



City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

November 18, 2024

5:30 p.m. CITY COUNCIL PUBLIC HEARING

City Council meetings are held in hybrid format using in person and 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 November 18, 2024;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Matt Keating, President
Emily Semple
Alan Zelenka
Greg Evans

Randy Groves, Vice President
Lyndsie Leech
Jennifer Yeh
Mike Clark

5:30 p.m. CITY COUNCIL PUBLIC HEARING

- 1. PUBLIC HEARING: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon, II, Inc. a Franchise for Operation of a Cable Telecommunications System.**
- 2. PUBLIC HEARING: An Ordinance Concerning Middle Housing; Making A Text Amendment To The Eugene-Springfield Metropolitan Area General Plan; Replacing Variations Of The Terms "One Family" And "Single Family" With "Single-Unit," Replacing Variations Of The Term "Two Family" With "Duplex," Replacing Variations Of The Term "Three Family" With "Triplex," Replacing Variations Of The Term "Four Family" With "Fourplex," And Replacing Variations Of The Terms "Multiple Family" And "Multi-Family" With "Multi-Unit" Or "Multiple-Unit" Throughout The Eugene Code; Amending Sections 9.0500, 9.2160, 9.2161, 9.2700, 9.2720, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.2770, 9.2775, 9.2777, 9.2780, 9.3050, 9.3065, 9.3100, 9.3115, 9.3116, 9.3125, 9.3145, 9.3210, 9.3215, 9.3220, 9.3221, 9.3300, 9.3310, 9.3510, 9.3625, 9.3630, 9.3800, 9.3810, 9.3811, 9.3815, 9.3822, 9.3823, 9.3910, 9.3915, 9.6105, 9.6650, 9.6703, 9.6730, 9.6740, 9.6745, 9.6775, 9.6792, 9.6793, 9.6795, 9.6885, 9.7000, 9.7015, 9.7020, 9.7025, 9.7030, 9.7055, 9.7230, 9.7600, 9.8005, 9.8030, 9.8210, 9.8215, 9.8220, 9.8423, 9.8510, 9.8515, 9.8520, 9.8705, 9.8710, And 9.8865 Of The Eugene Code, 1971; Deleting Sections**

9.2705, 9.2735, And 9.2737 Of That Code; Adding Sections 9.5550, 9.7640, 9.7641, 9.7642, 9.7643, 9.7644, 9.7900, 9.7905, 9.7910, 9.7915, 9.7920, 9.7925, 9.8191, 9.8192, 9.8193, 9.8194, 9.8195, 9.8196, 9.8197, 9.8198, And 9.8199 To That Code; Addressing The Oregon Land Use Board Of Appeals' Remand Of Ordinance No. 20705; And Providing An Effective Date.

3. PUBLIC HEARING: An Ordinance Establishing a Fire Service Fee and Adding New Sections 6.760, 6.765, 6.770, 6.775, 6.780, 6.785, and 6.790 to the Eugene Code, 1971.

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon, II, Inc. a Franchise for Operation of a Cable Telecommunications System.

Meeting Date: November 18, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Jay Runte
Contact Telephone Number: 541-682-5590

ISSUE STATEMENT

The purpose of this agenda item is to hold a public hearing regarding the adoption of the proposed ordinance extending Comcast's cable television franchise agreement until December 31, 2025. Without extension, the franchise agreement will expire on December 31, 2024. This ordinance would only extend the term of the franchise; all other franchise terms and conditions would remain the same. Action on this Ordinance is scheduled for November 25, 2024.

BACKGROUND

Franchise Extensions:

The Comcast Franchise was last extended by Ordinance No. 20678, adopted on November 28, 2022, which extended the franchise through December 31, 2024. The franchise allows Comcast to use public right-of-way to operate a cable communications system and provide cable television services including public, education and government access channels. The franchise requires Comcast to pay fees in exchange for access to public right-of-way.

The current extension provided Comcast and the City additional time to come to agreement on several issues including competitive equity language which has since been tentatively agreed upon by the parties. The language assures Comcast the City will treat a competitive video programming services provider that enters Eugene's market in a manner materially equivalent to the way the City treats Comcast. However, there are still unresolved issues to negotiate and unanticipated delays preventing completion of the negotiations in a time frame to allow the adoption of a renewal franchise by December 31, 2024.

Current Status:

Staff were working towards a renewed agreement by December 31, 2024. However, that date is nearing and the following issues have yet to be resolved.

Definition of "gross revenue." Gross revenue refers to revenue generated by Comcast from cable subscribers within Eugene City limits. The Cable Act requires Comcast to compensate the City 5 percent of gross revenue on a quarterly basis for use of public right-of-way. As of yet, Comcast and the City have not yet agreed on what is included in the definition.

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In addition to the remaining issues to be negotiated, another reason to extend the franchise is that personnel from the local franchise consortium are experiencing staffing changes and scheduling issues impacting progress from May 2024 – present. All parties recommended, and Comcast agreed, a one-year extension to December 31, 2025, will allow time for the parties to work on remaining negotiations, with a commitment that the parties make every attempt to conclude the renewal negotiations as soon as possible.

This proposed extension ordinance would only extend the term of the current franchise. All other franchise terms and conditions would remain the same, including Comcast’s obligation to pay franchise fees for use of the public rights of way. There are no anticipated costs to the City of Eugene because of the extension.

When clarity is achieved and negotiations completed, the proposed renewal franchise agreement will be brought to the City Council for action as an ordinance.

RELATED CITY POLICIES

[Strategic Plan](#) Focus Area – Organizational wellbeing: To create a sustainable budget with balanced revenues and expenditures that provides funding for necessary services in the community.

PREVIOUS COUNCIL DIRECTION

[November 28, 2022 Meeting](#)

Councilor Evans, seconded by Councilor Keating, moved to approve An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System.

Passed 7:0

COUNCIL OPTIONS

This item is scheduled for public hearing only and no action is required at this time. Council action on the proposed ordinance to extend the franchise term is scheduled for November 25, 2024.

CITY MANAGER’S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Proposed Ordinance: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System.
- B. Ordinance 19775
- C. Ordinance 20397

FOR MORE INFORMATION

Staff Contact: Jay Runte, Information Services Division
Telephone: 541-682-5590
Staff E-Mail: jrunte@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 19775 AND ORDINANCE NO. 20397 GRANTING TO COMCAST OF OREGON II, INC. A FRANCHISE FOR OPERATION OF A CABLE TELECOMMUNICATIONS SYSTEM.

The City Council of the City of Eugene finds that:

A. The federal Cable Act requires a franchise for the operation of cable telecommunications systems and provides for a formal or informal renewal process under the Cable Act.

B. The Cities of Eugene and Springfield, together with Lane County, granted a franchise to Comcast of Oregon II, Inc. ("Comcast") for the operation of a cable communication system, and have designated the Metropolitan Policy Commission (MPC), acting as the cable commission, as the representative of the local franchising authorities in administration of the franchise.

C. The City of Eugene enacted Ordinance No. 19775 on May 13, 1991, granting the franchise.

D. The City of Eugene enacted Ordinance No. 20397 on October 22, 2007, amending and renewing the franchise through August 1, 2018.

E. The term of the franchise has since been extended several times, most recently by Ordinance No. 20678, adopted on November 28, 2022, which extended the franchise through December 31, 2024. In general, the extensions were needed for various reasons that affected and sometimes paused negotiations, such as difficulties resolving a franchise fee review, which has since been resolved; the Federal Communications Commission (FCC) adopting in 2019 a final order and rules regarding cable regulation (FCC Cable Order) that is unfavorable to local government franchising authorities; years-long multi-jurisdictional litigation, including the City of Eugene as a petitioner, challenging the FCC Cable Order, which concluded in February 2022 with a court ruling that was primarily favorable to cable operators. After the multi-jurisdictional litigation concluded, the Cities of Eugene and Springfield, Lane County, and Comcast resumed good faith negotiations under the Cable Act's informal process to renew Comcast's cable franchise. However, the parties encountered substantial differences of position on several significant provisions, including but not limited to a competitive equity provision and definitions of particular terms. Those differences of position prevented the parties from being able to reach agreement on a renewed franchise and stalled negotiations.

F. The Cities of Eugene and Springfield, Lane County, and Comcast resumed good faith negotiations over this past year, and recently have come to tentative agreement on a mutually acceptable competitive equity provision. However, due to the number of remaining unresolved franchise issues and unavoidable delays in the negotiations schedule the past six months, those negotiations will not be completed in a timeframe that would allow the City of Eugene to adopt a franchise renewal by December 31, 2024.

G. The Cities of Springfield and Eugene, and Lane County have determined that it serves the public welfare to extend the term of the current franchise from December 31, 2024, up to and through December 31, 2025. The parties believe this extension will allow the parties time to continue and complete negotiations for a franchise renewal.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to Comcast in Ordinance No. 19775 and Ordinance No. 20397 shall be extended up to and through December 31, 2025.

Section 2. The City of Eugene and Comcast agree that execution of this extension does not waive any rights that either party may have under the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. §§ 521 *et seq.*, or other provision of federal, state, or local law.

Section 3. Other than the duration of the franchise set forth herein, Ordinance No. 19775 and Ordinance No. 20397 shall continue in full force and effect.

Passed by the City Council this

____ day of _____, 2024

City Recorder

Approved by the Mayor this

____ day of _____, 2024

Mayor

ORDINANCE NO.	19775
SUBJECT	
An ordinance granting to TCI cablevision of Oregon, Inc. a renewal of its non-exclusive franchise for the operation of a cable communications system; and repealing ordinance nos. 18284, 18936, and 19359.	
EFFECTIVE	
Presented To The City Council As	
Council Bill No.	4300
ON	May 13, 1991
1st Reading	
2nd Reading	
PASSED	S. J. Nicholson and MacDonald (noting may)
RECORDED IN COUNCIL MINUTES	
VOL.	PAGE

ORDINANCE NO. 19775

AN ORDINANCE GRANTING TO TCI CABLEVISION OF OREGON, INC. A RENEWAL OF ITS NON-EXCLUSIVE FRANCHISE FOR THE OPERATION OF A CABLE COMMUNICATIONS SYSTEM; AND REPEALING ORDINANCE NOS. 18284, 18936, AND 19359.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. A non-exclusive franchise is hereby granted to TCI Cablevision of Oregon, Inc., hereinafter referred to as "Grantee," to install, construct, operate, maintain, reconstruct, and expand a cable communications system within the public streets, ways, alleys, public utility easements, and places of the City of Eugene, hereinafter referred to as "Grantor." This franchise shall constitute both a right and an obligation to provide the service of a cable communications system as required by the provisions of this ordinance.

Section 2. Short Title. This ordinance shall be known as the "Metropolitan Cable TV Franchise Ordinance."

Section 3 Definitions. Except when the word or phrase is defined in this ordinance, the definitions in the Federal Act shall apply. The following words and phrases as used in this ordinance shall mean:

"Access Center" means the studio, facilities, and equipment provided for cable casting non-commercial public, educational, and local government programming.

"Access Channels" means those channels required by this ordinance to be kept available by the Grantee for partial or total dedication to public access, educational access, and local government access.

"Basic Service" means any service tier which includes the retransmission of local television broadcast signals including those services described in subsection 5(2) provided by the Grantee for standard installation charge and a regular monthly charge paid by all subscribers.

"Cable Communications System" or "system" means a system of antennas, cable, amplifiers, towers, microwave links, waveguides, laser beams, earth stations, or any other conductors, converters, equipment, or facilities, designed and constructed for the purpose of producing, receiving, amplifying, storing, processing or distributing audio, video, digital, or other forms of electronic or electrical signals.

"Commission" or "Committee" means the Metropolitan Policy Committee established by Lane County, the City of Eugene, and the City of Springfield or its successor as designated by Lane County, the City of Eugene and the City of Springfield.

"Comparable Systems" means those systems with similar facilities,

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equipment, channel capacity, age of franchise and system, number of subscribers and population served and competitive environment.

"Federal Act" means the Cable Communications Policy Act of 1984, Public Law 98-549, October 30, 1984.

"Franchise Territory" (Eugene-Springfield) means the area within the legal boundaries of the Grantor, including any areas annexed during the term of the franchise.

"Franchise Territory" (Lane County) means the unincorporated area of the Grantor within the urban growth boundary as designated by the Metropolitan Area General Plan currently adopted by Lane County, the City of Eugene and the City of Springfield; any other areas actually served by the Grantee in Lane County; and any other areas mutually agreed to by the Grantee and the commission.

"Gross Annual Revenues" means any and all compensation in whatever form, grant, subsidy, exchange, or otherwise, directly or indirectly received by Grantee for services provided to subscribers within the franchise territory but excludes taxes Grantee is required to separately state and collect from Subscribers.

"Monitoring" means observing a one-way communications signal, or the absence of a signal, where the observer is neither the subscriber nor the programmer, where the signal is observed by visual or electronic means for any purpose whatsoever.

"Premium Programming Service". Any programming service other than basic service.

"Rate Schedule" means the charges for all subscriber services.

"Standard Installation Charge" means the cost to the subscriber for connection to the cable communication system in the amount specified in the current rate schedule.

"Streets" means the surface of and the space above and below any public street, sidewalk, alley, easement, or other dedicated public way of any type whatsoever, now or hereafter existing as such within the jurisdiction of the Grantor.

"Subscriber" means any person, firm, corporation, or other entity legally receiving electronic signals by means of the Grantee's cable communications system.

"Plan Submitted by Grantee" means the service development plan submitted by Grantee to Grantor as part of the negotiations between Grantor and Grantee which preceded the adoption of the ordinance and the plans submitted in compliance with Sections 7 and 13 of this ordinance.

Section 4. Commission Authority. The Commission shall represent the

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Grantor in administration of the franchise, and advise the Grantor in accordance with the agreement between Lane County, City of Eugene, and City of Springfield which established the commission. Upon enactment of this ordinance, Grantors Lane County, City of Eugene, and City of Springfield shall continue the life of the commission for the duration of the franchise. The form, organization, and powers of the commission shall be determined jointly by Lane County, City of Eugene, and City of Springfield, but the commission shall have at least those powers referred to in this ordinance. Grantee may rely upon notices and communications from the commission. In the event that the Grantee receives contrary or contradictory communications from the commission and the Grantor, Grantee in its sole discretion may either rely upon the communications from the commission, or seek a declaratory judgment or other appropriate relief from a court of competent jurisdiction. In either case as to the matter in question, Grantee shall be relieved of any liability under the terms of this ordinance during the pendency of such proceeding or because of reliance upon the communications from the commission.

Section 5. Services Provided.

(1) Channel Capacity. The cable communication system operated by Grantee at the time this franchise was adopted provides 35 channels of capacity. Before Grantee further increases the channel capacity of its cable system, it shall submit to the commission reports containing relevant information identified in Section 13 of this ordinance no later than 60 days before undertaking installation of equipment to allow the commission to review and comment on the proposal. The obligations of the Grantee and the commission as provided in Section 13 of this ordinance shall apply to these reports and the Grantee's submissions under Section 13 of this ordinance may be in lieu of this requirement if submitted more than 60 days before Grantee undertakes installation of equipment.

(2) Basic Service. (a) Basic service shall include programming of local, regional and national interest providing in the aggregate a variety of video programming and shall include the access channels. Signals that are part of the basic service shall not be encoded except upon Commission approval, which approval shall not be unreasonably withheld.

(b) At least 30 days before Grantee rearranges, replaces, removes or otherwise offers a particular cable service it shall notify the commission. Such actions by Grantee shall be consistent with sections 624 and 625 of the Federal Act and other applicable law.

(c) Nothing contained in this section shall be deemed or construed to grant any programmer or third party any entitlement to or expectation in a specific channel assignment or location.

(d) In no event shall subscribers be required to subscribe to any other service as a condition for obtaining basic service.

(3) Control Devices. Subscribers to any premium programming service shall, upon request, be supplied with control devices at a reasonable

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charge to limit viewing of the premium programming service on individual television receivers.

(4) Service to Institutions. Upon request of the commission, the Grantee shall provide single installations of basic service to each fire and police station, public school, City Hall, County Courthouse, and all public libraries within the Grantee's service area on the terms provided in Section 7(2) of this ordinance, except no standard installation fee shall be imposed for such installation. No monthly service charge shall be made for distribution of the services described in this section to these locations.

(5) Access Facilities and Equipment. Commission may equip, maintain, and operate an access center on premises within Grantee's service area selected by the commission after conferring with Grantee and taking into consideration the cost thereof. Grantee shall provide at its expense and upon reasonable notice the necessary connection(s) between its cable communications system and the access center, The Hult Center, The University of Oregon, Lane Community College, Eugene Public School District 4-J, Eugene City Hall, Springfield City Hall and Lane County Courthouse to allow the simultaneous live cablecast of programs on the access channels. These connections do not require Grantee to provide simultaneous communication over a single access channel between the named locations. The commission's access center channel connections to Grantee's cable communication system shall not damage the system nor impair or denigrate the quality of the signal or services provided Grantee's subscribers.

(6) Access Channels. (a) Grantee shall provide three channels dedicated for public, educational, and local government access programming within the basic service. Within 120 days of written notice to the Grantee by the commission, Grantee shall provide a fourth access channel within basic service when the other three channels are scheduled with new programming 80 percent of prime time (daily 6 p.m. to 11 p.m.) and the balance of the cablecast day (daily 8 a.m. to 6 p.m.) is scheduled 60 percent of the time. The percentages will be measured over a 90-day period.

(b) When local programming is not scheduled on the access channels, at the commission's request Grantee shall provide such programming as may be available through use of Grantee's facilities at no cost to the commission or Grantee. Grantee shall not be responsible for providing any local programming.

(7) Emergency Use. In the case of any emergency or disaster, the Grantee shall, upon request of the Grantor, make available its facilities for emergency use during the emergency or disaster period at no cost to the Grantor. The system shall be designed so that viewers on all channels can receive immediate notice of the emergency by way of an emergency override audio or written message or both. To the extent allowed by law, Grantor shall indemnify Grantee from any physical damage to Grantee's system caused by Grantor's use of the system during any emergency cablecast.

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Section 6. Rates for Installation and Services.

(1) Schedule of Rates. Grantor and the commission shall not regulate Grantee's rates and charges. However, Grantee shall keep on file with the commission a current schedule of subscriber rates and charges.

(2) Advance Charges. Grantee may require subscribers to pay for each month of basic service in advance at the beginning of each month.

(3) Prohibition of Discriminatory or Preferential Practices. The Grantee shall not, in its rates or charges, or in making available the services or facilities of its system, or in its rules or regulations, or in any other respect, make or grant discriminatory preference or advantages to any subscriber or potential subscriber to the system, or to any user or potential user of the system; and shall not subject any such persons to any prejudice or disadvantage; provided nothing herein shall prevent Grantee from establishing different rates for uniform classes of subscribers or adjusting rates for marketing purposes.

(4) Disconnections, Failure to Pay. The authority given the commission in this subsection does not give the commission authority to regulate rates in a manner prohibited by the Federal Act. Upon Grantee's request the commission may approve different notice and procedures for subscriber disconnection than are provided in this subsection. In considering Grantee's request the commission shall not unreasonably withhold its consent. If a subscriber has failed to pay a properly due monthly subscriber fee within 15 days after the due date of the fee, Grantee may cause disconnection of the subscriber's cable installation after 10 days of prior written notice; however, upon payment in full of the delinquent monthly subscriber fee, and the reconnection charge, the Grantee shall promptly reinstate the subscriber's service.

(5) Subscriber Refunds.

(a) If any subscriber terminates, for personal reasons, Grantee shall refund to subscriber the prepayments that are for the period(s) beyond the billing month in which service is terminated.

(b) If a subscriber's cable service is interrupted because of a failure in Grantee's cable communication system which is continuous for more than 48 hours, affected subscribers' monthly charges shall be reduced on a prorated basis by crediting subscriber's account. The percentage of reduction shall be created by dividing the total number of hours of interruption by the number of hours in the month when the interruption occurred. This paragraph shall apply:

(i) To a loss of basic service when all of the signals on basic service are interrupted, and

(ii) When the affected subscriber notifies Grantee within four days of when the interruption was discovered, or

(iii) When Grantee has reasonable grounds to believe that the interruption has occurred.

This subsection shall not apply for the time Grantor uses Grantee's system when authorized by subsection 5(7).

Section 7. Extension of Service.

(1) Service Availability and Request Record. The Grantee shall provide cable communications service throughout the franchise territory pursuant to provisions of this section and shall keep a record for at least three years of all requests for service received by the Grantee. This record shall be available for inspection by the commission or its designee at the local office of the Grantee during regular office hours. If in the judgment of the commission Grantee's regular business records showing such requests is inadequate, Grantee shall comply with the commission's reasonable request to correct the deficiencies in future records.

(2) Service to Individual Subscribers from Existing System. Where a subscriber can be served from the Grantee's existing system, without extension of the trunk distribution cable, the Grantee shall serve the potential subscriber upon request on the following terms and conditions:

(a) The dwelling unit shall be connected to cable at the standard installation charge if the connection can be made with an aerial drop and does not exceed 150 feet.

(b) If the aerial connection drop exceeds 150 feet, the potential subscriber may be charged the actual cost for the distance exceeding 150 feet plus standard installation charge, and Grantee may request advance payment for such installation.

(c) If the requested installation is to be placed underground, the potential subscriber must pay for furnishing open trench, as specified by the Grantee, backfilling and restoring to original conditions and Grantee may request advance payment for such work.

(d) The potential subscriber shall arrange for all necessary easements over or under private property.

(3) Plan for Extension and Reconstruction of the Cable System.

(a) Attached to this franchise (Appendix A) is a map of the franchise territory clearly delineating 1) the areas within the territory where the cable communications system is now available to subscribers, and 2) the areas within the territory where the system is not presently available, together with a plan for extension which will show when each residential area will have access to the system.

