **and one additional one-family dwelling as described in 9.3060(2)** regardless of lot size.

* * *

Section 12. The “Dwellings” subsection in the “Residential” section in Table 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			

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
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
Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)		P	P
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
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 13. In Table 9.3125(3)(g) of the Eugene Code, 1971, a “Density” heading is added and the row thereunder for “Minimum Net Density per Acre” is amended; and the row for “Accessory Building” under the “Maximum Building Height” heading 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
Density (1)(2)			
Minimum Net Density per Acre (4)	20 units/acre if all residential in a single building	20 units (2)(b)	20 units (2)(a)
Maximum Next Density	112	112	112

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
Minimum Building Height	At least 2 functional floors if located along Garden Way		
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'
Accessory Dwellings Detached from Main Building		30'	30'

Section 14. Subsection (2) of Section 9.3126 of the Eugene Code, 1971, is amended to provide as follows:

9.3126 Special Development Standards for Table 9.3125(3)(g).

(2) ~~[Minimum]~~ Density.

- (a) HDR Subarea. **Minimum density a** [A]pplies to new residential development except rowhouses **and Accessory Dwelling Units.**
- (b) HDR/MU Subarea. **Minimum density a** [A]pplies to new development except rowhouses **and Accessory Dwelling Units.**
- (c) **Maximum density applies to all new residential development except Accessory Dwelling Units.**

Section 15. The "Dwellings" subsection in the "Residential" section in Table 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] Accessory 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 16. 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. ***Accessory dwellings shall be subject to the R-4 standards, except EC 9.2751(17).***

Section 17. The “Dwellings” subsection in the “Residential” section in Table 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>Accessory 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 18. 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) *Accessory Dwellings (1 Per Detached One-Family Dwelling on Same Lot).***
 - ~~(b)~~ Duplexes.
 - ~~(c)~~ Triplexes.
 - ~~(d)~~ Four-plexes.
 - ~~(e)~~ Multiple-family dwellings.
 - ~~(f)~~ Home occupations.

(g

Section 19. Section 9.3615 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3615 S-JW Jefferson Westside Special Area Zone Land Use and Permit Requirements and Special Use Limitations.** The land use and permit requirements and special use limitations applicable in the S-JW Jefferson Westside Special Area Zone shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone, except:
- (1)** ~~[(1)]~~ The following uses listed on Table EC 9.2740 are prohibited in the S-JW Jefferson Westside Special Area Zone:
 - (1a)** Correctional Facilities.
 - (2b)** C-1 Neighborhood Commercial Zone permitted uses, unless such a use is specifically listed in another row on Table 9.2740 as an allowable use under the “R-2” column.
 - (2)** ***Any additional (interior, attached or detached) residential structure that is used in connection with or that is accessory to a single family dwelling may be permitted on a lot only as an additional “One-Family Dwelling” and not as an “Accessory Dwelling.”***

Section 20. Subsections (3), (7) and (8) of Section 9.3625 of the Eugene Code, 1971, are amended to provide as follows:

- 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards.**
- (3)** Alley development standards.
 - (a)** Primary Vehicle Access. For the purposes of this section, “primary vehicle access” means the primary means by which inhabitants take vehicular access to a dwelling or on-site parking space(s) provided for a dwelling. Primary vehicle access is determined as follows:
 1. On an alley access only lot, every dwelling’s primary vehicle access is the alley.
 2. On a lot that is not an alley access only lot and that, consistent with access standards in the EC, could take vehicular access from an alley, a dwelling’s primary vehicle access is:
 - a. The street, when there is only one dwelling on the lot.
 - b. When there are multiple dwellings on the lot, for each on-site parking space that complies with the standards applicable in the S-JW special area zone and that can only be accessed and exited via a street (i.e., cannot use the alley for entry or exit), one dwelling is considered to take primary vehicle access from the street. The remainder of the dwellings shall be considered to take primary vehicle access from the alley.
- If there are one or more dwellings with the alley as primary vehicle access, the dwelling(s) closest to the alley shall be considered to have primary access from the alley. In cases where multiple dwellings are equidistant from the alley and not all of them take primary access from the alley, the

property owner may designate which dwellings take primary access from the alley. The provisions in this subsection (3)(a)2.b. may be adjusted based on the criteria of EC 9.8030(26)(2).

