



Eugene City Council

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EUGENE CITY COUNCIL AMENDED AGENDA

May 23, 2018

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of May 23, 2018;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Mike Clark, President
Greg Evans
Emily Semple
Jennifer Yeh

Betty Taylor, Vice President
Chris Pryor
Claire Syrett
Alan Zelenka

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

A. EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(f)

B. WORK SESSION:

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

Ordinance #2: An Ordinance Concerning Secondary Dwellings and Amending Section 9.0500 of the Eugene Code, 1971.

(City File CA 18-1)

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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:

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

Ordinance #2: An Ordinance Concerning Secondary Dwellings and Amending Section 9.0500 of the Eugene Code, 1971.

(City File CA 18-1)

Meeting Date: May 23, 2018
Department: Planning and Development
www.eugene-or.gov

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

ISSUE STATEMENT

The City Council is scheduled to hold a work session on two ordinances pertaining to secondary dwellings. The goal of the first ordinance is to expand the areas in which secondary dwellings are allowed in the City, as required by recent state legislation (Phase 1 Implementation of Senate Bill 1051). The proposed amendments focus on *where* secondary dwellings will be allowed in the City, and will increase the number of zones where secondary dwellings are permitted. Ordinance #2 includes the Planning Commission's recommendation to align the definition of secondary dwelling with the definition of accessory dwelling provided in Senate Bill 1051.

BACKGROUND

In an effort to address housing affordability, the Oregon State Legislature adopted Senate Bill 1051 during the 2017 legislative session (now codified at ORS 197.312(5)). This bill, which became effective in August 2017, contains a number of new provisions in state law intended to facilitate housing affordability. Pertinent to this public hearing is the portion related to accessory dwelling units (known as secondary dwelling units in Eugene), which requires:

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

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

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

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

Proposed Land Use Code Amendments

As a result of the proposed amendments in Ordinance #1, secondary dwellings will also be allowed as permitted uses in the following zones:

- AG Agricultural
- R-2 Medium Density Residential
- R-3 Limited High-Density Residential
- R-4 High Density Residential
- S-E Elmira Road Special Area Zone
- S-JW Jefferson Westside Special Area Zone¹
- S-HB Blair Boulevard Historic Commercial Special Area Zone

The proposed amendments in Ordinance #1 also includes language to clarify that secondary dwellings are not accessory buildings. The proposed amendment in Ordinance #2 aligns the definition of secondary dwelling with the definition of accessory dwelling provided in Senate Bill 1051.

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

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

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

Planning Commission Process/Recommendation

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

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

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

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

The Planning Commission's recommendation pertaining to secondary dwellings to City Council is reflected in the attached two ordinances (see Attachments A and B). Ordinance #1 includes the proposed amendments that address *where* secondary dwellings are permitted, and the height change in the S-RN Royal Node Special Area Zone proposed by the Planning Commission. Ordinance #2 proposes to align the definition of secondary dwelling with the definition provided in Senate Bill 1051. The Planning Commission are recommended a fix to provide churches and other places of worship the ability to have two additional dwellings for affordable housing as a permitted use, which the Council adopted on May 14, 2018.

City Council Public Hearing

Notice of the City Council public hearing was mailed on April 6, 2018, to all persons who provided oral or written testimony, or requested notice of the Planning Commission's decision, and to all neighborhood associations. In addition to the notices required by the land use code, current information regarding this and other land use code updates is available on the City's [Land Use Code Amendments](#) web page. Information about the public hearing and how to participate was also included in the Planning Division's Envision Eugene e-newsletter.

The City Council held a public hearing on April 16, 2018, to consider the proposed land use code amendments. The webcast of the public hearing is available [here](#). A total of 54 people testified at the public hearing, and provided a broad range of perspectives. A significant majority of those present expressed support for removing barriers to secondary dwellings and for the provision of more affordable housing. Similar to the Planning Commission hearing, concern was expressed by some that Eugene is not doing enough to comply with the intent of Senate Bill 1051, i.e. that other measures are needed to remove barriers to secondary dwellings. Testimony from others expressed concern that the actions could undermine existing neighborhood protections, and that no action should be taken.

Following the public hearing, the City Council left the hearing record open for two weeks for additional testimony. Testimony received between April 16, 2018, (following the close of the City Council's public hearing record) and April 30, 2018, at 5:00p.m. is available [online](#) and for review in a binder in the City Council's office.

City Council met on May 14, 2018, to discuss the proposed ordinances and consider action. At the meeting, Ordinance #3 pertaining to housing on church property, was passed unanimously by Council. In addition, Council voted to postpone discussion of the two ordinances related to secondary dwellings until May 23, 2018, and asked questions related to relevant definitions, the difference between a secondary dwelling and an additional dwelling on a lot, and the timing and scope of Phase 2. We intend to respond to these questions at, or prior to, the May 23, 2018, work session.

RELATED CITY POLICIES

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an exhibit to each proposed ordinance.

COUNCIL OPTIONS

The City Council may consider the following options:

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

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval of the ordinances as provided in Attachments A and B.

SUGGESTED MOTIONS

Move to adopt Council Bill 5184, an Ordinance Concerning Secondary Dwellings.

Move to adopt Council Bill 5185, an Ordinance Concerning Secondary Dwellings.