(b) If there are areas within the franchise territory where extension of the cable communications system cannot reasonable be extended because of lack of planned development, or other reasons, then the areas, and

the reasons for not serving them, must be clearly identified in the plan report and on the map. All reports and maps shall be made available for public inspection at Eugene City Hall, Springfield City Hall, Lane County Courthouse, and the main local office of Grantee.

(c) The plan for extension shall be reviewed at the meetings authorized in Section 16(2) or modified if necessary as agreed by the Grantee and commission. Whenever changes are made as provided in this section, copies of the revised plan report and map shall be made available for public inspection as provided in this section for the original plan report and map.

(d) Nothing in this section shall prevent the Grantee extending the system earlier than planned. However, any postponement of system extension beyond the times specified in the plan report timetable shall require consent of the commission, which shall not be unreasonably withheld. For any extension or reconstruction projects of Grantee's system the estimated cost of which exceeds \$50,000 the commission may require a performance bond or other security acceptable to the commission not to exceed the cost of the project to ensure its completion.

(4) Additional Extension of System. Extension of the system into any areas not specifically treated in the plan submitted pursuant to subparagraph (3) herein shall be as required by subparagraphs (5) and (6) herein. In areas not meeting the requirements for mandatory extension of service, Grantee shall provide, upon request of five or more potential subscribers desiring service, an estimate of costs required to extend service to said subscribers, and the amount by which said costs exceed what would be the cost of mandatory extension under this section. Grantee shall extend service to any such dwelling units upon advance payment (or assurance of payment satisfactory to the Grantee) of the additional cost. Such payments shall be non-refundable, and in the event the area subsequently reaches the density required for mandatory extension, such payments shall be treated in full or in part as consideration for early extension of service.

(5) Underground Extension of System.

(a) Installation of System. In cases of new construction or property development where utilities are to be placed underground, the developer or property owner shall give Grantee reasonable notice of such construction or development, including a copy of any final plat, and of the particular date on which open trenching will be available for Grantee's installation of conduit pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching.

(b) Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner, except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within 2 working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the two-day period, the cost of new trenching is to be borne by Grantee.

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(c) Activation of Service. Grantee shall promptly provide service upon request at the standard installation rate where the potential subscriber can be served by extension of distribution cable past occupied dwelling units equivalent to a density of 25 dwelling units per quarter mile of cable contiguous to the already-activated system. Such density shall be computed on the basis of dwelling units which can be served on either side of the cable.

(6) Aerial Extension of System. In any area where utility lines are permitted above ground, Grantee shall extend its system and provide service upon request pursuant to Section 7(2) herein, where the potential subscriber can be served by extension of distribution cable past occupied dwelling units equivalent to a density of 25 dwelling units per quarter mile of cable contiguous to the activated system. Such density shall be computed on the basis of dwelling units which can be served on either side of the cable.

(7) Extension of Service by Agreement. Nothing herein shall be construed to prevent Grantee from serving areas not covered under this section upon agreement with developers, property owners, or residents. Any such agreement shall be in writing and filed with the commission.

Section 8. Compliance with Construction and Technical Standards.

(1) Grantee shall construct, install, operate and maintain its system in a manner consistent with applicable local construction standards, governmental requirements, the National Electrical Code, FCC technical guidelines and the construction and technical practices of Grantee. Grantee shall maintain on file with the commission a current copy of its construction and technical practices.

(2) Grantee shall install its cable, pedestals, and equipment only in streets, public utility easements and private easements and shall maintain such cable, pedestals and equipment in a safe and serviceable condition.

(3) Grantee shall provide the commission with a complete copy or a written summary of the results of Grantee's annual proof of performance tests conducted pursuant to FCC standards and requirements. Grantee shall provide to the commission a complete copy of the annual proof of performance tests upon request by the commission.

Section 9. Use of Public Ways.

(1) Street Openings or Obstructions. Any opening or obstruction in or disturbance of the streets made by the Grantee in the exercise of its rights under this franchise agreement shall be done in compliance with the standard specifications of the Grantor which relate to any party opening or obstructing in or disturbing of any street and all other applicable Federal, State, and local laws, ordinances, traffic manuals, and regulations. No hard surface pavement shall be cut or street broken by the Grantee without first

obtaining a permit from the Grantor, which requires a plan submittal and approval before installation begins.

(2) Undergrounding and Pole Use. The cable communications system cables, wires, and associated equipment or facilities shall be placed underground in areas of the franchise territory where telephone and electric utility lines are underground. At no time shall the cable system be the only aerial facility. Undergrounding of Grantee's equipment and facilities shall be done in compliance with code provisions of the Grantor, and in cooperation with the telephone company and electric utility board operating in the area. In all matters relating to undergrounding, Grantor shall not discriminate against Grantee with respect to any requirements imposed or benefits conferred upon telephone or electric utilities, except as such benefits to telephone or electric utilities are required by State law and the same benefits to Grantee are not required by State law. Arrangements shall be made by the Grantee with the telephone company or utility board for the use of existing poles in areas where the utilities are above ground, and no poles shall be erected by the Grantee without prior approval of the Grantor. Before placing equipment or facilities underground, or above ground, it shall be the responsibility of Grantee to determine whether necessary easements exist, and except as otherwise provided in this ordinance, to secure easements, if needed, and to show said easements on each plan submitted for proposed construction.

(3) Restoration and Repair of Streets. Whenever the Grantee disturbs any of the streets, it shall restore them according to the adopted standard specifications of the Grantor. The Grantor shall have the right to fix a reasonable time within which such restoration and repair of streets shall be completed, and upon failure of Grantee to make the restoration and repair within the allotted time, the Grantor may cause such restoration and repair to be made at the expense of Grantee.

(4) Grantor's Use of Streets. Nothing in this franchise shall be construed in any way to prevent the proper authorities of the Grantor from sewerage, grading, planking, rocking, paving, repairing, altering, or improving any of the streets, alleys, easements, avenues, thoroughfares, and public ways within the franchise territory in or upon which the poles, wires, or other equipment of said Grantee shall be placed. All such work or improvements shall be done, if possible, so as not to obstruct or prevent the free use of said poles, wires, conduits, or other equipment.

(5) Tree Trimming. Where tree trimming is necessary on public streets for the operation of the lines, wires, cables, and antennas or other appurtenances of the Grantee, the trimmings shall be done by competent employees, agents, or contractors of the Grantee after application for and granting of a written permit by the Grantor, and it shall be done without cost or expense to the Grantor.

(6) Grantor's Use of Poles. Grantor reserves to itself the right at any time to use the poles and other installations of Grantee erected or installed under the authority granted in this ordinance for any Grantor-owned facilities of whatsoever nature, but it is agreed that such use shall not interfere or compete with Grantee's present or future use thereof. Grantor

shall hold Grantee harmless from any and all liability which may arise as a result of its use of Grantee's poles or other installation.

(7) Equipment Maintenance. Grantee shall at all times keep and maintain all of its poles, fixtures, conduits, wires, and its entire system in a good state of repair and shall indemnify and save harmless the Grantor of and from any and all damages of any kind or character growing out of or arising by reason of Grantee's failure to so maintain the cable communications system.

(8) Temporary Removal of Facilities.

(a) Grantee shall at its expense protect, support, temporarily disconnect, or relocate any of its equipment when required to do so by Grantor by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks, or any other type of structures or improvements by the Grantor or such duly established utility boards as the Eugene Water & Electric Board or the Springfield Utility Board.

(b) Grantee shall, within 7 days of written request of any person holding an appropriate permit issued by the Grantor, temporarily raise or lower its lines or other equipment to permit the moving of any building or other structure, machinery, or object, and the actual expense of the same shall be paid by the person making the request. The person making the request will indemnify and save harmless said Grantee of any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the equipment of the Grantee and, if required by Grantee, shall provide a cash deposit or a good and sufficient bond to pay any and all such costs as estimated by Grantee.

(c) All installations, rearrangements, removals, and lowering or raising of aerial cables or wiring or other apparatus shall be done in conformance with the requirements of the National Electrical Code, and the laws of the State of Oregon and the ordinances of the Grantor.

(9) Maps and Records. The Grantee shall file with the Grantor a system "as-built" map drawn to accurate scale, and shall amend the map annually or as often as necessary to keep the Grantor informed as to the location of all facilities installed in the franchise territory. The map shall clearly indicate the location of trunks, distribution of lines, and amplifiers within the public rights-of-way. Location of subscriber service drops in a specified area shall be provided promptly by Grantee upon Grantor's request in connection with activities set forth in Subsections (4) and (8) of this section.

(10) Emergency Removal of Facilities. Subject to applicable law, if, because of fire, disaster or conditions creating an imminent threat to life or property, it becomes necessary in the reasonable judgment of the Grantor to cut or move any of Grantee's cable communication system, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by Grantee, at its sole expense. Nothing in this subsection shall

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give third-parties a basis for avoiding Grantee's claim against such third parties.

(11) Alternate Routing of Facilities. In the event the public interest requires continued use of a street be denied to the Grantee by Grantor, the Grantee shall provide service to affected subscribers over such alternate routes as shall be determined by Grantee within a reasonable period of time.

Section 10. Payment to Grantor.

(1) Franchise Fee. As compensation for the franchise granted herein and in consideration of permission to use the streets and public ways of the Grantor in the franchise territory for the construction, operation, maintenance and reconstruction of a cable communications system within the franchise territory, the Grantee shall pay to the Grantor an annual amount equal to five percent (5%) of the Grantee's gross annual revenues as defined in section 3 herein.

(2) Payment Schedule. Payments due the Grantor under this provision shall be computed quarterly, for the preceding quarter, as of March 31, June 30, September 30, and December 31. Each quarterly payment shall be due and payable no later than 60 days after the dates listed in the previous sentence.

(3) Late Penalty. The Grantee shall furnish to Grantor, with each payment of compensation required by this section, a written statement under oath, executed by an authorized agent of the Grantee, showing the amount of gross annual revenues of the Grantee within the franchise territory for the period covered by the payment computed on the basis set out in Subsection (1) of this section. The compensation for the period covered by the statement shall be computed on the basis of the gross annual revenues so reported. If the Grantee fails to pay the entire amount of compensation due the Grantor, through error or otherwise, within the times allotted for payment in Subsection (2) above, the amount of the fee due for that quarter and not timely paid shall be subject to a late penalty of an additional ten percent (10%) plus interest of one percent (1%) per month on the amount of fee due and unpaid from the date due until it is paid together with the late penalty.

(4) Verification of Amount Due. No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the Grantor may have for further or additional sums payable under the provisions of this franchise. All amounts paid shall be subject to audit and re-computation by the Grantor and all records required to conduct such an audit shall be made available to Grantor at the expense of the Grantee.

(5) In addition to the fees required by this section, Grantee shall pay to the commission on or about March 1 of 1991, 1992 and 1993, \$75,000 per year. Thereafter on March 1 of each year, Grantee shall pay to the commission a minimum of \$25,000 per year. Based on the commission's reasonable documented request, Grantee shall increase the payments commencing

March 1, 1994 up to an amount not to exceed \$50,000 per year. Money received by the commission under this subsection shall be used only for capital costs related to public, educational and governmental access facilities including but not limited to access center equipment acquisition or replacement.

(6) The commission's and Grantor's reasonable costs including but not limited to technical, financial and legal fees, for franchise review, renewal, transfer and assignment shall be paid by Grantee upon conclusion of the matter.

(7) Compensation Not a Credit Against Certain Taxes and Fees. Subject to applicable law, nothing contained in this franchise shall give the Grantee any credit against any nondiscriminatory utility tax or nondiscriminatory business tax, or ad valorem property tax, now or hereafter levied against real or personal property within the city, or against any local improvement assessment imposed on Grantee's property, or against any permit fees or inspection fees required by the construction codes or other ordinances of the Grantor which are or may hereafter be adopted.

Section 11. Performance Bond and Liability Insurance.

(1) Performance Bond. Upon being granted a franchise, and upon the filing of the acceptance required under Section 16(1) hereof, Grantee shall file with Grantor and shall thereafter, annually, during the entire term of such franchise, maintain in full force and effect a corporate surety bond or other adequate surety agreement in the amount of \$25,000. The bond or agreement shall be so conditioned that in the event that Grantee shall fail to substantially comply with one or more of the provisions of such franchise, then there shall be recoverable jointly and severally from the principal and surety any damages or loss, or costs suffered or incurred by the Grantor as a result thereof, including reasonable attorneys' fees and costs of any action or proceeding, and including the full amount of any compensation, indemnification, cost of removal or abandonment of any property, or other costs which may be in default, up to the full principal amount of such bond. Such condition shall be a continuing obligation during the entire term of such franchise and thereafter until Grantee shall have satisfied in full any and all obligations to the Grantor which arise out of or pertain to said franchise. In lieu of the bond agreement, Grantee may deposit cash with the Grantor or in a Federal or State of Oregon bank or savings and loan association on terms and conditions approved by the Grantor and the Grantee. Neither the provisions of this section, and any bond accepted by the Grantor pursuant thereto, nor any damages recovered by Grantor thereunder, nor any withdrawal from any cash deposit shall be construed to excuse faithful performance by Grantee or to limit the liability of Grantee under this ordinance for damages, either to the full amount of the bond or otherwise.

(2) Proof of Performance Bond. Upon the effective date of this franchise, Grantee shall furnish to Grantor proof of a cash deposit as provided in Subsection (1), or shall furnish a bond, as required in Subsection (1), containing the following endorsement:

It is hereby understood and agreed that this bond may not be cancelled nor the intention not to renew be submitted until

30 days after receipt by the Finance Director of the City of Eugene, City of Springfield and Lane County by registered mail of a written notice of such intent to cancel or not renew.

(3) Indemnification. Grantee shall indemnify, defend and save harmless the Grantor, its elective and appointed boards, commissions, officers, agents and employees from and against any and all claims, actions, suits, liability, loss, cost, expense, or damage of any kind or description which may accrue to or be suffered by the Grantor by reason of the exercise of the rights and privileges herein including but not limited to the erection, construction, reconstruction, relocation, replacing, readjustment, repair, maintenance, or operation of the cable communications system, or by reason of anything that has been done or may be done by the Grantee hereunder which may in any way cause liability by reason thereof.

(4) Reimbursement of Costs. The Grantee shall pay all reasonable expenses incurred by the Grantor in defending itself with regard to all damages and penalties mentioned in Subsection (3) above. These expenses shall include all reasonable out-of-pocket expenses, such as consultant or attorney fees.

(5) Insurance. (a) The Grantee shall provide and maintain general liability and automobile liability insurance in the following minimum amounts:

(i) General liability, including comprehensive form, personal injury, broad form property damage, contractual, and premises/operation coverage in limits of One Million Dollars (\$1,000,000) aggregate, bodily injury and property damage combined; and

(ii) Automobile liability in limits of One Million (\$1,000,000) bodily injury and property damage combined.

(iii) Additionally, Workers' Compensation Insurance in at least the minimum statutory amounts shall be maintained.

All liability insurance policies shall specify Grantor, its elective and appointive boards, commissions, officers, agents and employees as additional insureds. A Certificate of Insurance shall be provided to the Grantor prior to performance pursuant to this ordinance.

(b) All insurance carriers providing the coverage described in this section shall be fully licensed to offer insurance in the state of Oregon.

(6) Notice of Cancellation or Reduction in Coverage. The insurance policies mentioned above shall contain an endorsement stating that the policies are extended to cover the liability assumed by the Grantee under the terms of this ordinance and shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until 30 days after receipt by the Finance Director of the City of Eugene,

City of Springfield and Lane County by registered mail of a written notice of such intent to cancel or reduce the coverage.

(7) Evidence of Insurance Filed with Grantor. Certificates evidencing all policies of insurance shall be filed and maintained with the Grantor during the term of the franchise.

(8) No Waiver of Performance Bond. Neither the provisions of this franchise nor any insurance accepted by the Grantor pursuant hereto, nor any damages recovered by the Grantor thereunder, shall be construed to excuse faithful performance by the Grantee or limit the liability of Grantee under the franchise for damages, either to the full amount of the bond or otherwise. Nor shall maintenance of insurance pursuant to this section be construed to impose liability to third parties on Grantee for loss expense or damages otherwise allocated under provisions of this ordinance.

Section 12. Responsibilities to Public.

(1) Repair. Any damage caused to the property of building owners or users or any other person, by the Grantee, shall be repaired fully and promptly by the Grantee.

(2) Removal of Facilities Upon Request. Upon termination of services to any subscriber, the Grantee shall remove promptly all its above ground external facilities and equipment from the premises of the subscriber at the owner's written request.

(3) Complaint Procedures and Inquiries.

(a) Grantee shall maintain an office in the city of Eugene and the city of Springfield which shall be open during all the usual business hours with its telephone listed in directories of the telephone company serving the franchise territory, and be so operated that complaints and requests for repairs or adjustments may be received at any time, day or night, seven days a week. The phone number and address of this office shall be furnished to each subscriber by the Grantee.

(b) Grantee shall equip and staff so as to assure that subscribers calling the office do not encounter, on the average, unreasonably high percentages of busy signals or unreasonably long hold times before reaching a customer service representative. If the commission feels that the busy times or average hold times over a period of three to six months has been unreasonable, the commission will notify the Grantee. The Grantee will have an opportunity to meet with the Commission to outline the corrective measures it will take or to explain why it believes that busy times or hold times have not been unreasonable. If the commissions feels, after repeated notification, that the Grantee's telephone service is unreasonable and unacceptable, the commission and Grantee shall meet and establish phone standards and procedures for monitoring said standards.

(c) Except as provided in paragraph (d) of this subsection, original records including service records pertaining to complaints received by

the Grantee, and of the office procedures followed to satisfy those complaints, shall be maintained by the Grantee for a period of not less than 3 years in Lane County, Oregon, and made available for inspection by the commission on reasonable notice to the Grantee. This record shall be considered by the commission in evaluating Grantee's system.

(d) Grantee may annually summarize complaints received regarding programming and then destroy the original records regarding these complaints if it files a written copy of the summary with the commission.

(4) Maintenance of Service.

(a) Grantee shall maintain a repair and troubleshooting force capable of responding to subscriber complaints within 2 working days after receipt of the complaint, other than as may be due to circumstances beyond the reasonable control of the Grantee. No charge shall be made to the subscriber for maintenance of Grantee's system unless the subscriber has negligently or intentionally caused the damage.

(b) Grantee shall put, keep, and maintain all parts of the cable communications system in good condition throughout the entire period of this permit.

(c) The Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system.

(d) In the event that a subscriber complaint regarding Grantee's performance of this franchise is not resolved to the mutual satisfaction of the subscriber and the Grantee, either the subscriber or the Grantee may request that the matter be presented to the commission for resolution by the commission or its designee. Nothing in this paragraph 12(4)(d) or in a decision of the commission under this paragraph shall limit a subscriber's or the Grantee's rights to seek judicial resolution of the matter.

(e) When there have been similar complaints made or where there exists other evidence, which in the judgment of the commission casts doubt on the reliability or quality of cable service, the commission shall have the right and authority to compel the Grantee to test, analyze, and report on the performance of the system. Such test or tests shall be made, and the reports of such test or tests shall be delivered to the commission, within 14 days after the same have been requested by the commission. Such report(s) shall include the following information: the nature of the complaint(s) which precipitated the special tests, the system component(s) tested and the equipment used and procedures employed in said testing, the results of such tests, and the method in which such complaints were resolved. Any other information pertinent to the special test(s) shall be recorded and reported.

At the commission's option, said tests and analyses shall be supervised at the Grantee's expense by a professional engineer not on the permanent staff of the Grantee. The aforesaid engineer shall sign all records

of special tests and forward the same to the commission within the time prescribed, with a report interpreting the results of the tests and recommending actions to be taken by the commission and/or Grantee.

The commission's right under this provision shall be limited to requiring tests, analyses, and reports covering specific subjects and characteristics based on complaints or other evidence which afford reasonable grounds to believe substandard cable service is being provided.

(f) In addition to testing under 12(4)(e), the commission may at any time employ at its own expense a registered qualified engineer to test, analyze, and report on the performance of the system. To the extent that it will not materially impair the ability of the Grantee to construct, operate and maintain the system, to provide quality cable service or otherwise comply with the ordinance, Grantee agrees to make all of its testing equipment available at no charge or cost to the engineers selected by the commission to perform these tests; provided, however, that the Grantor indemnify the Grantee for any damages relating to the use of the equipment by the engineer.

(5) Monitoring and Cable Tapping Prevention. Grantee shall not monitor or tap any subscriber terminals unless such procedures are authorized by federal or state law, or unless prior written authorization from the subscribers affected is first obtained.

(6) Subscriber Privacy. Except as provided otherwise in Section 631 of the Federal Act and this Ordinance, without the consent of the subscriber Grantee shall not sell, or otherwise make available a subscriber's name or address, or any list which identifies a subscriber's viewing habits by name or address, to any person, agency, or entity.

(7) Grantee Rules and Regulations. The Grantee shall have the authority, consistent with applicable laws and FCC rules and regulations, to promulgate from time to time such rules, regulations, terms, and conditions governing the conduct of its business with subscribers as shall be reasonable and necessary to enable the Grantee to exercise its rights and perform its obligations under this franchise. Two (2) copies of all rules, regulations, terms, and conditions, including subscriber agreements promulgated under this section, together with any amendments, additions, or deletions thereto, shall be kept current on file with the commission. An additional copy thereof shall be maintained for public inspection during normal business hours at Grantee's offices in Eugene and in Springfield and no such rules, regulations, terms, conditions, or amendments, additions, or deletions thereto shall take effect unless and until so filed.