3. On all lots not addressed in 1. or 2., above, all dwellings' primary vehicle access is the street.
- (b) No more than one dwelling on the same development site may take primary vehicle access from an alley unless the site also abuts a street that the alley intersects.
- (c) On any lot that contains one or more dwellings whose primary vehicle access is an alley, there must be at least an undivided 400 square-foot open space area (not including buildings, parking or driveways) abutting the alley. Except as provided in 4., below, the open space area:
 1. shall abut the alley for at least 25% of the length of the lot line abutting the alley;
 2. shall be a minimum of 10 feet in depth for the entire extent that the open space area abuts the alley; and
 3. may include areas that are within setbacks.
 4. The open space required in this subsection (c) may be placed behind parallel parking abutting the alley.
- (d) For a dwelling whose primary vehicle access is an alley:
 1. The dwelling may not have more than three bedrooms.
 2. If the dwelling is in the residential building closest to the alley, then the dwelling shall include a main entrance that is visible from the alley (see Figure 9.3625(3)(d)2.) and meets one of the following conditions:
 - a. Faces the alley;
 - b. Faces the side of the lot and meets all the following conditions:
 - (1) The entrance opening is not more than 8 feet from the building façade facing the alley and nearest the alley;
 - (2) The entrance includes a covered porch of at least 30 square feet;
 - (3) The porch abuts both the façade containing the entrance and a façade facing the alley; or
 - c. Faces the side of the lot and meets all the following conditions:
 - (1) The entrance opening is no more than 8 feet from the building façade facing the alley and nearest the alley.
 - (2) The entrance provides direct resident access to a head-in parking area on the same side of building.
 - (3) The entrance includes a covered porch of at least 20 square feet.
 - (4) The façade facing the alley includes windows that total at least 8 feet wide when measured at 5' above the floor of the first story and that have a minimum area of at least 20 square feet.
 3. One on-site parking space, accessible from the alley, per dwelling is required. ***This parking requirement does not apply to an additional one-family dwelling, as described at EC 9.3615(2).***

* * *

(7) Parking Standards.

- (a) Except as provided in (3)(d)3. above **and (7)(b) below**, each dwelling shall have one on-street or on-site vehicle parking space for every three bedrooms, rounded up to the next whole number (i.e. a four-bedroom dwelling must have at least two parking spaces). For purposes of this subsection, each uninterrupted twenty feet of lot line that abuts a street right-of-way where parking is legal within the entirety of that twenty feet shall count as one on-street parking space. The twenty feet may not include any portion of a curb cut.
- (b) **The parking space requirement in (a), above, does not apply:**
1. **To an additional one-family dwelling, as described in 9.3615(2); or**
 2. **To one dwelling that has primary vehicle access from the street and no more than three bedrooms, when there are two or more dwellings and there is no on-street parking space as defined in subsection (7)(a) above.**
- (b)c) No portion of a vehicle parking area may be located in the area defined by the Street Setback minimum standard (i.e., from which structures, other than permitted intrusions, are excluded) or between the street and the residential building façade that faces, and is closest to, the street.
(See Figure 9.3625(7)(b) **Vehicular (No) Parking Areas**).
- (8) The following Table 9.3625 sets forth the S-JW Special Area Zone development standards, subject to the special development standards in EC 9.3626.

Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)	
Density(1)	
Minimum Dwellings Per Lot	
Lots less than 13,500 Square Feet	--
Lots 13,500 square feet and larger	1 dwelling per lot for every 6,750 square feet (fractional values are rounded down to the nearest whole number)
Maximum Dwellings Per Lot(1)	
Alley Access Only Lot	1 dwelling and 1 additional one-family dwelling as described in 9.3615(2) per lot
Lots [less than 2,250] up to 4,499 square feet	[No additional dwellings after December 14, 2009] 1 dwelling and 1 additional one-family dwelling as described in 9.3615(2) per lot
[Lots between 2,250 and 4,499 square feet]	[1 dwelling per lot]
Lots between 4,500 and 8,999 square feet	2 dwellings and, for each detached one family dwelling, 1 additional one-family dwelling as described in 9.3615(2) per lot

Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)	
Lots 9,000 square feet and larger	1 per lot for every 4,500 square feet (fractional values are rounded down to the nearest whole number) and, for each such detached one family dwelling, 1 additional one-family dwelling as described in 9.3615(2)
Maximum Building Height (2) (9)	
Minimum Building Setbacks (3) (4) (5) (9)	
Maximum Lot Coverage (6) (7)	50%
Maximum Vehicle Use Area (6)	20%
Common and Private Open Space (7)	
Fences (8)	
(Maximum Height Within Interior Yard Setbacks)	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches

Section 21. Subsection (g) is added to subsection (1) of Section 9.3625 of the Eugene Code, 1971, to provide as follows:

9.3626 Special Development Standards for Table 9.3625.

- (1) Density. For purposes of determining the maximum allowable dwellings on a lot:
- (g) **Additional one-family dwellings as described in 9.3615(2) are not subject to the provisions of (1) and shall not be considered within the calculations of dwellings or bedrooms.**

Section 22. The “Dwellings” subsection in the “Residential” section in Table 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] Accessory 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)		

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
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 23. Subsection (1) of Section 9.3811 of the Eugene Code, 1971, is amended to provide as follows:

9.3811 Special Use Limitations for Table 9.3810.

- (1) **[Secondary] Accessory Dwellings.** [Secondary] **Accessory** dwellings shall conform to all of the following:
- (a) The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.
 - ~~[(b) Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
 - ~~(c) There shall be at least 1 off-street parking space on the property.~~
 - ~~(d) The dwelling shall be located on a lot that is not a flag lot.]~~
 - (eb) Detached [secondary] **accessory** dwellings shall:
 - ~~[1. Comply with the residential density limitations in Table 9.3815(3)(n) Royal Node Special Area Zone Development Standards.]~~
 - 21. Provide a pedestrian walkway from the street or alley to the primary entrance of the [secondary] **accessory** dwelling.
 - 32. The primary entrance to an [secondary] **accessory** dwelling shall be defined by a roofed porch.
 - 43. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.
- ~~[Prior to issuance of a final occupancy permit for the secondary dwelling, the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the secondary dwelling or primary dwelling is owner/occupied.]~~

Section 24. The “Maximum Building Height” section in Table 9.3815(3)(n) 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'
<i>Accessory Dwellings Detached from Main Building</i>	<i>25 feet</i>	<i>25 feet</i>	<i>25 feet</i>		

Section 25. The “Accessory Uses” section, and the “Dwellings” subsection of the “Residential” section in Table 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>Accessory 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(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 26. 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) **Accessory dwellings shall be subject to the standards established at EC 9.2750 and EC 9.2751(17).**

Section 27. Subsection (4)(a) of Section 9.3970 of the Eugene Code, 1971, is amended to provide as follows:

9.3970 S-WS Walnut Station Special Area Zone Development Standards Applicable to All Properties in the Walnut Station Special Area Zone.

(4) Parking Requirements.

- (a) Required off-street motor vehicle parking. The following minimum and maximum parking standards apply instead of the standards in Table 9.6410. The provisions in EC 9.6410(1)(a) through (c), EC 9.6415 (1) through (3), EC 9.6420(1), (2), (3)(a), (b), and (e), (4), (5), and (6), apply to the siting and design of parking and loading facilities in the Walnut Station area. Uses not listed do not have a parking requirement.

Use	Minimum Number of Off-street Parking Spaces	Maximum Number of Off-Street Parking Spaces
Residential	<p><i>No off-street parking spaces are required for accessory dwellings.</i></p> <p>Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces <i>for all other residential uses</i> shall be .5 parking spaces per dwelling unit.</p>	Except for required parking spaces for persons with disabilities, a maximum of 2.25 parking spaces are allowed per dwelling unit.
Non-Residential Uses	Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces shall be 1 parking space for every 660 square feet of gross floor area.	Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking with two or more levels, the maximum number of parking spaces is 1 parking space per every 250 square feet of gross floor area.