ATTACHMENTS

- A. Draft Ordinance #1 (Council Bill 5184)
- B. Draft Ordinance #2 (Council Bill 5185)

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

FOR MORE INFORMATION

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

ORDINANCE NO. _____

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

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of “Accessory Building” in Section 9.0500 of the Eugene Code, 1971, is amended to provide as follows:

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

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

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

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

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

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

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

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

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

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

9.2741 Special Use Limitations for Table 9.2740.

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

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

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Secondary Dwelling	See (17)	--	—See (17)	—See (17)	—See (17)
Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)					
Interior Yard Setback for Secondary Dwellings	See (17)	--	—See (17)	—See (17)	—See (17)
Maximum Lot Coverage (17), (18)					
Lots with Secondary Dwellings (Area-Specific)	See (17)(c)	--	—See (17)(c)	—See (17)(c)	—See (17)(c)
Secondary Dwellings (17)					

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
General Standards	See (17)(a) and (b)	--	See (17)(a) and (b)	See (17)(a) and (b)	See (17)(a) and (b)
Area-Specific	See (17)(c)	--	See (17)(c)	See (17)(c)	See (17)(c)

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

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

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

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

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

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

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

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

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

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

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

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

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
Residential	
Dwellings	
One-Family Dwelling (1 Per Lot)	P
<i>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i>	<i>P</i>
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P
Duplex (Two-Family Attached on Same Lot)	P
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	PUD

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

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

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

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

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

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

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

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

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

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

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

Section 18. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in

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

Section 18. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Passed by the City Council this

____ day of _____, 2018

City Recorder

Approved by the Mayor this

____ day of _____, 2018

Mayor

Preliminary Findings

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

Overview

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

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

As a result of the proposed amendment, secondary dwellings will also be allowed as permitted uses in the following zones:

- AG Agricultural
- R-2 Medium Density Residential
- R-3 Limited High-Density Residential
- R-4 High Density Residential
- S-Elmira Road Special Area Zone
- S-JW Jefferson Westside Special Area Zone¹
- S-HB Blair Boulevard Historic Commercial Special Area Zone

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

Findings

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

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

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

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

Exhibit A

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

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

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is consistent with Statewide Planning Goal 1.

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

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual basis for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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

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

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

Exhibit A

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

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

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

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

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

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

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

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

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

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

Exhibit A

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

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

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Supply Study, there is sufficient buildable residential land to meet the identified land need.

The amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the amount of lands available for residential use. Rather, the amendments increase the capacity of existing residential land, by increasing the potential number of dwelling units that could be built without adversely impacting the residential land inventory.

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

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

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

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

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

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use

Exhibit A

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

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

The amendments do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (A) or (B). In regards to (C), the relatively small number of homes that are expected to be developed as a result of the secondary dwelling unit provisions will have a negligible impact on any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

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

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

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

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic,*

Exhibit A

historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

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

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

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

(2) The amendment is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

Applicable Metro Plan Policies

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

Residential Land Use and Housing Element

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

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

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

Consistent with these policies, the amendment provides for more opportunities for smaller housing types within existing and future residential neighborhoods.

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Envision Eugene Comprehensive Plan

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

Applicable Refinement Plans

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

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Fairmount/U of O Special Area Study (1982)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)

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

Jefferson Far West Refinement Plan (1983)

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

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

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

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

2. Central Low-Density Residential Area

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

4. South Low-Density Residential Area

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

Exhibit A

15. Low Density Residential Area

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

Within all three of these low density residential subareas of the plan, the City is directed to encourage infilling. Consistent with this policy direction, the amendment is intended to encourage compatible infill housing.

River Road-Santa Clara Urban Facilities Plan (1987)

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

- 1.0 Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.*
- 2.0 Provide a diversity of housing types in the area. Available techniques include encouraging reinvestment and rehabilitation of existing housing stock and the use of development standards that provide for clustering or planned unit development.*

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

Willakenzie Area Plan (1992)

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

Residential Policies

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

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

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

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

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

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING SECONDARY DWELLINGS AND AMENDING
SECTION 9.0500 OF THE EUGENE CODE, 1971.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of “Dwelling, Secondary” in Section 9.0500 of the Eugene Code, 1971, is amended to provide as follows:

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

Dwelling, Secondary. ~~[A dwelling unit that is located on the same lot as a primary one-family dwelling that is clearly subordinate to the primary one-family dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot. Either the secondary dwelling or the primary dwelling must be occupied by the property owner.]~~ ***An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.***

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

Section 3. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of _____, 2018

Approved by the Mayor this

____ day of _____, 2018

City Recorder

Mayor

Findings

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

Overview

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

Findings

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

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

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

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

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

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is consistent with Statewide Planning Goal 1.

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

Exhibit A

decisions and actions.

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual basis for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

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

Goal 4 - Forest Lands. To conserve forest lands.

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

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

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

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

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

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

Exhibit A

and land resources of the state.

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

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

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

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

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

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

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Supply Study, there is sufficient buildable residential land to meet the identified land need.

The amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the amount of lands available for residential use.

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

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

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

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

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

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

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

Exhibit A

existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

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

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

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

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

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

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

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

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

Metro Plan

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

Envision Eugene Comprehensive Plan

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

Applicable Refinement Plans

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

Based on the above finding, this criterion is met.

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

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