(8) Equal Employment Requirements. Grantee shall adhere strictly to the equal employment opportunity requirements of the Federal Act and the regulations of the Federal Communications Commission, as expressed in Section 76.13(a)(8) and 76.311 of Chapter I of Title 47 of the Code of Federal Regulations. Grantee shall comply at all times with all other valid and applicable Federal, State, City and County laws relating to nondiscrimination.

(9) Subscriber Satisfaction Survey. At least once a year, Grantee shall conduct a survey of its subscribers for the purpose of determining sat-

isfaction with the services provided by Grantee. The content, form and method of survey shall be agreed upon by the commission and Grantee before the survey is conducted. Grantee shall submit the results of such survey to the commission upon request and shall maintain for six months after reporting the survey results to the commission the individual responses to the survey.

Section 13. Reports and Records.

(1) Annually, within 150 days after the close of the fiscal year for which the financial records of the Grantee are maintained, Grantee shall file with the commission the following reports:

- (a) Total number of subscribers at the end of the fiscal year.
- (b) Number of subscribers added during the year.
- (c) Number of subscribers lost during the year.
- (d) Number of miles of cable added to the system during the year.
- (e) Number of miles of cable equipment rebuilt or replaced during the year.
- (f) Summary of other additions to the system in terms of increased channel capacity or technological improvements made during the year.
- (g) Outline of plans for expansion and improvement of the system in the next fiscal year.
- (h) The financial status of the cable communications system, using the format agreed upon by Grantee and the commission, or such uniform format as may be provided by the FCC. Financial information shall include those reports which the commission reasonably determines are necessary for franchise administration and reflect the operation of the Eugene/Springfield/Lane County cable communications system. Each report shall be signed by an authorized agent of the corporation and an accountant who participated in its preparation or review.
- (i) An annual report prepared by an independent certified public accountant substantiating the franchise fee required by subsection 10(1) as paid by Grantor for the previous year.

(2) Copies of Reports. Copies of all petitions, applications, and communications submitted by the Grantee to the Federal Communications Commission or any other Federal or State regulator, commission, or agency having jurisdiction in respect to any matters relating specifically to operation of the cable communications system authorized pursuant to this franchise and having a significant impact thereon shall also be submitted to the commission or Grantor upon request.

(3) Cost of Reports. The cost of preparing and furnishing to the

commission the records and reports required by this section shall be borne by the Grantee.

(4) Documentation. Documentation for the financial report required by Subsection (1)(h) above shall be made available for inspection by Grantor without delay and at Grantee's expense.

Section 14. Solicitation by Grantee. Grantee may solicit subscribers for any of Grantee's services through house-to-house or place-to-place solicitation without the necessity of obtaining a license, permit, or other form of approval from the Grantor, provided Grantee shall maintain an up-to-date list of solicitors on file with the commission and local law enforcement agencies.

Section 15. Resolution of Disputes.

(1) Intent. It is the intent of the Grantor to provide for orderly resolution of disputes arising out of the enforcement or interpretation of provisions of this franchise, or any rule, regulation, or procedure relating to cable communications matters. To this end, the procedures set forth in Subsections (2) and (3) below may be implemented upon the election of either the Grantee or Grantor where agreement has not been reached after a reasonable time and good faith negotiation. In addition, any controversy or dispute may be submitted to binding arbitration as set forth in Subsection (4) below, but only upon agreement of both Grantee and Grantor.

(2) Fact-Finding. Any controversy or dispute, upon the election of either the Grantee or Grantor, shall be submitted to an expert individual acceptable to both parties for an investigation of the facts and a report thereof. Such fact-finding shall be for the purpose of developing better information for the use of both parties and shall not be binding on either party.

(3) Mediation. Any controversy or dispute, upon the election of either the Grantee or Grantor, shall be submitted to an expert individual acceptable to both parties for the purpose of facilitating discussion and receiving new perspectives on the issues and new proposals for compromise. Such mediation shall not be binding on either party.

(4) Arbitration. Upon agreement of Grantee and Grantor, any controversy or dispute may be submitted for arbitration to a single expert individual if both parties agree, or to a three-member expert panel. In rendering a decision the arbitrator(s) may not impinge on any right given Grantor or Grantee by federal law unless the party whose right is impinged upon has consented thereto in writing or expressly waived pursuant to the terms of this ordinance. On matters that are arbitrated or within the discretion of either party, the arbitrator(s) shall decide taking into account:

(a) The limits on Grantor's authority under state and federal law.

(b) The historic relationship of the parties as evidenced by

the existing franchise and its predecessor franchises.

(c) The provisions of other franchises governing comparable systems.

(d) The provisions of other franchises Grantee has entered into since the last review of the existing franchise.

(e) The future cable-related community needs and interests as then defined by the commission and by the Grantee taking into consideration the costs associated therewith.

Arbitration shall be binding on both parties and shall be held to have been finally adjudicated and settled in accordance with ORS 33.210-33.340.

(5) Selection Procedures.

(a) In the case of fact-finding or mediation, both parties shall present a maximum total of three names each for possible service as experts. If there is no agreement on any of the names, the presiding judge of the Circuit Court of the State of Oregon, for the County of Lane, or his/her designee shall select a person to fulfill the function of expert.

(b) In the case of arbitration, if both parties agree within 20 days of the notice to arbitrate, one person may serve as arbitrator. In the absence of agreement, there shall be an arbitration panel of three members designated within 30 days of the notice to arbitrate. If a single-member panel is agreed upon, the selection procedures established for fact-finding and mediation shall be used to select the single arbitrator. If a three-member panel is to be used, one person shall be named by the Grantee, one person shall be named by the commission and a third person shall be named by agreement between the Grantee's and the commission's representative on the panel. The third person shall serve as the presiding officer of the panel. If there is no agreement on the single arbitrator or the presiding officer of a three-member panel, the selection shall be made by the presiding judge of the Circuit Court of the State of Oregon, for the County of Lane, or his/her designee. Except upon agreement of the Grantee and the commission, the hearing before the arbitrator(s) shall occur in Eugene or Springfield, Oregon and the decision of the arbitrator(s) shall be rendered within 60 days of the selection of the arbitrator(s).

Section 16. Duration, Renewal, and Renegotiation.

(1) Duration and Renewal. This franchise and the rights and privileges granted herein shall take effect 45 days after the date this ordinance is passed by the Grantor and remain in effect until July 1, 2008 unless terminated sooner under provisions of Subsection (4) of this section; provided, however, that the terms of the franchise must be accepted by the Grantee as provided in section 26 of this ordinance.

(2) Franchise Review.

(a) A review of the franchise performance may be undertaken upon agreement of the Grantee and the commission.

(b) A limited review of the franchise may be initiated by the Grantee, the Grantor or the commission any time at least 36 months after the completion of a prior review of the franchise. The limited review may consider any or all of the following matters:

(i) The need for additional channels;

(ii) Service extension policies set forth in Section 7, including, but not limited to, changes in urban service boundaries affecting areas to be served by Grantee;

(iii) Technical adequacy of the system, including, but not limited to, picture quality, two-way transmission capacity, and compliance with standards set forth in Section 8;

(iv) Changes in the Federal Act or FCC authority, rules, or regulations which affect the franchise;

(v) The franchise fee and payments set forth in Section 10 and financial support for public, education, and governmental access; and

(vi) The franchise term extension.

(c) Any additions to or modifications of services, or system design shall be conditioned upon their technical practicality and commercial feasibility.

(d) The grantee shall be represented during review negotiations by a representative of the corporation authorized to speak on behalf of the head office of the corporation on questions of corporate practice, policy, and plans.

(e) Any matters within the categories enumerated in Subsection 16(2)(b) above, on which agreement is not reached after good faith negotiation shall be submitted to binding arbitration pursuant to Section 15 herein, without need of further agreement to arbitrate, as otherwise required in Subsection 15(4). Upon decision of the arbitrator(s) or of the court on appeal, this ordinance shall be amended to the extent necessary to implement said decision.

(f) Anytime between May 1, 2005 and October 31, 2005, upon reasonable demonstration by Grantee to commission that Grantee is in substantial compliance with the material terms of the franchise as it then exists, the commission shall renew the franchise for an additional ten year term commencing July 1, 2008. A denial of renewal by the commission shall be made if it reasonably initially determines that the Grantee has not substantially complied with the material terms of the franchise. In the event of such a denial, the commission shall also immediately proceed under Section 626 of

the Federal Act. If the commission conducts the hearing required in subpart 626(c)(2) of the Federal Act, a decision by the commission to deny the renewal or Grantee's proposal shall be the final decision of the franchising authority.

(3) Termination.

(a) The Grantor reserves the right to terminate this franchise and all rights and privileges pertaining thereto, in the event that:

(i) The Grantee violates any material provision of this franchise, except where such violation is without fault, or occurs by reason of excusable neglect;

(ii) The Grantee deliberately fails to operate the system without prior approval of the commission or without just cause; or

(iii) The Grantee intentionally evades any of the provisions of this franchise, or is found to have practiced any fraud or deceit upon the Grantor.

(b) Prior to any termination proceedings under this section, the Grantee shall be given 60 days of notice in writing, which notice shall state with particularity the grounds upon which the Grantor relies. If, at the end of the 60-day period, the Grantee has not cured the matter which provides grounds for termination, or if said default cannot be cured within 60 days and Grantee has failed to promptly notify Grantor of a date certain by which the default shall be cured or fails to initiate the remedy and proceed with all reasonable dispatch to cure the default, the franchise shall be subject to termination.

(c) Termination under this subsection shall be accomplished only by the passage of an ordinance after proceedings affording Grantee due process of law and a full opportunity to be heard consistent with the hearing procedures set forth in Eugene Code Sections 2.391-2.400 as such procedures exist at the time this ordinance is adopted. Any such ordinance shall not take effect sooner than 30 days after passage and shall be subject to judicial review.

Section 17. Change of Ownership.

(1) Transfers and Assignments.

(a) This franchise shall not be assigned or transferred, either in whole or in part, or leased, sublet, or mortgaged in any manner, nor shall title hereto, either legal or equitable, or any right, interest, or property therein, pass to or vest in any person without the prior written consent of the Grantor. However, without the commission's consent Grantee may transfer or assign the franchise to an affiliate of Grantee provided the transferee or assignee is wholly-owned by Grantee or by Grantee's owner. The proposed assignee must show financial responsibility as determined by the Grantor and must agree to comply with all provisions of the franchise.

Grantor shall be deemed to have consented to a proposed transfer or assignment in the event its refusal to consent is not communicated in writing to Grantee within 60 days following receipt of written notice of the proposed transfer or assignment.

(b) The Grantee shall promptly notify the Grantor of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of the Grantee. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. Every change, transfer, or acquisition of control of the Grantee shall make the franchise subject to cancellation unless and until the Grantor shall have consented thereto, which consent will not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer, or acquisition of control, the Grantor may authorize the commission to inquire into the qualifications of the prospective controlling party, and the Grantee shall assist the commission in any such inquiry. If the Grantor does not authorize an inquiry by the commission within 30 days after notice of the change or proposed change is received from the Grantee, the Grantor shall be deemed to have consented.

(2) Grantor's Right to Purchase of System Upon Termination. In the event that the Grantor terminates the franchise prior to the end of the franchise term, the Grantor shall have the right to purchase the cable communications system at an equitable price as defined in subsection 627(b)(1) of the Federal Act. Under no circumstances shall any valuation be made for "good will" or any right or privilege granted by this franchise.

(3) Continuity of Service Mandatory.

(a) It shall be the right of all subscribers to continue receiving service insofar as their financial and other obligations to the Grantee are honored. In the event that the Grantee elects to overbuild, rebuild, modify, sell the system, or the Grantor gives notice of intent to terminate this franchise, or if this franchise is not renewed, the Grantee shall use best efforts to ensure that all subscribers receive continuous, uninterrupted service. In the event of a change of Grantee, or in the event a new operator acquires the system, the current Grantee shall cooperate with the Grantor in maintaining continuity of service to all subscribers, and shall be entitled to the revenues for any period during which Grantee operates the system.

(b) In the event the Grantee fails to operate the system for 7 consecutive days without prior approval of the commission or without just cause, the commission shall operate the system until such time as a new operator is selected. If the commission is required to fulfill this obligation for the Grantee, the Grantee shall reimburse the commission for any costs or damages that are the result of the Grantee's failure to perform.

(4) Foreclosure. Upon the foreclosure or other judicial sale of all or a substantial part of the system, or upon the termination of any lease covering all or a substantial part of the equipment comprising the system, the Grantor shall have the right, at its discretion, to terminate the franchise, which termination shall be final and binding upon both parties; such option

shall be exercised not later than 60 days following foreclosure, other judicial sale or termination of such lease, or Grantor shall be deemed to approve of such successor in interest to Grantee.

(5) Receivership. The Grantor shall have the right to terminate this franchise 120 days after the appointment of a receiver, or trustee, to take over and conduct the business of the Grantee, whether in receivership, reorganization, bankruptcy, or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, or unless:

(a) Within 120 days after his/her election or appointment, such receiver or trustee shall have fully complied with all the provisions of this franchise and remedied all defaults thereunder; and

(b) Such receiver or trustee, within said 120 days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this franchise.

(6) Grantor Purchase of System Upon Expiration. The Grantor shall have the right to purchase the cable communications system upon expiration of this franchise. Should the Grantor decide to purchase the system, it shall do so at a price equal to its then fair market value as a going concern but with no value allocated to this franchise.

(7) Disposition of Facilities.

(a) Subject to federal, state and local law, upon expiration of the franchise, the Grantee, upon request of the Grantor, shall promptly remove all of its equipment above ground in the public right-of-way.

(b) In removing its equipment, the Grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to the Grantee's removal of its equipment and appliances, without affecting the electric or telephone cables, wires, or attachments. Such restoration of property shall not be considered completed until the Grantor has inspected and approved the condition of the public ways and places. The liability insurance and indemnity as provided under Section 11 herein shall continue in full force and effect during the period of removal.

(c) In the event of a failure by the Grantee to complete any work required by Subsection (a) above or any work required by law or ordinance within the time as may be established by the Grantor or to the satisfaction of Grantor, the Grantor may cause such work to be done and the Grantee shall reimburse the Grantor the costs thereof within 30 days after receipt of an itemized list of such costs, or the Grantor may recover such costs as provided in Section 11.

Section 18. Payment of Litigation Costs. In any judicial litigation or appeal, costs including filing fees, costs of depositions, discovery,

expert witnesses, all other expenses of suit, and reasonable attorney fees shall be paid as determined by the courts.

Section 19. Penalties. Subject to the requirement of prior notice as set forth in (d) below, for violations of this ordinance occurring without just cause or excusable neglect. Grantor may, at its discretion, assess penalties against Grantee as follows:

(a) For failure to adhere to material representations made in the map and plan referred to in Section 7(3), \$200 per day for each representation not fulfilled.

(b) For failure to provide information or reports as required by terms of the ordinance, \$50 per day for each failure to perform a specific requirement.

(c) For failure to make a good faith effort to correct a subscriber service problem after notice from the commission, \$50 per day for each such failure, except that should the penalty amount to more than \$1,000 for any continuous period during which a penalty(ies) under this section is being applied, Section 15 procedures may be invoked by either Grantor or Grantee regarding any continuing penalties over \$1,000 and the arbitration procedure of Section 15 shall apply without agreement of both Grantee and Grantor, but upon the request of either one. Should the arbitrator(s) determine that Grantee's effort was in good faith, Grantee shall be refunded the penalty amount previously paid.

(d) As a condition precedent to imposition of a penalty, Grantor shall give Grantee written notice specifying the nature of Grantee's violation of this ordinance with reasonable particularity. Notice shall be by certified United States mail with a return receipt requested, and shall be deemed given when actually delivered or as of 5 p.m. on the third day following the date actually mailed. Except for violations creating an imminent threat to life or property which shall be corrected within the time stated in Grantor's notice or Grantee shall be subject to penalty, Grantee shall be subject to a penalty if the violation of the ordinance is not cured within 30 days after notice is given or in the event the violation cannot be cured for reasons beyond the control of Grantee within 30 days, it shall be sufficient if Grantee initiates all reasonable measures to cure the violation within 30 days and continues thereafter with all reasonable dispatch to cure the violation; provided, in any event the violation must be cured not later than 60 days after notice is given. Notice shall be given pursuant to Section 24.

Section 20. Remedies Not Exclusive. All remedies and penalties under this ordinance, including termination of the franchise, are cumulative, and the recovery or enforcement of one is not a bar to the recovery or enforcement of any other such remedy or penalty. The remedies and penalties contained in this ordinance, including termination of the franchise, are not exclusive, and the Grantor reserves the right to enforce the penal provisions of any ordinance or resolution and to avail itself of any and all remedies avail-

able at law or in equity. Failure to enforce shall not be construed as a waiver of any term, condition, or obligation imposed upon the Grantee pursuant to this ordinance. A specific waiver of a particular term, condition, or obligation imposed upon Grantee by or pursuant to this ordinance shall not be a waiver of any other or subsequent or future breach of the same or of any other term, condition or obligation itself.

Section 21. Force Majeure. In the event that the Grantee's performance of any of the terms, conditions, obligations or requirements of this franchise is prevented or impaired due to any cause beyond its reasonable control or not reasonably foreseeable, such inability to perform shall be deemed to be excused and no penalties or sanctions shall be imposed as a result thereof for the period of time Grantee's performance is so prevented or impaired.

Section 22. Access Programming. The commission may operate and control the access center and the four access channels as provided in Section 5 of this ordinance when used for noncommercial purposes. The commission's use of the access channels shall have priority over other uses except upon prior approval by the commission. The commission shall adopt rules and regulations for the operation and control of the access center and use of the access channels, none of which shall be contrary to Grantee's obligations under the law. The rules and regulations shall a) prohibit the presentation of any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of political candidates for office), lottery information, and obscene or indecent matter; b) require nondiscriminatory access and rates; c) require the maintenance of records regarding request for and use of the access center and access channels; and d) provide for public inspection of the records and further provide Grantee with copies thereof weekly.

Section 23. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Grantor hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional. The invalidity of any portion of this ordinance shall not abate, reduce, or otherwise affect any other consideration or obligation required by the Grantee.

Section 24. Notice. Unless expressly agreed between the parties, every notice or response to be served upon the commission, Grantor or Grantee shall be in writing and delivered by personal service as required by law or by mail. If by mail, notice shall be deemed to have been duly given to the required party three (3) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U.S. Postal Service.

Ordinance - 25

The notices or responses to the Grantor shall be addressed as follows:

City of Eugene
Attn: City Manager
777 Pearl Street
Eugene, Or 97401

with a copy to:

Lane Council of Governments
Attn: Metropolitan Policy Committee
125 East Eighth Avenue
Eugene, Oregon 97401

The notices or responses to the Grantee shall be addressed as follows:

TCI Cablevision of Oregon, Inc.
P. O. Box 2500
Eugene, Oregon 97402-0369

with a copy to:

TCI Cablevision of Oregon, Inc.
Attention: Legal Department
Terminal Annex P. O. Box 5630, Denver, Colorado 80217

OK 4643 South Ulster, Denver, Colorado 80237

Grantor, the commission and the Grantee may each designate such other officer or address(es) from time to time by giving notice to the other.

Section 25. Repealer. Ordinance Nos. 18284, 18936, and 19359, and any other ordinance in conflict herewith are hereby repealed, effective upon the effective date of this Ordinance.

Section 26. Effective Date. This Ordinance shall be effective 45 days after its enactment. Subject to applicable federal, state and local law, Grantee must accept the provisions of this Ordinance and agree to be bound thereby. Such acceptance shall be in a writing signed by an officer of the corporation which is delivered to Grantor within 30 days of enactment of this Ordinance. In the event Grantee fails to deliver its acceptance as provided herein, and notwithstanding any other provision of this Ordinance, Grantor may repeal this Ordinance without further notice to Grantee and without giving Grantee an opportunity to be heard.

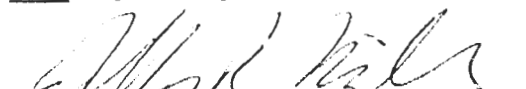
Passed by the City Council this

13 day of May, 1991


City Recorder

Approved by the Mayor this

13 day of May, 1991


Mayor

Ordinance - 26



COUNCIL ORDINANCE NUMBER 20397

COUNCIL BILL NUMBER 4958

**AN ORDINANCE GRANTING COMCAST OF OREGON II, INC., AN
ADDITIONAL TERM AND FRANCHISE RENEWAL FOR THE
OPERATION OF A CABLE COMMUNICATIONS SYSTEM;
AMENDING ORDINANCE 19775; ADOPTING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

ADOPTED: October 22, 2007

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: November 23, 2007

ORDINANCE NO. 20397

**AN ORDINANCE GRANTING COMCAST OF OREGON II, INC.,
AN ADDITIONAL TERM AND FRANCHISE RENEWAL FOR THE
OPERATION OF A CABLE COMMUNICATIONS SYSTEM;
AMENDING ORDINANCE 19775; ADOPTING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The City Council of the City of Eugene finds that:

A. Lane County and the cities of Eugene and Springfield, the local franchising authorities, entered into a franchise with TCI, Inc. which franchise was transferred to ATT Broadband, and subsequently transferred to Comcast of Oregon II, Inc., (hereinafter “Comcast”), the successor in interest to ATT Broadband, the successor in interest to TCI, Inc., for the operation of a cable communication system and have designated the Metropolitan Policy Commission (MPC) as the representative of the local franchising authorities in administration of the franchise.

B. The City of Eugene enacted Ordinance No. 19775 on May 13, 1991, granting such franchise.

C. The current franchise agreement with all three local franchising authorities provides that the current franchise term expires in July, 2008, subject to certain renewal rights and rights to an additional term possessed by the Grantee.

D. In prior cable franchise renewals, Lane County and the cities of Eugene and Springfield, and Grantee’s predecessor used the renewal successfully to clarify, update and renew previous franchises with Lane County, Eugene and Springfield.