Section 28. The following entry in the “Dwellings” subsection of the “Residential” section in Table 9.6410 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
Residential	
Dwelling	
[Secondary] Accessory Dwelling (Either attached or detached from primary one-family dwelling on same lot) / Additional one-family dwelling in the R-2 subarea of the S-C Chambers Special Area Zone	[1-per dwelling-] 0

Section 29. Subsection (34) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.
- (34) ~~[Secondary]~~ **Accessory** Dwellings.** Where this land use code provides that the standards for ~~[secondary]~~ **accessory** dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.
- ~~[(a) **Temporary Leave.** A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.]~~
- (ba) Conversion of Existing Building.** A legally established building existing as of August 29, 2014, may be converted to ~~an~~ **[secondary] accessory** dwelling if it complies with all of the following:
1. The existing structure satisfies all ~~[secondary]~~ **accessory** dwelling standards except the applicable sloped setback under Building Height/Interior Setback at EC 9.2571(17)(a)~~32.~~ or EC 9.2751(17)(b)5.
 2. The ~~[secondary]~~ **accessory** dwelling is limited to 600 square feet in total building square footage~~[-, and 15 feet in height].~~
 3. If the existing structure is closer than 5 feet to an interior property line, ~~[the adjacent property owner must provide written consent pursuant to EC 9.2751(7)]~~ **there must be a 10-foot separation between the accessory dwelling and buildings on the abutting lot and the owner of the accessory dwelling must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to the intruding side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends and require the continuation of a 10-foot separation between buildings on the separate lots. The easement shall be on a form provided by the city and be**

subject to payment of a fee set by the city manager.

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

Section 30. The findings in support of this Ordinance are included in the records compiled for this Ordinance and Ordinances 20594, 20595, and 20625, including the final orders issued by the Oregon Land Use Board of Appeals and the Court of Appeals.

Section 31. 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 32. 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. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals or the Oregon Court of Appeals, those sections, subsections, sentences, clauses, phrases or portions of this Ordinance that are not the subject of the remand shall be deemed separate, distinct and independent provisions and such remand shall not affect their validity or effect.

Section 33. The code amendments made by this Ordinance are required for compliance with ORS 197.312(5), which is now in effect. Therefore, 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 upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto.

Passed by the City Council this

_____ day of _____, 2021

Approved by the Mayor this

_____ day of _____, 2021

City Recorder

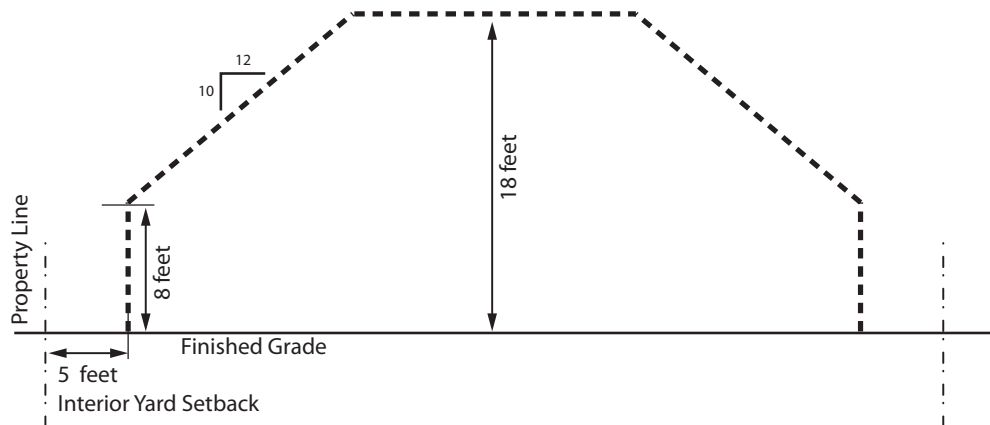
Mayor

Figure
9.2751(16)(b)3.

Building Height /Interior Setbacks for:

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

Accessory Buildings and Alley Access Lots



Accessory Dwellings

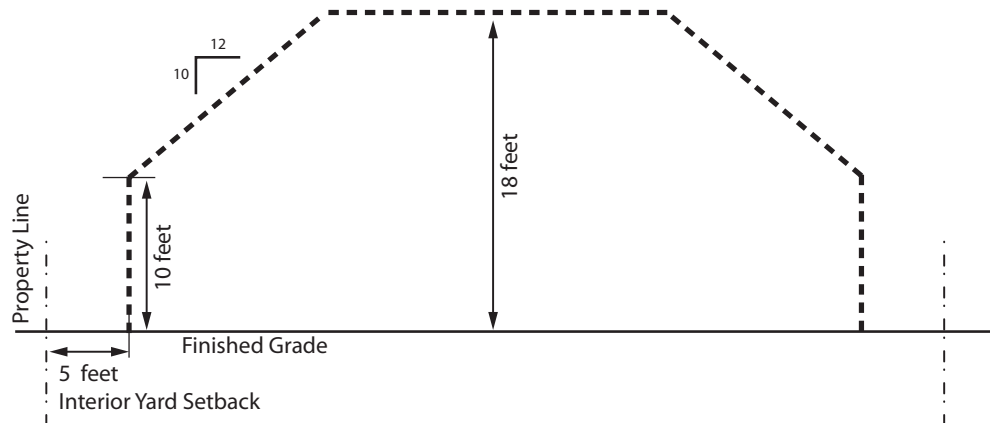


Figure
9.2751(17)(a)2.b.(2)(A)

**Building Height Calculation & Sloped Setback
 for Sloped Lots**

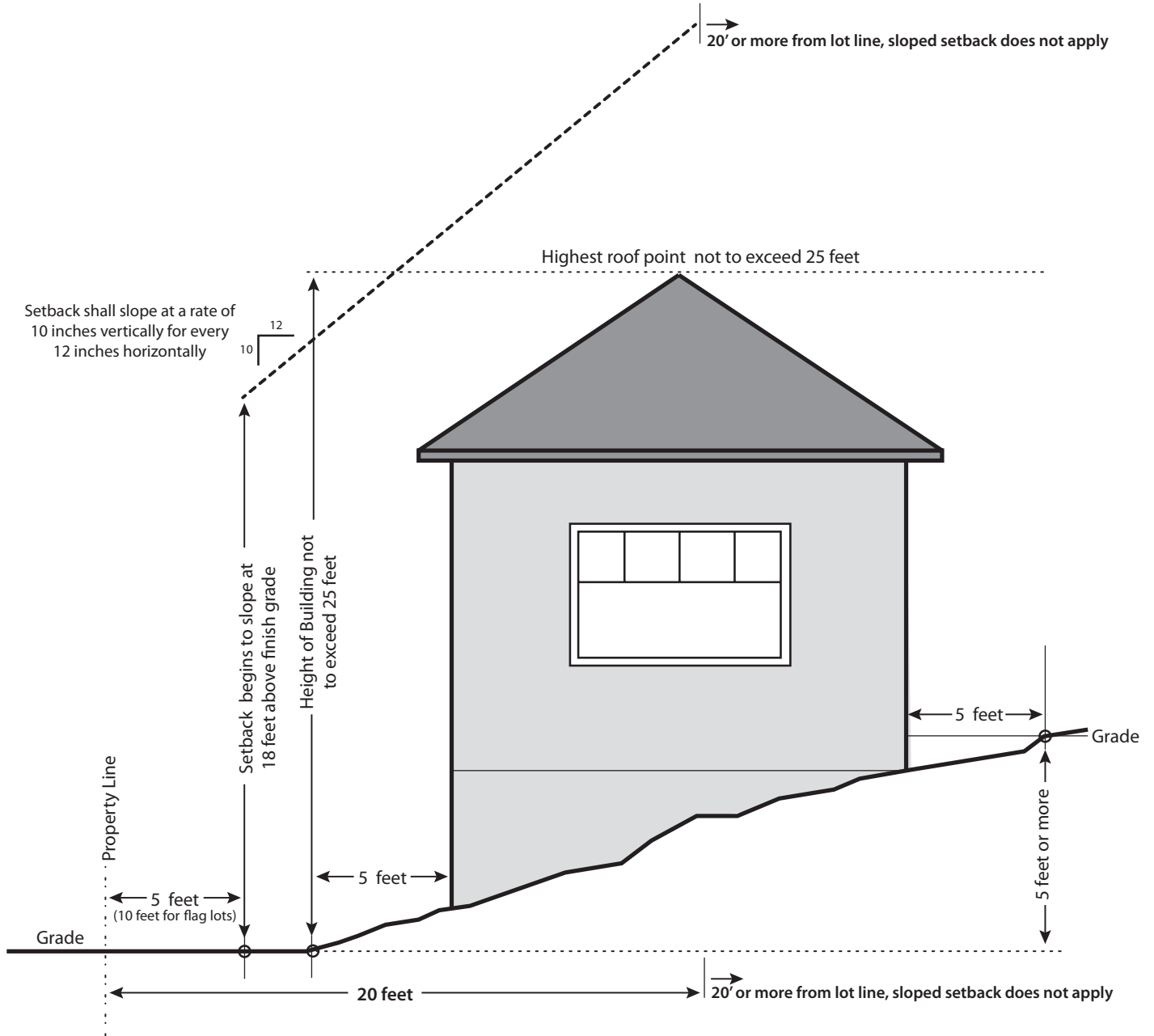


Figure
9.2751(17)(a)2.b.(2)(B)