E. Lane County and the cities of Eugene and Springfield, have had extensive discussions with Comcast that have resulted in the local franchising authorities concluding that an additional term and renewal of the franchise for an additional ten-year term to 2018 is warranted upon certain terms and conditions as more particularly set forth herein and in a certain letter of agreement between the parties dated as of October 11, 2007.

F. The parties have agreed to certain amendments to the franchise as set forth herein below.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 3 of Ordinance No. 19775 is hereby amended by deleting the current definitions of “Grantee” and “Gross Annual Revenue” in their entirety, and replacing them with the following:

"Grantee" shall mean Comcast of Oregon II, Inc., its successors and assigns.

"Gross Annual Revenues" means any and all compensation in whatever form, grant, subsidy, exchange, or otherwise, directly or indirectly received by Grantee for services provided to subscribers within the franchise territory but excludes the following: taxes Grantee is required to separately state and collect from subscribers; commissions paid on advertising sales revenues; amounts received from programmers as reimbursement of marketing expenses and launch fees, and, PEG access capital support collected by the Grantee from subscribers if permitted by federal or state law. Except as expressly set forth in this definition, Gross Revenues shall be calculated in accordance with generally accepted accounting principles.

Section 2. Section 5(4) of Ordinance No. 19775 is hereby deleted in its entirety, and replaced with the following:

Service to Institutions. Upon request of the Commission, the Grantee shall provide single installations of basic service to each fire and police station, public school, City Hall, County Courthouse, and all public libraries on the terms provided in Section 7(2) of this Ordinance. In addition to the institutions listed above and after August 1, 2008, Grantee shall provide, upon request of the Commission and at no cost, a single installation of basic service to no more than 30 additional public buildings owned and occupied by Eugene, Springfield, or Lane County and located within the Franchise Area and within 150 feet of the then existing system operated by Grantee, except for portions of buildings used primarily to house jail populations. No standard installation fee and no monthly service charge shall be made for the distribution of the services described in this section to these locations.

Section 3. Section 5(6) of Ordinance No. 19775 is hereby amended by deleting paragraphs (a) and (b) in their entirety, and replacing them with the following paragraphs (a) and (b) below, and adding a new paragraph (c) as follows:

Access Channels.

(a) Grantee shall provide four channels dedicated for public, educational, and local government access programming, three within basic service and one additional channel as provided in subsection (b).

(b) Public Safety Channel. Grantee shall make available continued use of a fourth scrambled channel to the Commission providing

public safety programming created by the Commission or its designee. The channel shall reside on Grantee's digital service tier and Grantee shall make available, without charge, use of not more than 75 digital converters to each designated location that shall be configured to receive only the public safety channel. The location of the 75 converters shall be designated in writing by the Commission. Grantee shall provide, at no charge, replacement converters should technology change such that the originally distributed converters are no longer capable of providing access to the channel. The public safety channel as provided herein is the fourth PEG channel required under the franchise prior to this amendment and Grantee shall not be required to provide any other service over this fourth PEG channel.

(c) Grantee shall not be responsible for programming, operations or oversight of any public, educational, governmental, or access channels provided for in this Section.

Section 4. Section 10(5) of Ordinance No. 19775 is hereby deleted in its entirety, and replaced with the following:

In addition to the franchise fees required by this section, Grantee shall pay to the Commission on or about March 1 of 2007 and 2008 \$50,000 per year. Beginning on or about March 1, 2009, and on or about said date each year thereafter for the remaining term of this franchise, Grantee shall pay to the Commission \$100,000 per year. Money received by the Commission under this subsection shall be used only for capital costs related to public, educational and governmental access facilities including but not limited to access center equipment acquisition or replacement. Payments under this subsection may, at Grantee's sole discretion, be made quarterly at the same time franchise fee payments are made pursuant Section 10(1). Grantee's right, if any, to pass through and itemize amounts collected from residential subscribers for payments required pursuant to this section is governed by provisions of federal or state law.

Section 5. Sections 16(1) and (2) of Ordinance No. 19775 are hereby deleted in their entirety, and replaced with the following:

(1) Duration and Renewal. This franchise and the rights and privileges granted herein shall remain in effect until August 1, 2018, unless terminated sooner under provisions of Subsection (4) of this section. Renewal of the Grantee's franchise at the end of such term shall be governed by and comply with the provisions of applicable law then in effect.

(2) Franchise Review.

(a) A review of the franchise performance may be undertaken upon agreement of the Grantee and Commission.

(b) Upon request of either the Commission or Grantee, a review of franchise performance may be undertaken once after August 1, 2013. As a result of such franchise performance review, the Commission and Grantee may negotiate modifications or revisions to the franchise upon mutually acceptable terms and conditions.

(c) After January 1, 2013 but before August 1, 2013, Grantee shall submit a report to the Commission on the performance of the system under the franchise. The report shall include:

- (i) The channel capacity and plans for additional channels;
- (ii) Service extension policies set forth in Section 7;
- (iii) Technical adequacy of the system, including, but not limited to, picture quality, two-way transmission capacity, and compliance with standards sets forth in Section 8;
- (iv) Changes in the Federal Act or FCC authority, rules, or regulations which, in Grantee's opinion, might affect the franchise; and
- (v) The franchise fee payments set forth in Section 10 and financial support for public, education, and governmental access.

(d) The Grantee shall be represented during review negotiations by a representative of the company authorized to speak on questions or corporate practice, policy, and plans.

Section 6. Severability. If any section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

Section 7. Savings Clause. Except as amended herein, all other provisions of Ordinance No. 19775 remain in full force and effect.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after its enactment by the City Council and approval by the Mayor. Subject to applicable federal, state and local law, Grantee must accept the provisions of this Ordinance and

agree to be bound thereby. Such acceptance shall be in writing signed by an officer of the corporation which is delivered to Grantor within 30 days of enactment of this Ordinance. In the event Grantee fails to deliver its acceptance as provided herein, and notwithstanding any other provision of this Ordinance, Grantor may repeal this Ordinance without further notice to Grantee and without giving Grantee an opportunity to be heard.

Passed by the City Council this

22nd day of October 2007



Deputy City Recorder

Approved by the Mayor this

24th day of October, 2007



Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Middle Housing; Making A Text Amendment To The Eugene-Springfield Metropolitan Area General Plan; Replacing Variations Of The Terms “One Family” And “Single Family” With “Single-Unit,” Replacing Variations Of The Term “Two Family” With “Duplex,” Replacing Variations Of The Term “Three Family” With “Triplex,” Replacing Variations Of The Term “Four Family” With “Fourplex,” And Replacing Variations Of The Terms “Multiple Family” And “Multi-Family” With “Multi-Unit” Or “Multiple-Unit” Throughout The Eugene Code; Amending Sections 9.0500, 9.2160, 9.2161, 9.2700, 9.2720, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.2770, 9.2775, 9.2777, 9.2780, 9.3050, 9.3065, 9.3100, 9.3115, 9.3116, 9.3125, 9.3145, 9.3210, 9.3215, 9.3220, 9.3221, 9.3300, 9.3310, 9.3510, 9.3625, 9.3630, 9.3800, 9.3810, 9.3811, 9.3815, 9.3822, 9.3823, 9.3910, 9.3915, 9.6105, 9.6650, 9.6703, 9.6730, 9.6740, 9.6745, 9.6775, 9.6792, 9.6793, 9.6795, 9.6885, 9.7000, 9.7015, 9.7020, 9.7025, 9.7030, 9.7055, 9.7230, 9.7600, 9.8005, 9.8030, 9.8210, 9.8215, 9.8220, 9.8423, 9.8510, 9.8515, 9.8520, 9.8705, 9.8710, And 9.8865 Of The Eugene Code, 1971; Deleting Sections 9.2705, 9.2735, And 9.2737 Of That Code; Adding Sections 9.5550, 9.7640, 9.7641, 9.7642, 9.7643, 9.7644, 9.7900, 9.7905, 9.7910, 9.7915, 9.7920, 9.7925, 9.8191, 9.8192, 9.8193, 9.8194, 9.8195, 9.8196, 9.8197, 9.8198, And 9.8199 To That Code; Addressing The Oregon Land Use Board Of Appeals’ Remand Of Ordinance No. 20705; And Providing An Effective Date.

Meeting Date: November 18, 2024
Department: Planning & 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 public hearing on an ordinance readopting the City’s Middle Housing Code. The proposed ordinance addresses the remand of Ordinance No. 20705 by the Oregon Land Use Board of Appeals (LUBA).

BACKGROUND

Eugene’s Middle Housing Code Amendments project was undertaken to implement and comply with Oregon House Bill 2001 (2019), codified as ORS 197A.420, which requires Oregon’s large cities, including Eugene, to allow duplexes, triplexes, quadplexes, townhouses, and cottage clusters (collectively referred to as middle housing) in more places across the City, in order to increase housing choice and supply.

November 18, 2024 Public Hearing – Item 2

In 2022, the City Council adopted Ordinance No. 20667 (the 2022 Middle Housing Ordinance), which amended both the City's land use code and the Eugene-Springfield Metropolitan Area Regional Plan (Metro Plan). The 2022 Middle Housing Ordinance allowed for the construction of middle housing in the City and in some respects went beyond the requirements of ORS 197A.420; for example, by allowing detached as well as attached middle housing.

The 2022 Middle Housing Ordinance was appealed to the Oregon Land Use Board of Appeals (LUBA). LUBA upheld the City's ordinance on all counts. LUBA's [decision](#) was then appealed to the Oregon Court of Appeals, who disagreed with LUBA and opined that the City Council's findings were not robust enough on the issue of the 2022 Middle Housing Ordinance's compliance with Statewide Planning Goal 11 (Public Facilities and Services). Following the Court of Appeals' decision, on October 12, 2023, LUBA remanded the 2022 Middle Housing Ordinance back to the City to allow the City Council to address the ordinance's compliance with Goal 11.

On March 11, 2024, the Eugene City Council approved Ordinance No. 20705, which incorporated additional findings explaining how existing Eugene Code provisions, similar to those in the State's Large Cities Middle Housing Model Code, satisfy the City's obligation to comply with Goal 11. Ordinance No. 20705 was appealed to LUBA. On July 10, 2024, LUBA issued a [final opinion](#) explaining that the City's evidence and findings did not adequately describe how existing city code provisions and permitting processes address the sufficiency of public facilities to satisfy the City's Goal 11 planning obligation. LUBA further explained that the Oregon Court of Appeals has determined that the City can demonstrate the Middle Housing Code Amendments comply with Goal 11 by adopting the "sufficient infrastructure" provisions from the State's Large Cities Middle Housing Model Code (Model Code), which limit development of middle housing on lots that lack sufficient infrastructure to support it. LUBA then remanded Ordinance No. 20705 back to the City.

To address the most recent remand, the proposed 2024 Remand Ordinance, that is the topic of this public hearing, incorporates the "sufficient infrastructure" requirements from the Model Code. Incorporating the Model Code's "sufficient infrastructure" provisions into the 2024 Remand Ordinance ensures that the higher density housing that may be allowed under the ordinance will only be allowed on "lots or parcels with sufficient infrastructure." The language that is now included in both the Model Code and 2024 Remand Ordinance requires that an applicant demonstrate that the following level of public services is already provided or will be provided upon submittal of a development application:

- Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

Other than incorporation of the "sufficient infrastructure" requirements from the Model Code, the text of the proposed 2024 Remand Ordinance is substantively identical to Ordinance No. 20705, except that the 2024 Remand Ordinance incorporates updates to the land use code that have occurred since the Council considered Ordinance No. 20705, and incorporates the following administrative corrections: the term "rowhouse" is changed to "townhouse" in a few places; references to "duplex divisions" are eliminated; references to Oregon Revised Statute (ORS)

November 18, 2024 Public Hearing – Item 2

197.758 are changed to ORS 197A.420, consistent with the State's renumbering of the middle housing statutes; and Figure 9.5550(6)(f) is updated for consistency with applicable code language.

Since August 1, 2024, the City has been required to apply the Model Code rather than the 2022 Middle Housing Ordinance. The City must continue to apply the Model Code unless and until the Council adopts a new Middle Housing ordinance. During this time, City Staff has been reviewing building permits for compliance the state's requirements for sufficient infrastructure. This evaluation is in addition to the review already occurring for compliance with the City's existing infrastructure requirements at Eugene Code Section 9.6505. Under the proposed code amendments, staff would continue the practice of evaluating applications for triplexes, fourplexes, townhouses and cottage clusters for sufficient infrastructure. Duplexes are not subject to the sufficient infrastructure requirements because duplexes must be subject to the same rules that apply to single-unit dwellings. However, both duplexes and single-unit dwellings are still subject to the land use code's existing requirements for connection to City infrastructure.

While the Model Code continues to allow middle housing development in Eugene, application of the Model Code has created confusion due to the differences between the Model Code and Eugene's middle housing code. Additionally, without Eugene's adopted code provisions, which included increased flexibility and incentives, applicants who would prefer to use the City's middle housing regulations instead of the Model Code are faced with uncertainty around their planned middle housing projects in light of the remand. Consequently, the proposed 2024 Remand Ordinance includes an immediate effective date. If approved by at least 2/3 of the Council, the ordinance will take effect upon the Mayor's signature.

Remand Process

The Eugene Code does not prescribe a process for City consideration of an ordinance that has been remanded. In making its decision on remand, the City Council will address the relevant approval criteria from the Eugene Code (EC), located in EC 9.7735 and 9.8065, as well as the terms of the remand from LUBA and the Oregon Court of Appeals. The City Council's process on remand will be a continuation of the 2022 Middle Housing Code Amendments project adoption processes.

On October 31, 2024, City staff provided written notice of the November 18, 2024, City Council Public Hearing to interested parties who participated in the process that preceded the adoption of the Ordinance Nos. 20667 and 20705 and to the Department of Land Conservation and Development (DLCD). On the same date, copies of the proposed 2024 Remand Ordinance were posted on the [project website](#) and on the [City Recorder's website](#). City staff have also made hard copies of the proposed 2024 Remand Ordinance available for interested parties to review.

Community members are encouraged to send their comments to middlehousingtestimony@eugene-or.gov. All written comments received on or before November 18, 2024, at 5:00pm will be provided to the City Council in batches prior to the public hearing. Written comments received after November 18, 2024, at 5:00pm will be provided to the City Council in batches and included in the record. A paper copy of the record has been placed in the City Manager's Office for review by City Council, while any interested party may also view record materials on the [project website](#) or at the Planning & Development Department at 99 w. 10th Avenue, Eugene, Oregon, 97401.

The Council is scheduled to deliberate and take action on the 2024 Remand Ordinance on November 25, 2024.

PREVIOUS COUNCIL DIRECTION

[May 24, 2022 Special Meeting](#)

Councilor Syrett, seconded by Councilor Keating, moved to adopt an Ordinance Concerning Middle Housing, including Exhibits A and B attached thereto, as set forth in its entirety as Attachment C to the May 18, 2022, Agenda Item Summary.

Passed 8:0

[March 11, 2024 Meeting](#)

Councilor Keating, seconded by Councilor Groves, moved to approve an Ordinance Concerning Middle Housing, including Exhibits A and B attached thereto, as set forth in its entirety as Attachment A to the March 11, 2024, Agenda Item Summary.

Passed 6:2 (Opposed by Councilors Clark and Groves)

COUNCIL OPTIONS

This item is scheduled for public hearing only and no action is required at this time. Deliberations and potential action are scheduled for November 25, 2024.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

A. Proposed 2024 Remand Ordinance

Exhibit A: Figures

Exhibit B: Findings

B. Remand Record Materials as of November 5, 2024

FOR MORE INFORMATION

Staff Contact: Jeff Gepper, Senior Planner

Telephone: 541-682-5282

Staff E-Mail: JGepper@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING MIDDLE HOUSING; MAKING A TEXT AMENDMENT TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN; REPLACING VARIATIONS OF THE TERMS “ONE FAMILY” AND “SINGLE FAMILY” WITH “SINGLE-UNIT,” REPLACING VARIATIONS OF THE TERM “TWO FAMILY” WITH “DUPLEX,” REPLACING VARIATIONS OF THE TERM “THREE FAMILY” WITH “TRIPLEX,” REPLACING VARIATIONS OF THE TERM “FOUR FAMILY” WITH “FOURPLEX,” AND REPLACING VARIATIONS OF THE TERMS “MULTIPLE FAMILY” AND “MULTI-FAMILY” WITH “MULTI-UNIT” OR “MULTIPLE-UNIT” THROUGHOUT THE EUGENE CODE; AMENDING SECTIONS 9.0500, 9.2160, 9.2161, 9.2700, 9.2720, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.2770, 9.2775, 9.2777, 9.2780, 9.3050, 9.3065, 9.3100, 9.3115, 9.3116, 9.3125, 9.3145, 9.3210, 9.3215, 9.3220, 9.3221, 9.3300, 9.3310, 9.3510, 9.3625, 9.3630, 9.3800, 9.3810, 9.3811, 9.3815, 9.3822, 9.3823, 9.3910, 9.3915, 9.6105, 9.6650, 9.6703, 9.6730, 9.6740, 9.6745, 9.6775, 9.6792, 9.6793, 9.6795, 9.6885, 9.7000, 9.7015, 9.7020, 9.7025, 9.7030, 9.7055, 9.7230, 9.7600, 9.8005, 9.8030, 9.8210, 9.8215, 9.8220, 9.8423, 9.8510, 9.8515, 9.8520, 9.8705, 9.8710, AND 9.8865 OF THE EUGENE CODE, 1971; DELETING SECTIONS 9.2705, 9.2735, AND 9.2737 OF THAT CODE; ADDING SECTIONS 9.5550, 9.7640, 9.7641, 9.7642, 9.7643, 9.7644, 9.7900, 9.7905, 9.7910, 9.7915, 9.7920, 9.7925, 9.8191, 9.8192, 9.8193, 9.8194, 9.8195, 9.8196, 9.8197, 9.8198, AND 9.8199 TO THAT CODE; ADDRESSING THE OREGON LAND USE BOARD OF APPEALS’ REMAND OF ORDINANCE NO. 20705; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1.

(a) Except as provided in subsection (b) of this section, throughout Chapter 9 of the Eugene Code, 1971, variations of the terms “one family” and “single family” are replaced with “single-unit;” variations of the term “two family” are replaced with “duplex;” variations of the term “three family” are replaced with “triplex;” variations of the term “four family” are replaced with “fourplex;” and variations of the terms “multiple family” and “multi-family” are replaced with “multi-unit” or “multiple-unit.” Where these changes occur in the Code sections further amended by this Ordinance, the changes are also shown.

(b) The changes described in subsection (a) of this section do not apply to EC Table 9.1045, EC 9.9570, EC 9.9580, EC 9.9610, EC 9.9690, or to the term “One and Two Family Dwelling Code” as used in the definitions of “Development Permit” and “Manufactured Home/Manufactured Dwelling” in EC 9.0500.

Section 2. Section 9.0500 of the Eugene Code, 1971, is amended by amending the definitions of “Cluster Subdivision;” “Dwelling;” “Dwelling, Duplex;” “Dwelling, Fourplex;” “Dwelling, Multiple-Family;” “Dwelling, One-Family;” “Dwelling, Row House;” “Dwelling, Tri-Plex;” “Front Lot Line;” “Manufactured Home/Dwelling Park;” deleting the definition of “Family;” and adding definitions for “Common Courtyard;” “Community Building;” “Cottage Cluster Project;” “Dwelling, Cottage Cluster;” “Expedited Land Division;” “Income-Qualified Middle Housing;” “Lot, Cottage Cluster;” “Lot, Duplex;” “Lot, Fourplex;” “Lot, Triplex;” “Middle Housing;” “Middle Housing Conversion;” “Middle Housing Lot;” “Middle Housing Land Division;” and “Townhouse Project” 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:

Cluster Subdivision. A subdivision with ~~6~~⁴ or more lots with dwellings grouped in a manner that achieves protection of natural environmental features or creates common open space that is suitable for use by residents through the relaxation of the lot and development standards. The subdivision shall include reductions in the minimum lot area requirements.

Common Courtyard. A common area for use by residents of a cottage cluster or other type of residential development. Constructed and natural features may be included in a common courtyard, such as, but not limited to, landscaping, lawn, pedestrian paths, paved areas, and recreational amenities.

Community Building. A building intended for the shared use of residents in a development that provides space for accessory uses such as community rooms, guest housing, exercise rooms, day care, community eating areas, or picnic shelters.

Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster that is part of a cottage cluster project must have its own common courtyard.

Dwelling. A building, or portion thereof, designed and used as a residence for occupancy by ~~4~~¹ family a person or persons. This includes both buildings constructed on-site and manufactured homes.

Dwelling, Cottage Cluster. A grouping of no fewer than four detached dwellings per acre with a footprint of less than 900 square feet each that includes a common courtyard. Cottage clusters are not fourplexes or multiple-unit dwellings.