Accessory Dwelling Above Garage

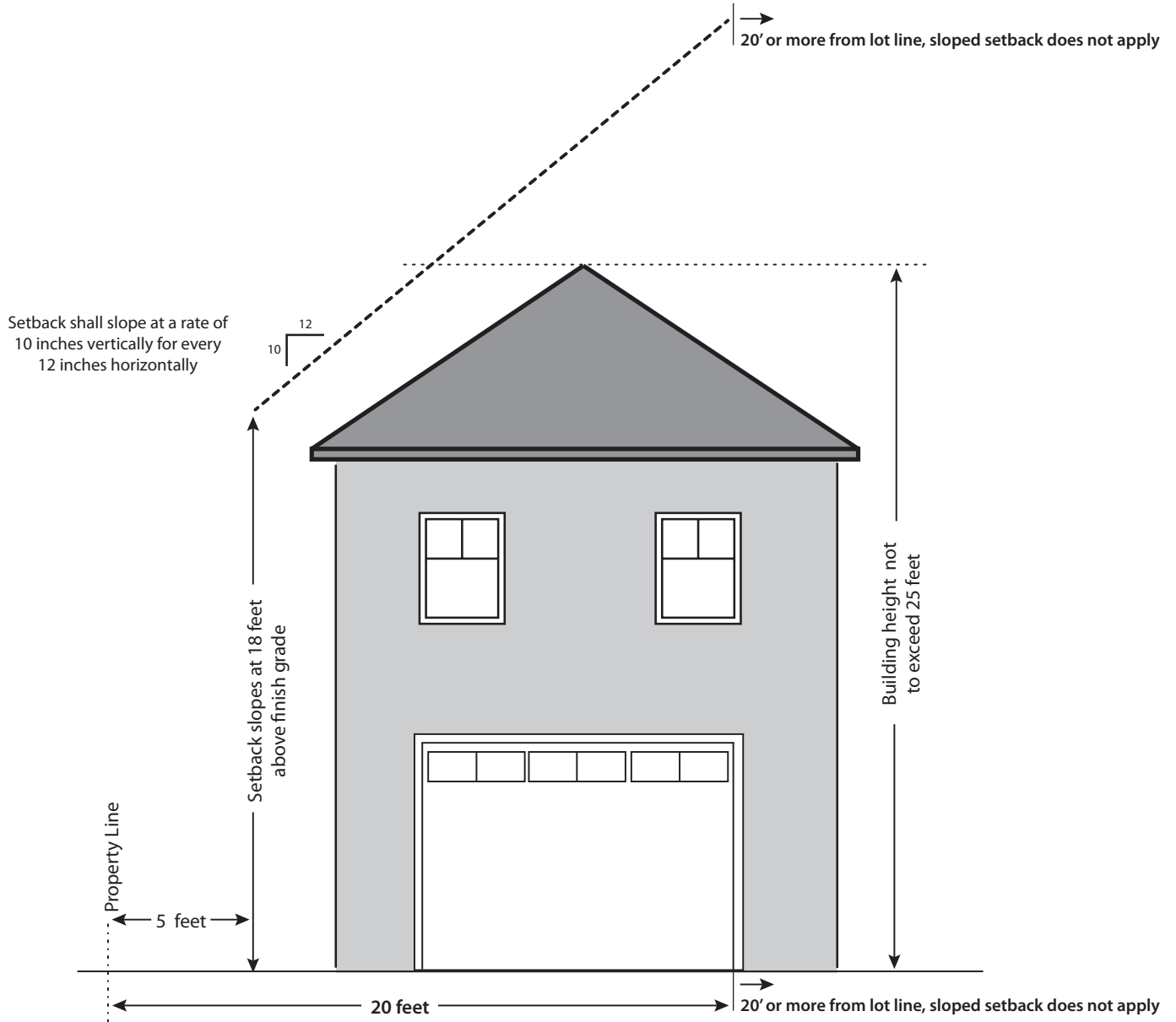


Figure
9.2751(17)(a)2.c.(2)

Dormer Placement & Size Calculation