Dwelling, Duplex. ~~A building designed and used as dwellings for 2 families living independently of each other and having separate housekeeping facilities for each family that are connected either by common walls or common ceiling/floor connection. A building is not a duplex if one of~~

~~the dwellings is an accessory dwelling. Two dwellings on a single lot or parcel in any configuration. If one of the dwellings on the lot or parcel is an accessory dwelling, the two dwellings on that lot or parcel are not considered a duplex.~~

~~Dwelling, Fourplex-Plex. A building designed and used as dwellings for 4 families living independently of each other and having separate housekeeping facilities for each family. Four dwellings on a single lot or parcel in any configuration. The dwelling type referred to as a fourplex in this land use code is the same dwelling type as the dwelling type referred to as a quadplex in the Metro Plan, ORS 197A.420, and Chapter 660, division 46 of the Oregon Administrative Rules.~~

~~Dwelling, Multiple-Family Units (Multi-Unit). One or more buildings on a single lot or parcel containing 5 or more dwellings in any configuration. that are designed and used for 3 or more families, all living independently of each other, and having separate housekeeping facilities for each family. The dwellings may be detached or may share common walls, common roofs, or common foundations. Multiple-family-unit dwellings include condominium and apartment units without regard to ownership status. Cottage clusters are not multiple-unit dwellings.~~

~~Dwelling, One-Family Single-Unit. A dwelling that may have a common wall, roof or foundation with another one-family dwelling on a separate lot or may share a common wall, roof, or foundation with an accessory dwelling on the same lot. One detached dwelling on a single lot or parcel. A dwelling unit that is part of a duplex, triplex, fourplex, or cottage cluster, whether attached or detached, is not a single-unit dwelling.~~

~~Dwelling, Row House Townhouse. A dwelling that is part of a townhouse project of two or more attached dwellings where each dwelling is located on an individual lot, parcel, or middle housing lot and shares 1 or more walls with 1 or more dwellings and which is located on a row house lot at least one common wall with an adjacent dwelling.~~

~~Dwelling, Tri-Plex. A building designed and used as dwellings for 3 families living independently of each other and having separate housekeeping facilities for each family. Three dwellings on a lot or parcel in any configuration.~~

~~Expedited Land Division. A partition or subdivision of a lot or parcel that is processed pursuant to EC 9.7900 through EC 9.7925 and governed by the application requirements and approval criteria in EC 9.8200 through EC 9.8245 or EC 9.8500 through 9.8580.~~

~~Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:~~

~~(A) Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship;~~

~~(B) A maximum of 5 unrelated persons;~~

~~(C) Two unrelated persons and any parents or children related to either.~~

Front Lot Line. A lot line abutting a public street or in cases of private streets ~~or access easements~~, the front lot line shall be considered to be the boundary of the private street or the access easement for the private street. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)**

Income-Qualified Middle Housing. A unit in a duplex, triplex, fourplex, townhouse or cottage cluster exclusively for low-income individuals and/or families, sponsored by a public agency, a non-profit housing sponsor, a developer, a combination of the foregoing, or other alternatives as provided for in the Oregon Revised Statutes or Federal Statutes, to undertake, construct, or operate housing for households that are low-income. For purposes of this definition, low-income means having income at or below 80 percent of the area median income.

Lot, Cottage Cluster. A lot or parcel that meets the minimum lot area required for the development of a cottage cluster.

Lot, Duplex. A lot or parcel that meets the minimum lot area required for the development of a duplex.

Lot, Fourplex. A lot or parcel that meets the minimum lot area required for the development a fourplex.

Lot, Triplex. A lot or parcel that meets the minimum lot area required for the development of a triplex.

Manufactured Home/Dwelling Park. Any place where 4 or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than 1 manufactured dwelling per lot if the subdivision was approved by the city. “Manufactured dwelling park” also does not include a development permitted as a fourplex or a cottage cluster.

Middle Housing. The following dwelling types: duplexes, triplexes, fourplexes, townhouses, and cottage clusters.

Middle Housing Conversion. A duplex, triplex, or fourplex created through addition to or conversion of an existing building other than an accessory building.

Middle Housing Lot. A lot or parcel created through a middle housing land division.

Middle Housing Land Division. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed by this land use code. A middle housing land division is processed pursuant to EC 9.7900 through EC 9.7925 and governed by the application requirements and approval criteria in EC 9.8191 through EC 9.8199.

Townhouse Project. Two or more townhouses constructed, or proposed to be constructed, together with the land that has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

Section 3. The “Residential” “Dwellings” Section in Table 9.2160 of Section 9.2160 of the Eugene Code, 1971, is amended to provide as follows:

9.2160 Commercial Zone – Land Use and Permit Requirements.

The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:

(P) Permitted.

(SR) Permitted, subject to an approved site review plan or an approved final planned unit development.

(C) Subject to a conditional use permit or an approved final planned unit development.

(S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.

(#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
* * *				
Residential				
Dwellings				
One-Family Single-Unit Dwelling	P(6)	P(6)	P(7)	
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) Townhouse (See EC 9.5550)	S(6)	S		SP
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)	P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5550)	S(6)	S	S	S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.5550)	S(6)	S	S	S

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
Multiple Family Unit (3 or More Dwellings on Same Lot) (See EC 9.5500)	S(6)	S	S	S
* * *				

Section 4. Subsections (6) and (7) of Section 9.2161 of the Eugene Code, 1971, are amended to provide as follows:

9.2161 Special Use Limitations for Table 9.2160.

* * *

(6) Residential Use Limitation in C-1 and C-2.

(a) ~~All residential dwellings in the C-1 zone and one and two-family dwellings in the C-2 zone are allowed if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments.~~ In the C-1 zone, all residential dwelling types are allowed in a building if the ground floor of the structure is used for commercial or non-residential purposes consistent with Table 9.2161. In the C-2 zone, up to two dwellings are allowed in a structure if the ground floor of the structure is used for commercial or non-residential purposes consistent with Table 9.2161. In the C-2 zone, triplexes, fourplexes, and multi-unit dwellings are permitted in accordance with Table 9.2160. Dwellings in the C-1 zone and C-2 zone are subject to the development standards of the applicable zone. The special development standards at EC 9.5550 do not apply to dwellings in a building with non-residential use on the ground floor.

(b) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, the maximum number of dwellings per lot is specified at EC 9.3625(8) and 9.3626(1), except that middle housing is exempt from the dwelling maximums specified in those sections.

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments		
	C-1	C-2
Commercial Uses Requirements in Mixed-Use Residential Developments		
Minimum Percent of Building Street Frontage in Commercial Use. Building street frontage shall be measured along the length of the	80%	60%

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments		
	C-1	C-2
building at the ground level within the maximum front yard setback. As used herein, “commercial” includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages.		
Minimum Percent of Ground Floor Area in Commercial Use.	80%	20%

(7) *Residential Use Limitation in C-3.* Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, ~~a structure may include one and two family dwellings if 80 percent of the ground floor of the structure is used for commercial or non-residential purposes.~~ two dwellings or less are only allowed in a building if 80% of the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161. In the C-3 zone, other residential uses, such as triplexes, fourplexes, and multi-unit dwellings are permitted in accordance with Table 9.2161. Dwellings in the C-3 zone will be subject to the development standards of the applicable zone. The special development standards at EC 9.5550 do not apply to dwellings in a building with non-residential use on the ground floor.

Section 5. Section 9.2700 of the Eugene Code, 1971, is amended to provide as follows:

9.2700 Purpose of R-1 Low-Density Residential Zone.

The purpose of the R-1 Low-Density Residential zone is to implement the comprehensive plan by providing areas for low-density residential use. The R-1 zone is designed for ~~one-family~~ single-unit detached dwellings with some allowance for other types of dwellings and middle housing and is also intended to provide a limited range of non-residential uses that can enhance the quality of low-density residential areas.

Section 6. Section 9.2705 of the Eugene Code, 1971, is deleted.

~~**9.2705 Purpose of R-1.5 Rowhouse Zone.**~~

~~The purpose of the R-1.5 Rowhouse zone is to implement the comprehensive plan by providing areas for attached rowhouse dwellings.~~

Section 7. Section 9.2720 of the Eugene Code, 1971, is amended to provide as follows:

9.2720 Purpose of R-3 Limited High-Density Residential Zone.

The purpose of the R-3 Limited High-Density Residential zone is to implement the comprehensive plan by providing areas for limited high-density residential use that encourage ~~attached one-family dwelling units~~ middle housing and multiple-family ~~unit~~ dwelling units. The R-3 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the limited high-density residential area.

Section 8. Section 9.2735 of the Eugene Code, 1971, is deleted.

~~**9.2735 Residential Zone Siting Requirements.**~~

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

Section 9. Section 9.2737 of the Eugene Code, 1971, is deleted.

~~**9.2737 Residential Occupancy Requirements.**~~

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

Section 10. Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

9.2740 Residential Zone Land Use and Permit Requirements.

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

- (P) Permitted.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to an approved final planned unit development.

- (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

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

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Accessory Uses					
Accessory Uses. Examples include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P	P	P	P	P
Agricultural, Resource Production and Extraction					
Community and Allotment Garden	P	P	P	P	P
Display and Sale of Agricultural Products Grown on the Site	P(9)				
Urban Animal Keeping, including pastureland (See EC 9.5250)	S		S	S	S
Horticultural Use. Examples include field crops, orchards, berries, and nursery or flower stock.	P				
Education, Cultural, Religious, Social and Fraternal					
Church, Synagogue, and Temple, including associated residential structures for religious personnel. (All religious uses shall meet minimum and maximum density requirements in accordance with	C		C	C	C

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)					
Club and Lodge of State or National Organization (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)					C
Community and Neighborhood Center	C		C	C	P
School, Elementary through High School	C		C	SR	SR
University or College	C		C	SR	SR
Entertainment and Recreation					
Athletic Facility and Sports Club	C		C	C	C
Athletic Field, Outdoor	C		C	C	C
Equestrian Academy and Stable (See also Table 9.1240)	PUD				
Equestrian Trail (See also Table 9.1240)	PUD				
Golf Course, with or without country club (See also Table 9.1240)	PUD				
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Kiosk, Gazebo, Pergola, Arbor Trail, paved and non paved Arboretum, outdoors Athletic Areas, outdoors, unlighted	S(97)		S(97)	S(97)	S(97)

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Natural Area or Environmental Restoration					
Ornamental Fountain, Art Work					
Park Furnishings, Examples include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage					
Restroom					
Wetland Mitigation Area					
Theater, Live Entertainment (See also Table 9.1240)	C				
Government					
Government Services, not specifically listed in this or any other uses and permit requirements table. An example could include: a fire station.	P		P	P	P
Lodging					
Bed and Breakfast Facility (See EC 9.5100)	C		C	S	S
Manufacturing					
Recycling, small collection facility (See EC 9.5650)	S		S	S	S
Medical, Health and Correctional Services					
Clinic, or other Medical Health Facility (including mental health).				C(1)	C(1)
Correctional Facility, excluding Residential Treatment Center			C	C	C
Hospital, Clinic, or other Medical Health Facility (including mental health). (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone				C (1)	C (1)

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)					
Nursing Home (See also Table 9.1240)				C	C
Residential Treatment Center	C		C	C	C
Motor Vehicle Related Uses					
Transit, Neighborhood Improvement	P	P	P	P	P
Transit Park and Ride, Major or Minor, Only when Shared Parking Arrangement with Other Permitted Use	P			P	P
Transit Park and Ride, Major or Minor					C
Transit Station, Major				C	C
Transit Station, Minor			SR	P	P
Residential					
Dwellings. (All dwellings shall meet minimum and maximum density requirements in accordance with Table 9.2750 are subject to the Residential Zone Development Standards <u>at EC 9.2750</u> unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
One-Family <u>Single-Unit</u> Dwelling (1 Per Lot in R-1) , except as provided at EC 9.2741(408) for Churches, Synagogues and Temples)	P(<u>2</u>)		P(<u>2</u>)	P(<u>2</u>)	P(<u>2</u>)
Accessory Dwelling	P(<u>23</u>)		P(<u>23</u>)	P(<u>23</u>)	P(<u>23</u>)
Rowhouse <u>Townhouse</u> (One-Family on Own Lot Attached to Adjacent Residence	PS (<u>34</u>)	P (<u>3</u>)	PS (<u>4</u>)	PS (<u>4</u>)	PS (<u>4</u>)

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
on Separate Lot with Garage or Carport Access to the Rear of the Lot (See EC 9.5550)					
Duplex (Two Family Attached on Same Lot)	P(2)(4)		P(2)(4)	P(2)(4)	P(2)(4)
Tri-plex (Three Family Attached on Same Lot) (See EC 9.55050)	S(54)		S(4)	S(4)	S(4)
Four-plex (Four Family Attached on Same Lot) (See EC 9.55050)	S(64)		S(4)	S(4)	S(4)
Cottage Cluster (See EC 9.5550)	S(4)		S(4)	S(4)	S(4)
Multiple-Family Unit Dwellings (3 or More Dwellings on Same Lot) (See EC 9.5500)	PUD		S	S	S
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S or SR		S or SR		
Controlled Income and Rent Housing where density is above that normally permitted in the zoning yet not to exceed 150%. (Shall comply with multiple-family-unit standards in EC 9.5500 or be approved as a PUD.)	S or PUD see Map 9.2740		S or PUD see Map 9.2740	S or PUD see Map 9.2740	
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)					
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)(All Assisted Care uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code.)	P		P	P	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Assisted Care (6 or more people living in facility) (All Assisted Care uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)	C		C	C	C
Day Care (4 to 16 people served) (See EC 9.5200)	S		S	S	S
Day Care (17 or more people served)	C		C	C	C
Rooms for Rent Situations					
Boarding and Rooming House				C	P
Campus Living Organization, including Fraternities and Sororities				C	P
Single Room Occupancy (SRO) (All SRO uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)			C	P	P
University and College Dormitory				P	P
Utilities and Communication					
Amateur Radio Antenna Structure (See EC 9.5050)	S		S	S	S
Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or	P		P	P	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
approved through a Type II procedure that shows low visual impact.					
Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P		P	P	P
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P		P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S		S	S	S
Water Reservoir, elevated above ground level	SR		SR	SR	SR
Other Commercial Services					
C-1 Neighborhood Commercial Zone Permitted Uses – Uses listed as P (Permitted) or SR (subject to site review) in C-1 and which are not listed elsewhere in this Table 9.2740	PUD (75)		PUD (75) or C(86)	PUD (75) or C(86)	PUD (75) or C(86)
Cemetery, includes crematoria, columbaria, and mausoleums	C				
Home Occupation (See EC 9.5350)	S	S	S	S	S
Model Home Sales Office (See EC 9.5450)	S		S	S	S
Temporary Activity (See EC 9.5800)	S	S	S	S	S

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Wildlife Care Center (See EC 9.5850)	S				

Section 11. Subsections (2) through (8) of Section 9.2741 of the Eugene Code, 1971, are amended to provide as follows:

9.2741 Special Use Limitations for Table 9.2740.

* * *

(2) A duplex is permitted on any lot or parcel where a single-unit dwelling is permitted.

(2.3) Accessory Dwellings. One accessory dwelling is allowed for each detached ~~one-family~~ single-unit dwelling on the same lot, subject to the standards at EC 9.2750 and EC 9.2751.

~~(3) Rowhouses.~~

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

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

~~1. Maximum Building Size: Eight rowhouses in a building, no more than 180 feet in width.~~

~~2. Minimum Interior or Rear Open Space Required: 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.~~

~~3. Auto access and parking shall be provided from the alley to the rear of the lot; there shall be no auto access from the front of the lot.~~

~~4. Siting requirements of EC 9.2735.~~

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

~~(a) The duplex was legally established on August 1, 2001.~~

~~(b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.~~

~~(c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.~~

~~(5) *Triplex*. When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision, except that new triplexes are prohibited within the city recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.~~

~~(6) *Fourplex*. When located in R-1, a fourplex shall be on a lot that was identified as a fourplex lot in a subdivision, except that new fourplexes are prohibited within the city recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.~~

(4) *Middle Housing Special Use Limitations*.

(a) Middle Housing is permitted on the following lots:

1. A duplex shall be permitted on:

A. Any lot or parcel where a single-unit dwelling is permitted; and

B. Any lot or parcel with a lot area that is at least 2,250 square feet.

2. A triplex shall be permitted on any lot or parcel with a lot area that is at least 3,500 square feet.

3. A fourplex shall be permitted on any lot or parcel with a lot area that is at least 4,500 square feet.

4. A cottage cluster shall be permitted on any lot or parcel with a lot area that is at least 4,500 square feet.

5. Individual units of middle housing are permitted on middle housing lots created pursuant to a middle housing land division.

(b) Lot Area Reduction for Small Dwelling Units. When the average size of all dwelling units in a duplex, triplex, fourplex, or cottage cluster is less than 900 square feet as calculated using the formula in subparagraph (c), the lot area thresholds listed in subparagraphs (a)1. through (a)4. shall be reduced by 25 percent (for example, a triplex with units of an average size that is less than 900 square feet would be allowed on a lot with an area of 2,625 square feet).

(c) For the purposes of this subsection, "Average size" means the average square footage of all dwelling units in a duplex, triplex, fourplex, townhouse project, or cottage cluster using the formula:

$$\text{AS} = (X1 + X2 + X3 \dots + XN) \text{ divided by } N$$

Where:

AS = Average Size of all Dwelling Units in a Duplex, Triplex, Fourplex, Townhouse Project, or Cottage Cluster

N = Total number of dwelling units in the duplex, triplex, fourplex, townhouse project, or cottage cluster. N is equal to the number of X# dwellings included within the parenthesis in the calculation.

X# = Dwelling unit size. The size of one dwelling unit that is a part of a duplex, triplex, fourplex, townhouse project, or cottage cluster. Dwelling unit size is the total square footage of a dwelling, which is measured by adding together the square foot area of each full story or level in a dwelling. The square foot area must be measured at the exterior perimeter walls of each story of the dwelling, not including eaves, and is defined as all square footage inside of a dwelling, including, but not limited to, living rooms, kitchen, bedrooms, bathrooms, hallways, entries, closets, utility rooms, stairways, and bathrooms. For townhouses and attached duplexes, triplexes, and fourplexes, the exterior perimeter walls of a dwelling shall be measured from the midpoint of any common wall for that portion of the structure that shares a common wall with another unit in the townhouse project, duplex, triplex, or fourplex. The following are not included in the calculation of dwelling unit size: attached or detached garages; outdoor living areas and structures, including, but not limited to uncovered porches, uncovered decks, patios, porches, exterior stairways, decks, carports, and covered areas enclosed by no more than 50% on all sides; and crawlspaces, attics, and other areas that do not constitute a full story of the building.

(d) Lot Area Reduction for Income-Qualified Middle Housing. When at least 50 percent of the dwelling units in a duplex, triplex, fourplex, or cottage cluster meet the definition of income-qualified middle housing, the lot area thresholds listed in subparagraphs (a)1. through (a)4. shall be reduced by 25 percent. In calculating the number of income-qualified middle housing units for purposes of this subparagraph, fractional dwelling units shall be rounded down to the nearest whole number (for example, 50 percent of the units in a triplex equals 1.5 units, so at least 1 unit must be income-qualified for the triplex to qualify for the lot area reduction pursuant to this subparagraph).

(e) For developments that qualify for the Lot Area Reductions in both subparagraphs (b) and (d) above, the total lot area reduction shall not exceed 25 percent.

~~(75)~~ *C-1 Neighborhood Commercial in Residential Zones.* Uses permitted outright in the C-1 Neighborhood Commercial zone shall be permitted in any residential zone through the planned unit development process with a demonstration that the commercial uses will serve residents living in the PUD.

~~(86)~~ *C-1 Neighborhood Commercial in R-2, R-3 and R-4 Zones.* Uses permitted outright or subject to site review in the C-1 Neighborhood Commercial zone shall be conditionally permitted in the R-2, R-3 and R-4 zone when the minimum residential density is achieved on the development site. All applicable standards for uses in the C-1 zone shall be complied with or granted an adjustment through the conditional use permit process except as follows:

(a) Neighborhood Commercial uses being approved through the conditional use permit process shall be located on arterial streets.

(b) In R-2, EC 9.2161(1) Small Business Incentives in C-1 shall not apply. Instead, each individual business shall be limited to a total of 2,500 square feet of floor area.

- (c) Buildings within the maximum front yard setback shall be oriented toward the street.
- (d) Maximum front yard setback shall be no greater than the predominant front yard original setback line in the immediate vicinity.
- (e) No off-street parking shall be located between the front facade of any building and the primary adjacent street. This standard applies to new buildings and to completely rebuilt projects constructed after August 1, 2001.
- (f) In new development, 60% of the site frontage abutting a street shall be occupied by a building within the maximum setback or by an enhanced pedestrian space. No more than 20% of the 60% may be an enhanced pedestrian space.
- (g) Building Entrances:
 - 1. All building sides that face an adjacent public street shall feature at least one customer entrance.
 - 2. Building sides facing two public streets may feature one entrance at the corner.
 - 3. Each commercial tenant of the building, unless an accessory to the primary tenant, shall be accessed through individual storefront entrances facing the street.
- (h) Ground floor walls shall contain display windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows meeting the criteria of display windows shall have sills at 30 inches or less above grade.

(97) Permitted, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

(403) In addition to any residential structures for religious personnel, Churches, Synagogues and Temples in R-1 are permitted to have up to two dwellings per lot that are not subject to the ~~multiple-family~~special development standards at EC 9.5500 and 9.5550, provided all of the following are met:

- (a) Each dwelling is used exclusively for low-income individuals and/or families where all units are subsidized. For the purposes of this section, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.
- (b) Each dwelling is limited to 800 square feet in area and 18 feet in height.
- (c) The development site does not exceed the maximum net density per acre in EC 9.2750.

Section 12. Table 9.2750 of Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

9.2750 Residential Zone Development Standards.

In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards shall apply:

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

Table 9.2750 Residential Zone Development Standards					
(See EC <u>9.2751</u> Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum	—	13 units	20 units	20 units
Maximum Net Density per Acre	14 units	—	28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Main Building. Does not include main building on Alley Access Lot in R-1	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot in R-1	See (18)	—	—	—	—
Accessory Building.	See (16)	20 feet	25 feet	30 feet	30 feet
Accessory Dwelling	See (17)	—	See (17)	See (17)	See (17)
Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet

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
Front Yard Setback for Garage Doors and Carports (12)	18 feet	—	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	—	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	—	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	—	—	—	—
Interior Yard Setback for Accessory Buildings in R-1	See (16)	—	—	—	—
Interior Yard Setback for Accessory Dwellings	See (17)	—	See (17)	See (17)	See (17)
Interior Yard Setback for Alley Access Lots in R-1	See (18)	—	—	—	—
Area-Specific Interior Yard Setback	—	—	—	See (8)	See (8)
Maximum Lot Coverage (17), (18)					
All Lots, except where specifically addressed below	50% of Lot	—	50% of Lot	—	—
Lots with Accessory Dwellings (Area-Specific)	See (17)(c)	—	—	—	—
Alley Access Lots in R-1	See (18)	—	—	—	—

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
Rowhouse <u>Townhouse</u> Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<u>Cottage Clusters</u>	=		=	=	=
<u>Lots with Duplexes, Triplexes, or Fourplexes</u>	<u>60% of Lot</u>		<u>75% of Lot</u>	=	=
Outdoor Living Area <u>Open Space</u> (13)					
Minimum Total Open Space	–	–	20% of dev. site	20% of dev. site	20% of dev. site
<u>Middle Housing Minimum Total Open Space</u>	=		<u>10% of dev. site</u>	<u>10% of dev. site</u>	<u>10% of dev. site</u>
Fences (14)					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 feet
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
Deer Fencing	See EC 9.2751(14)(c)	–	–	–	–
Driveways and Parking Areas (15)					
General Standards	–	–	–	See (15)(cb)	See (15)(cb)
Area-Specific	See (15)(a)	–	–	–	–
Accessory Buildings in R-1 (16)					
General Standards	See (16)(a)	–	–	–	–
Area-Specific	See (16)(b)	–	–	–	–

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)	—	—	—	—
Alley Access Lots (18)					
General Standards	See (18)(a)	—	—	—	—
Area-Specific	See (18)(b)	—	—	—	—
Maximum Bedroom Count (19)					
Area-Specific	See (19)	—	—	—	—

Section 13. Section 9.2751 of the Eugene Code, 1971, is amended by amending subsection (1)(b); adding subsections (3)(e) and (3)(f); amending subsection (13) and the lead-in paragraph of subsection (15)(a); adding a new subsection (15)(b); re-lettering subsection (15)(b) as (15)(c) and amending the lead-in paragraph; amending the lead-in paragraph of (16)(b); amending subsections (18)(a)1., (18)(a)3., (18)(a)4., (18)(a)5.a., (18)(a)7., (18)(a)8., (18)(a)9., (18)(a)11.a., (18)(a)13., (18)(a)14., and (18)(b)1.; adding subsection (18)(d), and amending subsection (19) to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(1) *Density.*

* * *

(b) The maximum residential density requirements in Table 9.2750 do not apply to accessory dwellings, [duplexes, triplexes, fourplexes, townhouses, or cottage clusters](#).

[1. Cottage clusters in the R-1 zone shall have a minimum net density of 4 units per acre.](#)

[2. Townhouses in the R-1 zone shall have a maximum net density of 25 units per acre. Townhouses in the R-2 zone shall have a maximum net density of 39 units per net acre.](#)

[3. *Density Increase for Small Townhouses.* When the average size of all townhouses in a townhouse project is less than 900 square feet, the maximum townhouse density listed in subparagraph 2. of this subsection \(b\) shall be increased by 5 units per acre \(for example, a townhouse project in the R-1 zone with an average size of units that is less](#)

than 900 square feet would be allowed up to 30 units per acre). For the purposes of this subparagraph, "Average size" means the average square footage of all townhouses in a townhouse project using the formula at EC 9.2741(4)(c).

4. *Density Increase for Income-Qualified Townhouses.* When at least 50 percent of the dwelling units in a townhouse project meet the definition of income-qualified middle housing, the maximum townhouse density listed in subparagraph 2. of this subsection (b) shall be increased by 5 units per acre. In calculating the number of income-qualified dwelling units, fractional dwelling units shall be rounded down to the nearest whole number (for example, 50 percent of the townhouses in a townhouse project consisting of 3 townhouses equals 1.5 units, so at least 1 unit must be income-qualified for the townhouse project to qualify for the density increase pursuant to this subparagraph).

5. If a townhouse project qualifies for the density increases in both subparagraphs 3. and 4. above, the total density increase shall not exceed 5 units per acre over the density listed in subparagraph 2.

* * *

(3) *Building Height.*

* * *

(e) In the R-1 zone, the maximum building height for a duplex, triplex, fourplex, or townhouse is 30 feet, plus the allowance for additional height provided in subparagraph (d) of this subsection (3).

(f) Maximum building height for all structures in cottage clusters is 25 feet, as provided in EC 9.5550(6)(a)3.

* * *

(13) For multiple-~~family unit-projects~~ dwellings, refer to EC 9.5500(9) Open Space.

* * *

(15) *Driveways and Parking Areas.*

(a) *R-1 Zone.* Within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created on a lot in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:

* * *

(b) *R-1 Zone, Middle Housing:* The standards in subparagraph (a) do not apply to duplexes or to development subject to the Middle Housing Development Standards at EC 9.5550.

(~~b~~c) *R-3 and R-4 Zones.* Except for middle housing, development subject to the Multi-~~Family Unit~~ Development ~~S~~tandards at EC 9.5500 and development authorized through a planned

unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.

* * *

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

* * *

(b) Area – Specific Accessory Building Standards. With the exception of Accessory Buildings that are accessory to middle housing, the following standards apply to all new accessory buildings associated with a dwelling in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association: Accessory Buildings that are accessory to middle housing within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association are subject to the standards in subsection (a) above.

* * *

(18) *Alley Access Lots in R-1.*

(a) *General Standards.*

1. *Applicability.* Except as provided in (b) (c) and (d) below, the following standards apply to development on alley access lots in R-1.

* * *

3. *Building Size.* The total square footage of all dwellings located on an alley access lot ~~The total building square footage of a dwelling or dwellings~~ shall not exceed ~~40~~25 percent of the total lot area or ~~800~~1,200 square feet, whichever is ~~smaller~~greater~~larger~~. Total ~~building~~ square footage is measured at the exterior perimeter walls and is defined as all square footage inside of ~~a~~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, except for middle housing, at a point that is ~~15~~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 ~~48~~25 feet. For middle housing on an alley access lots, the standards for maximum building height and setbacks at EC 9.2750 shall apply.

* * *

7. *Bedrooms.* ~~The~~ Each dwelling shall contain no more than 3 bedrooms.

8. *Primary Entrance.* The primary entry to ~~the~~ at least one 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~~ d Dwellings shall be served by a minimum three foot wide hard-surfaced ~~hard-scaped~~ (~~paved,~~ concrete, asphalt, 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.

* * *

11. *Parking and Driveway.*

a. Only one covered or enclosed parking space may be provided per dwelling (for example, a carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.

* * *

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.*

a. Except as provided in b. below, ~~D~~ detached accessory buildings are allowed subject to the standards at EC 9.2751(16), ~~except that the~~.

b. The total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.

(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 or dwellings~~ The total square footage of all dwellings located on an alley access lot 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 of all dwellings is defined as all square footage inside of ~~the~~ a dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

* * *

(d) The standards in subparagraphs (a)3., (a)6. through (a)11., (a)13., (a)14., and (b)1. do not apply to middle housing. Middle housing on alley access lots in R-1 shall comply with the special development standards at EC 9.5550.

(19) *Area – Specific Maximum Bedroom Count.*

(a) Except as provided in b. below, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the maximum allowable number of bedrooms in a dwelling shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for a new dwelling or for an addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:

~~(1) The maximum number of unrelated individuals living in the dwelling shall be limited to 3.~~

(2) The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.

(3) The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.

(b) The standards in subparagraph (a) above do not apply to middle housing.

Section 14. Section 9.2760 of the Eugene Code, 1971, is amended to provide as follows:

9.2760 Residential Zone Lot Standards.

The following Table 9.2760 sets forth residential zone lot standards, subject to the special standards in EC 9.2761:

Table 9.2760 Residential Zone Lot Standards					
(See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Lot Area Minimum (1)					
Lots, except Rowhouse <u>Townhouse</u> Lots, Small Lots, Duplex Lots, Triplex Lots,	4,500 square feet	–	4,500 square feet	4,500 square feet	4,500 square feet

Table 9.2760 Residential Zone Lot Standards					
(See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Fourplex Lots, Residential Flag Lots, Cottage Cluster Lots , Duplex Division Lots and Middle Housing Lots					
Small Lots (2)	Per Cluster Subdivision or PUD		2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3)					
Townhouse Lots (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (3) (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 2,250 square feet	–	2,250 square feet	2,250 square feet	2,250 square feet
Triplex Lots (3) (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 3,500 square feet	–	3,500 square feet	3,500 square feet	3,500 square feet
Fourplex Lots (3) (In R-1, lots shall be indicated on the final	16,000 4,500 square feet	–	4,500 square feet	4,500 square feet	4,500 square feet

Table 9.2760 Residential Zone Lot Standards					
(See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
plat and shall be developed as a fourplex.)					
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	—	6,000 square feet	6,000 square feet	6,000 square feet
<u>Cottage Cluster Lots (3)</u>	<u>4,500 square feet</u>		<u>4,500 square feet</u>	<u>4,500 square feet</u>	<u>4,500 square feet</u>
<u>Middle Housing Lots (8)</u> Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet		3,600 square feet	3,600 square feet	3,600 square feet
Lot Frontage Minimum (1)					
Interior Lot <u>(6)</u>	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot <u>(6)</u>	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot <u>(6)</u>	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet(9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)					
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse <u>Townhouse</u> Lot	15 feet	15 feet	15 feet	15 feet	15 feet
Lot Width Minimum (1)					
Interior Lot <u>(6)</u> (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)

Table 9.2760 Residential Zone Lot Standards					
(See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Corner Lot <u>(6)</u>	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet		–	–	
Rowhouse <u>Townhouse</u> Lot	150 feet	15 feet	150 feet	150 feet	150 feet
Lot Area Maximum (5)					
(New subdivisions and partitions only)	13,500 square feet				
Housing Mix Maximum (6)					
Duplex	See EC 9.2741(4)	–	–	–	–
Triplex	See EC 9.2741(5)	–	–	–	–
Four-plex	See EC 9.2741(6)	–	–	–	–

Section 15. Subsections (3), (4), (6), and (8) of Section 9.2761 of the Eugene Code, 1971, are amended to provide as follows:

9.2761 Special Standards for Table 9.2760.

* * *

~~(3) Rowhouse Lots.~~

~~(a) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density in the subdivision complies with Table 9.2750 Residential Zone Development Standards, except that the~~

~~creation of new rowhouse lots is prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.~~

~~(b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.~~

(3) Minimum Lot Area for Middle Housing

(a) A duplex may be developed on:

1. Any lot or parcel with a lot area that is at least 2,250 square feet; or
2. Any lot or parcel where a single-unit dwelling is permitted.

(b) A triplex may be developed on any lot or parcel with a lot area that is at least 3,500 square feet.

(c) A fourplex may be developed on any lot or parcel with a lot area that is at least 4,500 square feet.

(d) A cottage cluster may be developed on any lot or parcel with a lot area that is at least 4,500 square feet.

(e) Lot Area Reduction for Small Middle Housing Units. When the average size of proposed dwelling units in a duplex, triplex, fourplex, or cottage cluster is less than 900 square feet, the lot area minimum shall be reduced by 25 percent (for example, a 3,500 square foot lot created for development of a triplex with an average size of units less than 900 square feet would be allowed to reduce the minimum lot area requirement to 2,625 square feet).

For the purposes of this subparagraph, "Average size" means the average square footage of all dwelling units in the duplex, triplex, fourplex or cottage cluster using the formula at EC 9.2741(4)(c).

(f) Lot Area Reduction for Income-Qualified Middle Housing. When at least 50 percent of the dwelling units in a duplex, triplex, fourplex, or cottage cluster meet the definition of income-qualified middle housing, the lot area minimum shall be reduced by 25 percent. In calculating the number of income-qualified middle housing units for this subparagraph, fractional dwelling units shall be rounded down to the nearest whole number (for example, 50 percent of the units in a triplex equals 1.5 units, so at least 1 unit must be income-qualified for the triplex to qualify for the lot area reduction pursuant to this subparagraph).

(g) For developments that qualify for the Lot Area Reductions in both subparagraphs (e) and (f) above, the total lot area reduction shall not exceed 25 percent.

(4) Flag Lots.

(a) No variances to residential flag lot standards are allowed.

(b) With the exception of flag lots created for the purpose of siting middle housing, the creation of new flag lots is prohibited in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

(c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)

(d) *Middle Housing on Flag Lots.* When development of a duplex, triplex, fourplex or cottage cluster, is proposed on a flag lot the lot area minimum for the flag lot shall be 4,500 square feet, excluding the pole portion of the lot.

* * *

~~(6) Unless approved through a planned unit development process, in any 1 subdivision there shall be a maximum of 25% duplex lots, 15% triplex lots, and 10% fourplex lots. At least 50% of the lots must be for one-family detached dwellings or rowhouses. Fractions are reduced to the next lowest number.~~

(6) *Duplex and Triplex Lot Frontage and Width.* The minimum lot frontage and minimum lot width is 20 feet for interior and corner duplex lots. The minimum lot frontage and minimum lot width is 35 feet for interior and corner triplex lots.

* * *

~~(8) Duplex-Division~~Middle Housing Lots. ~~Duplex-division~~Middle Housing lots shall comply with ~~other duplex-division~~Middle Housing Lot provisions. (See EC 9.2777 ~~Duplex-Division~~Middle Housing Lot Standards.)

Section 16. Subsections (1) and (3)(a) of Section 9.2770 of the Eugene Code, 1971, are amended to provide as follows:

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

(1) *Purpose and Applicability.* The small lot provisions are intended to increase opportunities for affordable housing, home ownership, and infill development. The small lot standards in subsection (3) shall apply when, as part of a subdivision or partition, a lot is proposed which has less than 4,500 square feet in lot area, except for lots for middle housing development. Small lots proposed as part of a cluster subdivision or a PUD are not subject to these small lot standards.

* * *

(3) *Development Standards.*

(a) Zero interior yard setback option: Permitted, provided there is common wall construction or as permitted by the building code with required fire separation with a building on the adjacent lot, or there is at least 10 feet of separation between the building and all buildings on the adjacent lot.

* * *

Section 17. Subsection (3)(a) of Section 9.2775 of the Eugene Code, 1971, is amended to provide as follows:

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

* * *

(3) *Land Division Regulations.*

(a) *Flag Lot Area.* The required minimum lot area for the flag lot, excluding the pole portion of the lot, is 6,000 square feet. Where a duplex, triplex, fourplex, or cottage cluster is proposed, the minimum lot area for a flag lot is 4,500 square feet, excluding the pole portion of the lot. ~~The original lot, prior to creation of the flag lot, shall be at least 13,500 square feet.~~

* * *

Section 18. Section 9.2777, including the heading, of the Eugene Code, 1971, is amended to provide as follows:

9.2777 ~~Duplex Division~~Middle Housing Lot Standards.

~~(1) *Purpose.* Duplex division lots allow existing duplexes to be divided into two separate legal lots in order to increase opportunities for affordable home ownership.~~

~~(2) *Land Division Regulations.* All applicable regulations for the type of land division process being used must be met except where the duplex division lot standards create different requirements.~~

~~(a) The existing lot must contain at least 8,000 square feet.~~

~~(b) The resulting lots will be relatively equal in size with the maximum difference equal to 10 percent or less of the total area of the original lot.~~

~~(c) The lot width is at least 40 feet.~~

~~(d) The minimum lot area is at least 3,600 feet.~~

~~(3) *Use Regulations.* Duplex division lots have the same land use regulations as the base zone.~~

~~(4) *Development Standards.*~~

~~(a) All base zone standards must be met unless otherwise stated in this section.~~

~~(b) The existing lot is occupied by a duplex that conforms to all applicable regulations.~~

~~(c) A single family dwelling will not replace or be added to the lot.~~

~~(d) Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city attorney approved easement~~

~~recorded in the Lane County Recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.~~

~~(e) Prior to approval, the planning director may require an applicant(s) to enter into a written, city attorney approved agreement suitable for recording in the Lane County Recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance and use of common areas such as, but not limited to, roofing, water pipes, and wiring.~~

(1) There are no frontage, width, or lot area standards for middle housing lots.

(2) A middle housing lot may not contain more than one unit of middle housing. A middle housing lot that includes a common area, but does not include a dwelling, is permitted.

(3) A middle housing lot may not be divided.

Section 19. Section 9.2780 of the Eugene Code, 1971, is amended to provide as follows:

9.2780 Purpose of Solar Standards.

Solar standards are utilized to create lot divisions, layouts and building configurations to help preserve the availability of solar energy to ~~one and two family dwellings~~single-unit and duplex dwellings.

Section 20. Subsection (2) of Section 9.3050 of the Eugene Code, 1971, is amended to provide as follows:

9.3050 Purpose of S-C Chambers Special Area Zone.

The S-C Chambers Special Area zone is intended to:

(2) Promote a general increase in density with a mix of multi-~~family-unit~~, middle housing, and single-~~family-unit~~ residential development that contributes positively to the neighborhood pattern of single ~~family detached-unit~~ dwellings;

* * *

Section 21. The introductory paragraph of subsection (2), and the introductory paragraph of subsection (3) 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. The development standards in EC 9.3065 (2)(a) – (c) do not apply to middle housing in the S-C/R-1 Subarea. Middle housing in the S-C/R-1 Subarea is subject to the development standards established for the R-1 zone in EC 9.2750 to 9.2751, the 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 EC 9.6885.

* * *

(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. The development standards in EC 9.3065 (3)(a) – (j) do not apply to middle housing in the S-C/R-2 Subarea. Middle housing in the S-C/R-2 Subarea is subject to the development standards established for the R-2 zone in EC 9.2750 to 9.2751, the 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 EC 9.6885.

* * *

Section 22. Subsections (3), (4), and (5) of Section 9.3100 of the Eugene Code, 1971, are amended to provide as follows:

9.3100 Purpose of S-CN Chase Node Special Area Zone.

The special area zone applied to the Chase Node area is intended to implement the comprehensive plan and TransPlan by ensuring that:

* * *

(3) Multi-~~family-unit~~ developments retain visual and physical links to adjacent public parks and natural areas and preserve unique natural features found on the site.

(4) New multi-~~family-unit~~ developments shall front onto public and private streets with building entrances visible from the street.

(5) Setbacks and building designs for multi-~~family-unit~~ developments shall promote privacy and compatibility with abutting lower intensity residential uses and historic properties.

* * *

Section 23. The Residential section of Table 9.3115 of Section 9.3115 of the Eugene Code, 1971, is amended to provide as follows:

9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements.

The following Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements identifies those uses in the S-CN zone that are:

(P) Permitted, subject to zone verification.

(C) Subject to an approved conditional use permit.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

(#) The numbers in () in the table are uses that have special use limitations described in EC 9.3116.

Examples of uses in Table 9.3115 are for informational purposes and not exclusive. Table 9.3115 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
* * *			
Residential			
Dwellings			
One-Family Single-Unit – Dwelling per lot (Includes zero lot line dwellings)		P	P
Accessory Dwelling (1 Per Detached One-Family Single-Unit 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		S	S

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
maximum permitted density. (Shall comply with multiple-family-unit standards in EC 9.5500.)			
Rowhouse <u>Townhouse</u> (One family on own lot attached to adjacent residence on separate lot) <u>(See 9.5550)</u>	P(3)(4) <u>S</u>	P(3)(4) <u>S</u>	P(3)(4) <u>S</u>
Duplex (Two family attached on the same lot)		P	P
Tri-plex (Three family attached on the same lot) (See EC 9.550 <u>50</u>)		P <u>S</u>	P <u>S</u>
Four-plex (Four family attached on the same lot) (See EC 9.550 <u>50</u>)		S	S
<u>Cottage Cluster (See EC 9.5550)</u>		<u>S</u>	<u>S</u>
Multiple Family-Unit (3 or more dwellings on the same lot) (See 9.5500)	S	S	S
Manufactured Home Park (See 9.5400)			P(5 <u>3</u>)
* * *			

Section 24. Subsections (3) through (10) of Section 9.3116 of the Eugene Code, 1971, are amended to provide as follows:

9.3116 Special Use Limitation for Table 9.3115.

* * *

~~(3) Rowhouses. Rowhouses are not required to comply with the density requirements for other types of residential development. Rowhouses shall comply with the following:~~

~~(a) Maximum Building Size. Eight rowhouses in a building, no more than 180 feet in total width.~~

~~(b) Minimum Interior or Rear Open Space Required. 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.~~

~~(c) Access. Vehicular access and garages must be provided from an alley located to the rear of the rowhouses, not from the primary street.~~

~~(4) Alley. Required for vehicular access and parking, no motor vehicle access in front of lot.~~

(53) *Manufactured Home Park.* The number of spaces designed for manufactured homes in the park shall comply with minimum residential density standards for the Chase Gardens Node.

(64) *Business Size Limits in S-CN/C.* Except as provided herein, no single retail store, single retail tenant, or number of retail tenants sharing a common space shall occupy more than 20,000 square feet of building area within the same building. Notwithstanding this general rule, within the S-CN Special Area Zone, 1 store may occupy up to 50,000 square feet of building area in a single building if that store's primary use of building area is for grocery sales. The limitations of this subsection do not apply to offices or other non-retail uses, which may occupy more than 50,000 square feet of building area.

(75) *Motion Picture Theater.* A motion picture theater must be a single screen or an accessory to other uses, such as a restaurant, live theater, or for private use.

(86) *Information Technology Services and E-Commerce.* May not have more than 15 employees and customers on-site at any one time.

(97) *Adjustment.* An adjustment may be made to the special use limitations in this section if consistent with the criteria in EC 9.8030(18).

(103) *Separation between Retail Marijuana Uses.* No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.

(a) "Premises" means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 475B.105.

(b) "Retail Marijuana Use" means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.105.

(c) "Within 1,000 Feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.

Section 25. Subsection (1) of Section 9.3125 of the Eugene Code, 1971, is amended to provide as follows:

9.3125 S-CN Chase Node Special Area Zone Development Standards.

(1)

(a) *Application of Standards.* In addition to the special use limitations in EC 9.3116 and the development standards in EC 9.3125 to 9.3126, [Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850](#) and the General Standards for All Development in section 9.6000 through 9.6885 apply within this zone. [Except as provided in subsection \(b\), below.](#) ~~In the event of a conflict between those general development standards and the development standards in EC 9.3125 to 9.3126, and the special development standards in EC 9.5000 through EC 9.5850 or the general development standards in EC 9.6000 through EC 9.6885,~~ the specific provisions of EC 9.3125 to 9.3126 shall control.

(b) *Middle Housing Standards.* The development standards in EC 9.3125 to 9.3126 do not apply to middle housing in the S-CN special area zone. Middle housing in the S-CN special area zone is subject to the development standards established for the R-4 zone in EC 9.2750 to 9.2751, the 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 EC 9.6885.

(bc) *Adjustment.* The development standards in subsections (2) and (3) of this section may be adjusted in accordance with EC 9.8030(18).

Section 26. Subsection (3) of Section 9.3145 of the Eugene Code, 1971, is amended to provide as follows:

9.3145 S-DR Downtown Riverfront Special Area Zone Permitted Uses.

(3) *Residential Uses.* Permitted in S-DR/MU, S-DR/MU/1 (above ground floor only), and S-DR/MU/2. This category of uses refers to the residential occupancy of a dwelling unit ~~by one family~~. Tenancy is arranged for a minimum of 30 days or longer. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of temporary lodging and are listed under “Retail Sales and Service.” Examples of residential uses include, but are not limited to:

- (a) Apartments and retirement center apartments (including those with accessory services such as food service, dining rooms, and housekeeping);
- (b) Condominiums;
- (c) ~~Rowhouses~~ Townhouses.

Section 27. The “Residential” “Dwellings” section in Table 9.3210 of Section 9.3210 of the Eugene Code, 1971, is amended to provide as follows:

9.3210 S-DW Downtown Westside Special Area Zone – Land Use and Permit Requirements.

The following Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements identifies those uses in the S-DW zone that are:

- (P) Permitted, subject to zone verification.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations described in EC 9.3211.

Examples listed in Table 9.3210 are for informational purposes and are not exclusive. Table 9.3210 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

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 <u>Single-Unit</u> Dwelling (1 Per Lot)	P
Accessory Dwelling (1 Per Detached One-Family <u>Single-Unit</u> Dwelling on Same Lot)	P
Rowhouse <u>Townhouse</u> (One Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) (See EC 9.5550)	<u>PS</u>
Duplex	P
Tri-plex (Three Family Attached on Same Lot) (See EC 9.5550)	<u>PS</u>
Four-plex (Four Family Attached on Same Lot) (See EC 9.5550)	<u>PS</u>
<u>Cottage Cluster</u> (See EC 9.5550)	<u>S</u>
Multiple Family <u>Unit Dwellings</u> (35 or More Dwellings on Same Lot) (See EC 9.5500)	<u>PS</u>
* * *	

Section 28. Subsection (1) 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.

(1)

(a) *Application of Standards.* Except as provided in subsection (1)(b) below, ~~in~~ addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards in this section, and in EC 9.3216 Special Development Standards for Table 9.3215 shall apply

to all development within this zone. In cases of conflict, the development standards specifically applicable in the S-DW special area zone shall apply.

(b) *Middle Housing Standards.* All middle housing development in the S-DW special area zone shall be exempt from the development standards in EC 9.3215 to 9.3216. Middle housing in the S-DW special area zone is subject to the development standards established for the R-4 zone in EC 9.2750 to 9.2751, the 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 EC 9.6885.

* * *

Section 29. Section 9.3220 of the Eugene Code, 1971, is amended to provide as follows:

9.3220 S-DW Downtown Westside Special Area Zone Lot Standards.

The following Table 9.3220 sets forth lot standards within the S-DW zone. The numbers in () are references to special limitations that are set forth in EC 9.3221. The lot standards in EC 9.3220 to 9.3221 do not apply to middle housing in the S-DW special area zone. The creation of lots for middle housing (including duplex lots, triplex lots, fourplex lots, townhouse lots, cottage cluster lots, and middle housing lots) in the S-DW special area zone is subject to the lot standards established for the R-4 zone in EC 9.2760 to EC 9.2777.

Table 9.3220 S-DW Downtown Westside Special Area Zone Lot Standards	
	S-DW
Area Minimum	
All Lots except Small Lots, Rowhouse Lots, and Residential Flag Lots and Duplex Division Lots (1)	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet
Duplex Division Lots (4) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet
Flag Lot (53)	6,000 square feet
Frontage Minimum	
Interior Lot (1)	20 feet
Corner Lot (1)	20 feet
Curved Lot (1)	20 feet

Table 9.3220 S-DW Downtown Westside Special Area Zone Lot Standards	
	S-DW
Alley Access	na
Width Minimum	
Interior Lot (1)	20 feet
Corner Lot (1)	20 feet
Curved Lot (1)	20 feet
Alley Access	20 feet

Section 30. Section 9.3221 of the Eugene Code, 1971, is amended to provide as follows:

9.3221 Special Standards for Table 9.3220.

(1) Lot area, frontage, and width minimums may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria – General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

(2) Shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.)

~~(3) Rowhouses shall have street frontage for the residence and rear frontage for off-street parking.~~

~~(4) Shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.~~

~~(5)~~ No variance to residential flag lot standards are allowed. Minimum lot area excludes the pole portion of the lot. Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1.)

Section 31. Section 9.3300 of the Eugene Code, 1971, is amended to provide as follows:

9.3300 Purpose of S-E Elmira Road Special Area Zone.

The purpose of the S-E Elmira Road Special Area Zone is to allow a mix of low- and medium- density residential uses and a limited range of commercial uses. The S-E zone is also intended to achieve the following, more specific purposes:

- (1) Allow use of existing non-residential structures on property and the development of complementary structures for video, audio, and film production related purposes.
- (2) Ensure that non-residential uses of property are compatible with adjacent residential areas, both on and off the development site to which the S-E zone is applied.
- (3) Ensure that portions of the area zoned S-E Elmira Road are kept available for residential development.
- (4) Ensure that development within the S-E zone is developed in a manner compatible with the surrounding neighborhood.

Section 32. The “Residential” “Dwellings” section of Table 9.3310 of Section 9.3310 of the Eugene Code, 1971, is amended to provide as follows:

9.3310 S-E Elmira Road Special Area Zone – Land Use and Permit Requirements.

The following Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements identifies those uses in the S-E zone that are:

- (P) Permitted, subject to zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to an approved final planned unit development.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.3311.

The examples listed in Table 9.3310 are for informational purposes and are not exclusive. Table 9.3310 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
* * *	
Residential	
Dwellings	
One-Family <u>Single-Unit</u> Dwelling (1 Per Lot)	P
Townhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) (See EC 9.5550)	<u>PS</u>
Duplex (Two-Family Attached on Same Lot)	P
<u>Triplex (See EC 9.5550)</u>	<u>S</u>
<u>Fourplex (See EC 9.5550)</u>	<u>S</u>
<u>Cottage Cluster (See EC 9.5550)</u>	<u>S</u>
Multiple Family-Unit Dwellings (35 or More Dwellings on Same Lot) (See EC 9.5500)	PUD
* * *	

Section 33. 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~~ Single-Unit dwellings.
- (b) Accessory Dwellings (1 Per Detached ~~One-Family~~ Single-Unit Dwelling on Same Lot)
- (c) Duplexes.
- (d) Triplexes.

(e) Fourplexes.

(f) Townhouses.

(g) Cottage Clusters.

(eh) Multiple-~~family~~-Unit dwellings.

(fi) Home occupations.

(gi) Bed and breakfast facilities.

* * *

Section 34. Subsection (1) of Section 9.3625 of the Eugene Code, 1971, is amended to provide as follows:

9.3625 S-JW Jefferson Westside Special Area Zone Development Standards.

(1) Application of Standards and Adjustment.

(a) *Application of Standards.* Except as provided in (b) and (c) below, in addition to the special use limitations in EC 9.3615 and the development standards in EC 9.3625 to 9.3640 and EC 9.5000 to 9.5850, the General Standards for All Development in EC 9.6000 through 9.6885 apply within this zone. In the event of a conflict between the development standards in EC 9.3625 to 9.3640 and the special development standards in EC 9.5000 to 9.5850 or ~~these general development standards and the development standards in EC 9.3625 to 9.3640~~ in EC 9.6000 through 9.6885, the provisions of EC 9.3625 to 9.3640 shall control.

(b) *Development Standards for Accessory Dwellings.* The development standards applicable to accessory dwellings in the S-JW zone shall be those set out in EC 9.2751(17)(c) and the General Standards for all Development in EC 9.6000 through 9.6885.

(c) Middle Housing Standards. The development standards in EC 9.3625, 9.3626, and 9.3640 do not apply to middle housing development in the S-JW special area zone. Middle housing development in the S-JW special area zone is subject to the development standards established for the R-2 zone in EC 9.2750 to 9.2751, the 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 EC 9.6885.

(ed) *Adjustment.* The development standards in subsections EC 9.3625(6) regarding driveway width and EC 9.3625(3)(a)(2)(b) regarding primary vehicle access may be adjusted in accordance with EC 9.8030(26). For sites zoned S-JW Special Area Zone, these are the only standards that may be adjusted.

* * *

Section 35. The introductory paragraph of Section 9.3630 of the Eugene Code, 1971, is amended to provide as follows:

9.3630 S-JW Jefferson Westside Special Area Zone Lot Standards.

The following Table 9.3630 sets forth S-JW Jefferson Westside Special Area Zone lot standards, subject to the special standards in EC 9.3631. The lot standards in EC 9.3630 to 9.3631 do not apply to lots for middle housing development in the S-JW special area zone. Middle housing development in the S-JW special area zone is subject to the lot standards established for the R-2 zone in EC 9.2760 to EC 9.2777.

* * *

Section 36. Subsections (14), (15), (16), (17) and (20) of Section 9.3800 of the Eugene Code, 1971, are amended to provide as follows:

9.3800 Purpose of S-RN Royal Node Special Area Zone.

The special area zone applied to the Royal Node area is intended to ensure that:

* * *

(14) Residential garages shall be provided access from alleys whenever possible to improve the visual character of the street, improve pedestrian qualities along the street, and to promote construction of small-lot single-unit ~~family housing dwellings~~ with reduced lot widths;

(15) Multi-family-unit developments shall retain visual and physical links to adjacent public parks and natural areas and preserve unique natural features found on the site;

(16) Multi-family-unit developments shall front onto public and private streets with building entrances visible from the street;

(17) Setbacks and building designs for multi-family-unit developments shall insure privacy for and promote compatibility with abutting lower intensity uses;

(18) Vehicle parking lots or areas shall not be located between buildings and the public street;

(19) Large parking areas shall be separated into smaller lots to minimize their visual impact;

(20) Vehicle access points for multi-familyunit, commercial, and mixed-use developments shall connect to local or collector streets, via alleys whenever possible, rather than arterial streets;

* * *

Section 37. The “Residential” “Dwellings” section in Table 9.3810 of Section 9.3810 of the Eugene Code, 1971, is amended to provide as follows:

9.3810 S-RN Royal Node Special Area Zone Land Use and Permit Requirements.

The following Table 9.3810 S-RN Royal Node Special Area Zone Uses and Permit Requirements identifies those uses in the S-RN zone that are:

(P) Permitted, subject to zone verification.

(C) Subject to an approved conditional use permit.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

(SR) Permitted, subject to an approved site review plan or approved final planned unit development.

(#) The numbers in () in the table are uses that have special use limitations described in EC 9.3811 Special Use Limitations for Table 9.3810.

Examples listed in Table 9.3810 are for informational purposes and are not exclusive. Table 9.3810 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

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 Single-Unit Dwelling (1 Per Lot, —	P	P	P		

Table 9.3810 S-RN Royal Node Special Area Zone					
Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
includes zero lot line dwellings)					
Accessory Dwelling (1 Per Detached One-Family <u>Single-Unit</u> Dwelling on Same Lot)	P(1)	P(1)	P(1)		
Rowhouse <u>Townhouse</u> (One Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) (See EC <u>9.5550</u>)	<u>SP(2)(3)</u>	<u>SP(2)(3)</u>	<u>SP(2)(3)</u>	<u>SP(2)(3)</u>	<u>SP(2)(3)</u>
Duplex (Two Family Attached on Same Lot)	P	P	P		
Tri-plex (Three family attached on the same lot) See EC 9.5500 (See EC <u>9.5550</u>)	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	
Four-plex (Four Family Attached on Same Lot) See EC 9.5500 (See EC <u>9.5550</u>)	<u>PS</u>	<u>PS</u>	<u>PS</u>		
<u>Cottage Cluster</u> (See EC <u>9.5550</u>)	<u>S</u>	<u>S</u>	<u>S</u>		
Multiple- Family <u>Unit Dwellings</u> (3 or More Dwellings on Same Lot) (See EC <u>9.5500</u>)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)

Table 9.3810 S-RN Royal Node Special Area Zone					
Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
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 unit standards in EC 9.5500.)	S (9)	S (9)			
* * *					

* * *

Section 38. Subsection (2) of Section 9.3811 of the Eugene Code, 1971, is deleted; subsection (11) is renumbered as subsection (2); and subsection (9) is amended to provide as follows:

9.3811 Special Use Limitations for Table 9.3810.

* * *

~~(2) Rowhouses. Rowhouses shall comply with the following:~~

~~(a) Maximum Building Size. Eight rowhouses in a building, no more than 180 feet in width.~~

~~(b) Minimum Interior or Rear Open Space Required. 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.~~

~~(c) Auto Access and Parking. Auto access and parking shall be provided from an alley to the rear of the lot; there shall be no auto access from the front of the lot.~~

~~(142)~~ Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.

(a) “Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 475B.105.

(b) “Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.105.

(c) “Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.

* * *

(9) Multiple-Family Unit Structures. On development sites that will result in 100 feet or more of public or private street frontage, at least 60% of the site frontage abutting the street (including required yards) shall be occupied by a building(s) or enhanced pedestrian space with not more than 20 percent of the 60 percent in enhanced pedestrian space, placed within 10 feet of the minimum front yard setback line. On development sites with less than 100 feet of public or private street frontage, at least 40% of the site width shall be occupied by a building(s) placed within 10 feet of the minimum front yard setback line. Building projections and offsets with an offset interval of 10 feet or less meet this standard (excluding required yards). “Site width” as used in this standard, shall not include areas of street frontage that have significant natural resources as mapped by the city, delineated wetlands, slopes greater than 15%, recorded easements, required fire lanes or other similar non-buildable areas, as determined by the planning director.

Section 39. Subsection (1), the lead-in paragraph of subsection (2)(e), subsection (3)(c), and the lead-in paragraph of subsection (3)(h) of Section 9.3815 and the Maximum Lot Coverage portion of Table 9.3815(n) of the Eugene Code, 1971, are amended to provide as follows:

9.3815 S-RN Royal Node Special Area Zone Development Standards – General.

(1)

(a) Application of Standards. In addition to the special use limitations in EC 9.3811 and the development standards in EC 9.3815 to EC 9.3823, the 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 apply within this zone. Except as provided in subsection (b) below, in the event of a conflict between the development standards in EC 9.3815 to EC 9.3823, ~~those and the special development standards in EC 9.5000 through EC 9.5850 or the general development standards in EC 9.6000 through 9.6885 and the development standards in EC 9.3815 to EC 9.3823,~~ the specific provisions of EC 9.3815 to EC 9.3823 shall control.

(b) *Middle Housing Standards.* The development standards in EC 9.3815 to 9.3816 do not apply to middle housing development in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas. Middle housing development in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas is subject to the development standards established for residential zones in EC 9.2750 to 9.2751 as follows:

1. S-RN/LDR: R-1 zone

2. S-RN/MDR: R-2 zone

3. S-RN/RMU: R-2 zone

(c**b**) *Adjustment.* The development standards in subsections (2) and (3) of this section may be adjusted in accordance with EC 9.8030(17).

(2) *Development Standards Applicable in the LDR, MDR, RMU, CMU and MSC Subareas.*

* * *

(e) *Multi-FamilyUnit Development.* With the following exceptions, Multi-FamilyUnit Development Standards in EC 9.5500 shall be applied to new multi-familyunit development within the S-RN Special Area Zone:

* * *

(3) *Development Standards Applicable in Specific Subareas of the S-RN Zone.*

* * *

(c) *Front Porches.* Within the LDR subarea, front porches shall be provided on the ground floor of all dwelling units, other than multi-familyunit dwelling units. Front porches shall be a minimum of 6 feet deep by 10 feet wide (a minimum of 60 square feet). A minimum of 60% of each porch shall be covered to provide weather protection.

* * *

(h) *Landscaping Standards.* In addition to the landscape standards beginning with EC 9.6200 Purpose of Landscape Standards, and for multi-familyunit development in EC 9.5500(8), the following standards apply to Commercial Mixed-Use area developments in the RMU, CMU and MSC subareas:

* * *

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 Lot Coverage					
All Lots, Excluding Rowhouse <u>Townhouse</u> Lots	50%	50%			
Rowhouse <u>Townhouse</u> Lots	75%	75%			

Section 40. The first paragraph of Section 9.3822 and Table 9.3822 of the Eugene Code, 1971, are amended to provide as follows:

9.3822 S-RN Royal Node Special Area Zone Lot Standards.

The following Table 9.3822 sets forth lot standards within the S-RN zone. The numbers in () are references to special limitations that are set forth in EC 9.3823. ~~All~~ The lot standards in EC 9.3822 to 9.3823 do not apply to middle housing development in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas. Middle housing in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas is subject to the lot standards established for residential zones in EC 9.2760 to 9.2777 as follows:

1. S-RN/LDR: R-1 zone
2. S-RN/MDR: R-2 zone
3. S-RN/RMU: R-2 zone

Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards					
(See EC 9.3823 Special Standards for Table 9.3822.)					
	LDR	MDR	RMU	CMU	MSC
Lot Area Minimum					
Rowhouse <u>Townhouse</u> Lot (2)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (3)	6,400 square feet	6,400 square feet	1,600 square feet		
Triplex Lots (4)	9,600 square feet	9,600 square feet	1,600 square feet		
Fourplex Lots (5)	12,800 square feet	12,800 square feet	1,600 square feet		
All Other Lots in LDR and MDR	3,200 square feet	1,600 square feet			
All Commercial Lots			10,000 square feet	10,000 square feet	10,000 square feet
Duplex Division Lots (8)– (Existing lot shall be at least 8,000 square feet.)	3,600 square feet		3,600 square feet	3,600 square feet	3,600 square feet
Maximum Lot Area Per Residential Unit (Except Rowhouse <u>Townhouse</u> Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Duplex Division Lots)			4,500 square feet	4,500 square feet	4,500 square feet
Lot Frontage Minimum					

Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards					
(See EC 9.3823 Special Standards for Table 9.3822.)					
	LDR	MDR	RMU	CMU	MSC
Interior Lot					
Rowhouse <u>Townhouse</u> Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
Corner Lot					
<u>Townhouse</u> Rowhouse Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
Curved Lot					
Rowhouse <u>Townhouse</u> Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet	30 feet	20 feet		
Other Residential Lot	30 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet

Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards					
(See EC 9.3823 Special Standards for Table 9.3822.)					
	LDR	MDR	RMU	CMU	MSC
Cul-de-sac Bulb (6)(7)					
Rowhouse <u>Townhouse</u> Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet Duplex only		20 feet		
Other Residential Lot	30 feet		20 feet	20 feet	20 feet
Lot Width Minimum					
Interior Lot					
Rowhouse <u>Townhouse</u> Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
Corner Lot					
Rowhouse <u>Townhouse</u> Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	50 feet	50 feet	20 feet		
Other Residential Lot	50 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet

Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards					
(See EC 9.3823 Special Standards for Table 9.3822.)					
	LDR	MDR	RMU	CMU	MSC
Curved Lot					
Rowhouse <u>Townhouse</u> Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet	30 feet	20 feet		
Other Residential Lot	30 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
Cul-de-sac Bulb (6)(7)					
Rowhouse <u>Townhouse</u> Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet, Duplex Only		20 feet		
Other Residential Lot	30 feet		20 feet	20 feet	20 feet

Section 41. Section 9.3823 of the Eugene Code, 1971, is amended to provide as follows:

9.3823 Special Standards for Table 9.3822.

(1) An adjustment may be made to the development standards of Table 9.3822 and this section in accordance with EC 9.8030(17).

(2) ~~Rowhouse~~ Townhouse lots shall be indicated on the final plat and shall be developed with a ~~rowhouse~~ townhouse. ~~Rowhouses~~ Townhouses are not required to comply with the density requirements for other types of residential development.

- (3) Duplex lots shall be indicated on the final plat and shall be developed as a duplex.
- (4) Tri-plex lots shall be indicated on the final plat and shall be developed as a triplex.
- (5) Four-plex lots shall be indicated on the final plat and shall be developed as a four-plex.
- (6) Cul-de-sacs will only be permitted as provided in EC 9.6815 and EC 9.6820.
- (7) Cul-de-sacs are not permitted in areas designated for Medium-Density residential use.
- ~~(8) Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777– Duplex Division Lot Standards.)~~

Section 42. The “Residential” “Dwellings” section in Table 9.3910 of Section 9.3910 of the Eugene Code, 1971, is amended to provide as follows:

9.3910 S-W Whiteaker Special Area Zone – Land Use and Permit Requirements.

The following Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements identifies those uses in the S-W zone that are:

(P) Permitted, subject to zone verification.

(SR) Permitted, subject to an approved site review plan or an approved final planned unit development.

(C) Subject to conditional use permit or an approved final planned unit development.

(PUD) Permitted, subject to an approved final planned unit development.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

(#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.3911.

Examples of uses in Table 9.3910 are for informational purposes and not exclusive. Table 9.3910 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
* * *	

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
Residential	
Dwellings	
One-Family <u>Single-Unit</u> Dwelling	P(2)
Accessory Dwelling (1 Per Detached One-Family <u>Single-Unit</u> Dwelling on Same Lot)	P
<u>Townhouse</u> (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)(See <u>EC 9.5550</u>)	P <u>S</u> (2)
Duplex (Two-Family Attached on Same Lot)	P <u>S</u> (2)
Tri-plex (Three-Family Attached on Same Lot)(See <u>EC 9.5550</u>)	P <u>S</u> (2)
<u>Fourplex</u> (See <u>EC 9.5550</u>)	<u>S</u> (2)
<u>Cottage Cluster</u> (See <u>EC 9.5550</u>)	<u>S</u> (2)
Multiple Family-Unit Dwellings (3 or More Dwellings on Same Lot)-(See EC 9.5500)	P <u>S</u> (2)
* * *	

Section 43. Subsection (8) of Section 9.3915 of the Eugene Code, 1971, is amended to provide as follows:

9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards.

Except as provided in subsections (5) to (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:

* * *

(8)

(a) *Lot Area.* Except as provided in subsection (b). ~~E~~each lot or development site shall have a minimum area of 4,500 square feet. However, lot area, frontage, and width minimums may be adjusted by the planning director if consistent with the purpose and intent of this land use code and necessary and suitable within the zone.

(b) Lot Area for Middle Housing. Notwithstanding subsection (a), lots created or adjusted for the purpose of middle housing development shall comply with the lot standards at EC 9.2760 for the R-4 zone.

* * *

Section 44. The heading titled “Special Development Standards for Certain Uses” and Section 9.5550 of the Eugene Code, 1971, are added to provide as follows. Figure 9.5550(4)(a)2., Figure 9.5550(4)(b)2-3., Figure 9.5550(4)(b)4., Figure 9.5550(4)(b)5.c.(2), Figure 9.5550(4)(c)1.b.(1), Figure 9.5550(4)(c)1.b.(2), Figure 9.5550(4)(c)1.b.(3), Figure 9.5550(4)(c)1.c., Figure 9.5550(4)(c)2., Figure 9.5550(5)(b), Figure 9.5550(5)(c)2., Figure 9.5550(5)(c)3.b., Figure 9.5550(5)(c)3.c., Figure 9.5550(6)(b)-(c), and Figure 9.5550(6)(f) attached to this Ordinance at Exhibit A are added.

Special Development Standards for Certain Uses

9.5550 Middle Housing Development Standards.

(1) Purpose of Middle Housing Development Standards. The purpose of these development standards is to:

- (a) Ensure that new middle housing development enhances the variety of housing options available to Eugene’s residents;
- (b) Ensure consistency with state requirements for middle housing;
- (c) Promote development of middle housing that provides opportunities for both rental and ownership housing;
- (d) Provide an adequate supply and range of housing types and prices that will meet the city’s future population growth;
- (e) Promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape; and
- (f) Provide a physical environment that contributes to and enhances the quality of life.

(2) Applicability of Middle Housing Development Standards.

(a) Except as provided in subsection (b), Middle Housing Development Standards in this section 9.5550 apply to:

- 1. The development of all new middle housing, excluding duplexes; and

2. The development of middle housing, excluding duplexes, on a site with an existing dwelling or dwellings; and

3. The development of middle housing, excluding duplexes, created by adding building area to an existing dwelling or dwellings.

(b) Except as provided at EC 9.5550(6)(g), the Middle Housing Development Standards do not apply to existing dwellings, buildings, and structures that are not being altered as part of the middle housing development.

(c) The Middle Housing Development Standards do not apply to middle housing conversion.

(d) The Middle Housing Development Standards shall apply in all zones.

(e) The Middle Housing Development Standards do not apply to dwellings in a building with non-residential use on the ground floor.

(f) The Middle Housing standards apply in addition to the development standards for the applicable base zone. In the event of a conflict between the Middle Housing Development Standards and other applicable development standards in this code, the Middle Housing Development Standards control.

(3) *Adjustment.* Except as provided otherwise in this section, the Middle Housing Development Standards in EC 9.5550 may be adjusted consistent with the criteria in EC 9.8030(37).

(4) *Standards for Triplexes and Fourplexes.* Triplexes and fourplexes shall comply with all of the following:

(a) *Garages and Off-Street Parking Areas.* Garages and off-street parking areas shall not be located between a building and a public street, except in compliance with the standards in subsections 1 or 2 below.

1. The garage or off-street parking area is separated from the front lot line by a dwelling or a lot/parcel; or

2. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (**see Figure 9.5550(4)(a)2. Triplex/Fourplex Width of Garages and Parking Areas**).

(b) *Driveways.*

1. In lieu of the access connection standards in EC 7.410, triplexes and fourplexes shall comply with subparagraphs 2-5 of this subsection. Triplexes and fourplexes shall comply with the access connection standards in EC 7.420 through 7.445.

2. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (**see Figure 9.5550(4)(b)2-3. Triplex/Fourplex Driveway Approach Width and Separation on Local Street**). For lots or parcels with more than one frontage, see subsection 5.

3. Driveway approaches may be separated when located on a local street if they comply with the access connection spacing standards in EC 7.420 (see Figure 9.5550(4)(b)2-3. Triplex/Fourplex Driveway Approach Width and Separation on Local Street).

4. For lots or parcels abutting an alley that meets the paving width standards of EC 9.6870, access must be taken from the alley (see Figure 9.5550(4)(b)4. Triplex/Fourplex Alley Access).

5. Lots or parcels with more than one frontage must comply with the following:

a. Lots or parcels with frontages on major collectors and/or arterial streets must meet the access connection standards applicable to major collectors and/or arterials located in EC 7.420(2).

b. A lot or parcel with frontage on two or more streets of different street classifications shall comply with EC 7.420(1)(c).

c. Lots or parcels with frontages only on local streets may have either:

(1) Two driveway approaches not exceeding 32 feet in total width on one frontage; or

(2) One maximum 16-foot-wide driveway approach per frontage (see Figure 9.5550(4)(b)5.c.2 Triplex/Fourplex Driveway Approach Options for Multiple Local Street Frontages).

(c) Entry Orientation and Windows.

1. Entry Orientation.

a. At least one main entrance for each triplex or fourplex structure must meet the standards in subparagraphs b. or c. below. Any detached structure where more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

b. The main entrance must either:

(1) Face the street (see Figure 9.5550(4)(c)1.b.(1) Middle Housing Main Entrance Facing the Street);

(2) Be located at an angle of up to 45 degrees from the street (see Figure 9.5550(4)(c)1.b.(2) Middle Housing Main Entrance at 45° Angle from the Street); or

(3) Open onto a porch with one entrance facing the street (see Figure 9.5550(4)(c)1.b.(3) Middle Housing Main Entrance Opening onto a Porch).

c. In lieu of meeting the standards in subparagraph b. above, main entrances for triplexes and fourplexes may instead face a common open space that is adjacent to

the street and is abutted by dwellings on at least two sides (see Figure 9.5550(4)(c)1.c. Middle Housing Main Entrance Facing Common Open Space).

d. *Criteria for Adjustment.* Adjustments to the standards in EC 9.5550(4)(c)1. may be made, consistent with the criteria in EC 9.8030(37)(a) Entry Orientation.

2. *Windows.* All street-facing facades, except those separated from the front lot line by a dwelling, shall have windows or entrance doors covering at least 15 percent of the applicable facade area. Half of the window area in a door of an attached garage may count toward meeting this standard. This standard may not be adjusted. (See Figure 9.5550(4)(c)2. Middle Housing Window Coverage.)

(d) *Criteria for Adjustment.* Except as provided in subparagraph (c), adjustments to the standards in this subsection (4) may be made, consistent with the criteria of EC 9.8030(37)(b) Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes.

(5) *Standards for Townhouses.* Townhouses shall comply with all of the following:

(a) *Number of Attached Dwelling Units.* These standards may not be adjusted.

1. *Minimum.* A townhouse project must contain at least two attached units.

2. *Maximum.* In the R-1 zone, the maximum number of townhouse units that may be attached is 10. In all other zones, there is no maximum number of townhouses that may be attached.

(b) *Unit Features.* Each townhouse unit must include a minimum of one of the features in subsections 1 through 7 below on a minimum of one street-facing façade (see Figure 9.5550(5)(b). Townhouse Unit Features):

1. A roof dormer a minimum of 4 feet in width, or

2. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or

3. A bay window that extends from the facade a minimum of 2 feet, or

4. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

5. An entryway that is recessed a minimum of 3 feet, or

6. A covered entryway with a minimum depth of 4 feet, or

7. A porch meeting the standards of subsection 9.5550(5)(d)1.b.3.

(c) *Driveway Access and Parking.* Townhouses on lots with public street frontage shall meet the following standards:

1. EC 7.420 and 7.445 and subparagraphs 2-4 of this subsection.

2. Garages on the front façade of a townhouse, off-street parking areas within the front yard setback, and driveways in front of a townhouse are allowed only if they meet the following standards in this subsection 2 (see **Figure 9.5550(5)(c)2. Townhouses with Parking in Front Yard**).

a. Each townhouse lot has a street frontage of at least 15 feet on a local street.

b. A maximum of 1 driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.

c. Outdoor on-site parking and maneuvering areas do not exceed a total width of 12 feet on any lot.

d. The garage width does not exceed 12 feet.

3. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection 2 of this section.

a. Off-street parking areas shall be accessed on the back façade of the townhouse or located in the rear yard of the townhouse. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

b. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. (**See Figure 9.5550(5)(c)3.b. Townhouses on Corner Lot with Shared Access.**)

c. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area between the front building façade and front lot line of any of the townhouses. (**See Figure 9.5550(5)(c)3.c. Townhouses with Consolidated Access.**)

d. Townhouse projects shall include access easements recorded with Lane County Deeds and Records for vehicular access and emergency access for any consolidated access or shared driveways.

4. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsections 2 and 3 of this section.

5. *Criteria for Adjustment.* Except for those standards that cannot be adjusted, adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(d) Townhouse Driveway Access and Parking.

(d) *Entry Orientation and Windows.*

1. *Entry Orientation.*

a. The main entrance of each townhouse dwelling with frontage on a public street must meet the standards in subparagraphs b and c below.

b. The main entrance must either:

(1) Face the street (see Figure 9.5550(4)(c)1.b.(1) Middle Housing Main Entrance Facing the Street);

(2) Be located at an angle of up to 45 degrees from the street (see Figure 9.5550(4)(c)1.b.(2) Middle Housing Main Entrance at 45° Angle from the Street); or

(3) Open onto a porch with one entrance facing the street (see Figure 9.5550(4)(c)1.b.(3) Middle Housing Main Entrance Opening onto a Porch).

c. In lieu of meeting a or b. above, main entrances for townhouses may instead face a common open space, private street, or driveway.

d. *Criteria for Adjustment.* Except for those standards that cannot be adjusted, adjustments to the standards in EC 9.5550(5)(d)1. may be made, consistent with the criteria in EC 9.8030(37)(a) Entry Orientation.

2. *Windows.* All street-facing facades on each individual townhouse unit shall have windows or entrance doors covering at least 15 percent of the area of all facades. Half of the window area in a door of an attached garage may count toward meeting this standard. This standard may not be adjusted. (See Figure 9.5550(4)(c)2. Middle Housing Window Coverage.)

(6) *Standards for Cottage Clusters.* Cottage cluster development shall comply with all of the following:

(a) *General Standards.*

1. *Number of Dwellings.*

a. A single cottage cluster shall contain a minimum of 4 and a maximum of 8 cottages. The minimum number of cottages required by this subparagraph (a) may not be adjusted.

b. All cottages within a single cottage cluster must share a common courtyard. This standard may not be adjusted.

c. A cottage cluster project may include more than one cluster with more than one associated common courtyard. There is no limit to how many cottage clusters are permitted on a single lot.

2. *Setbacks.*

a. *Building Separation.* Cottages shall be separated by a minimum distance of 6 feet between walls. This standard may not be adjusted. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

b. All other setbacks are provided in Table 9.2750 or in the development standards for the applicable zone.

3. *Building Height.* The maximum building height for all structures in a cottage cluster is 25 feet. This standard may not be adjusted.

4. *Footprint.* The building footprint for each cottage shall be less than 900 square feet. This standard may not be adjusted. The building footprint shall be measured by calculating the total square foot area of a building, when viewed directly from above, that covers a portion of a lot, except that the following structures or parts of structures shall themselves not be included in calculating building footprint:

a. Any part of a structure without a roof.

b. Roof eaves.

c. Carports, porches, and balconies that are open at least 50 percent of their respective perimeter.

d. Detached garages or accessory buildings.

5. *Maximum Dwelling Size.* The maximum average dwelling size permitted for a cottage cluster is 1,400 square feet. Community buildings shall be included in the maximum average size calculation for a cottage cluster. For the purposes of this subparagraph, "Average size" means the average square footage of all dwelling units and any community building in the cottage cluster as calculated using the formula at EC 9.2741(4)(c).

6. *Accessory Buildings.* Accessory buildings must not exceed 400 square feet in floor area. Accessory buildings in the R-1 zone must also comply with the standards in EC 9.2751(16). Accessory building size is the total square foot area of an accessory building, which is calculated by adding together the square foot area of each full story or level in an accessory building, measuring square foot area from the exterior perimeter walls of the accessory building. Eaves, decks, porches, exterior stairways and carports are not included in the accessory building size.

7. *Windows.* All street-facing facades of dwellings within 20 feet of a property line abutting a street shall have windows or entrance doors covering at least 15 percent of the area of the facades. Half of the window area in a door of an attached garage may count toward meeting this standard. This standard may not be adjusted. **(See Figure 9.5550(4)(c)2. Middle Housing Window Coverage.)**

8. *Criteria for Adjustment.* Except for those standards that cannot be adjusted, adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(e) General Standards for Cottage Clusters.

(b) *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards **(see Figure 9.5550(6)(b)-(c). Cottage Cluster Orientation and Common Courtyard Standards)**:

1. Each cottage within a cluster must either abut the common courtyard or must be connected to it by a pedestrian path. This standard may not be adjusted.

2. A minimum of 50 percent of cottages within a cluster must:

- a. Have a main entrance facing the common courtyard;
 - b. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
3. As long as the standard in subsection 2 is met, the main entrances of cottages within 20 feet of a property line abutting a street may face the street.
 4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is connected to the common courtyard.
 5. Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(f) Cottage Cluster Orientation Standards.

(c) Common Courtyard Design Standards. Each cottage cluster must include a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 9.5550(6)(b)-(c). Cottage Cluster Orientation and Common Courtyard Standards):

1. The common courtyard must be a single, contiguous piece.
2. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
3. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
4. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
5. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard may count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
6. Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(g) Common Courtyard Design Standards.

(d) Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses, such as community rooms, guest housing, exercise rooms, day care, community eating areas, or picnic shelters. Community buildings must meet the following standards:

1. Each cottage cluster is permitted one community building.

2. The community building shall have a maximum floor area of 1,200 sf. In addition, the community building shall count towards the maximum average dwelling size calculation of the cottage cluster, pursuant to subsection 9.5550(6)(a)5.

3. If a community building meets the definition of a dwelling unit, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(h) Community Building Standards.

(e) *Pedestrian Access.* These standards may not be adjusted.

1. A pedestrian path must be provided that connects the main entrance of each cottage to the following:

- a. The common courtyard;
- b. Shared parking areas;
- c. Community buildings;
- d. Sidewalks; and
- e. Public rights-of-way abutting the site.

2. The pedestrian path must be hard-surfaced (concrete, asphalt, or pavers) and a minimum of 3 feet wide.

(f) *Parking Design (see Figure 9.5550(6)(f). Cottage Cluster Parking Design Standards).*

1. *Clustered parking.* Off-street parking may be arranged in parking clusters, subject to the following standards:

- a. Cottage cluster projects are permitted parking clusters of not more than 10 contiguous spaces.
- b. Parking clusters must be separated from other parking spaces or parking clusters by at least 4 feet of landscaping.
- c. Clustered parking areas may be covered.
- d. Clustered parking areas must meet the standards in EC 9.6420; however, where the standards in EC 9.6420 conflict with the clustered parking standards in this subsection 1, the clustered parking standards in this subsection 1 control.

2. *Parking location and access.*

- a. Off-street parking areas with 5 or more spaces shall not be located within 10 feet from any property line that abuts a street;

b. No off-street parking space or vehicle maneuvering area is permitted between a property line that abuts a street and the front façade of cottages located closest to that property line.

c. No off-street parking space is permitted within 10 feet of any property line external to the cottage cluster or cottage cluster project, except property lines abutting an alley. Driveways and drive aisles are permitted within 10 feet of property lines external to the cottage cluster or cottage cluster project.

d. Driveways must meet the access connection standards in EC 7.410 and 7.420.

3. *Screening.* Screening that is at least three feet tall, consisting of landscaping, fencing, or walls shall separate clustered parking areas and parking structures from common courtyards and public streets.

4. *Garages and carports.*

a. Garages and carports (whether shared or individual) must not abut more than 25 percent of a common courtyard's perimeter.

b. Individual detached garages must not exceed 400 square feet in floor area.

c. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

5. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(i) Cottage Cluster Parking Design Standards.

(g) *Existing Structures.* An existing single-unit dwelling and accessory uses and buildings on a lot or parcel to be used for a cottage cluster project may remain within the cottage cluster project area provided they comply with the standards in subsections 1 – 4 below. These standards may not be adjusted.

1. The existing dwelling may be nonconforming with respect to the requirements of this section EC 9.5550(6).

2. The existing dwelling may be altered or expanded up to a maximum height of 25 feet or a maximum building footprint of 900 square feet. Existing dwellings that exceed the maximum height and/or footprint standards may not be expanded.

3. The existing dwelling shall be excluded from the calculation of maximum average dwelling size of a cottage cluster, per 9.5550(6)(a)5.

4. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 9.5550(6)(b)2.

(7) *Sufficient Infrastructure.*

(a) Development of new triplexes, fourplexes, cottage clusters and townhouses, and those created through conversion of existing detached single-unit dwellings or duplexes, is allowed on lots or parcels with sufficient infrastructure.

(b) Applicants must demonstrate that sufficient infrastructure is provided, or will be provided, upon submittal of a triplex, fourplex, townhouse, or cottage cluster development application.

(c) For purposes of this subsection (7): “Sufficient Infrastructure” means the following level of public services to serve triplexes, fourplexes, townhouses or cottage cluster development:

1. Connection to a public sewer system capable of meeting established service levels;
2. Connection to a public water system capable of meeting established service levels;
3. Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system; and
4. Storm drainage facilities capable of meeting established service levels for storm drainage.

Section 45. The “Residential” section in Table 9.6105(5) of subsection (5) of Section 9.6105 of the Eugene Code, 1971, is amended to provide as follows:

9.6105 Bicycle Parking Standards.

* * *

(5) *Minimum Required Bicycle Parking Spaces.* The minimum required number of bicycle parking spaces shall be calculated according to Table 9.6105(5) Minimum Required Bicycle Parking Spaces.

Table 9.6105(5) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless – 0 – is indicated.)	Type and % of Bicycle Parking
* * *		
Residential		
One-Family Single-Unit Dwelling	– 0 –	NA
Accessory Dwelling (Either attached or detached from primary one-family dwelling on same lot)	– 0 –	NA

Table 9.6105(5) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless – 0 – is indicated.)	Type and % of Bicycle Parking
Middle Housing Rowhouse (One-Family on own lot attached to adjacent residence on separate lot with garage or carport access to the rear of the lot)	– 0 –	NA
Duplex (Two Family attached on same lot)	– 0 –	NA
Triplex (Three Family attached on same lot)	1 per dwelling.	100 % long-term
Four Plexes (Four Family attached on same lot)	1 per dwelling.	100 % long-term
Multiple Family <u>Unit Dwelling</u> (3 <u>5</u> or more dwellings on same lot)	1 per dwelling.	100% long term
Manufactured Home Park	– 0 –	NA
Controlled Income and Rent Housing where density is above that usually permitted in the zoning yet not to exceed 150%	1 per dwelling.	100% long term
* * *		

Section 46. Subsection (4)(a) of Section 9.6650 of the Eugene Code, 1971, is amended to provide as follows:

9.6650 Residential Sign Standards.

(4) *Maximum Sign Area.* The residential sign standards apply the following size limitations:

(a) *Freestanding Signs.*

1. Located on property used for residences other than ~~one—or two-family~~ single-unit dwellings or duplexes shall be no more than 12 square feet for 1 face and 24 square feet for 2 or more faces.

2. Located on non-residentially used property or classified as a permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.

3. Classified as temporary subdivision or planned unit development sales signs shall be no more than 64 square feet in area for 1 or more faces.

Section 47. Subsection (2) of Section 9.6703 of the Eugene Code, 1971, is amended to provide as follows:

9.6703 Driveways and Internal Circulation.

* * *

(2) If ~~eight~~ five or more ~~single-family detached or duplex dwellings-lots~~ will share one access connection, the driveway shall be designed and constructed as a private street in accordance with EC 9.6875.

Section 48. The introductory paragraph of subsection (2)(c) of Section 9.6730 of the Eugene Code, 1971, is amended to provide as follows:

9.6730 Pedestrian Circulation On-Site.

* * *

(2) *Applicability of Standards.* As more specifically provided in this section, the standards in this section apply to any development that creates a new building entrance, but not to a building alteration or change in use.

* * *

(c) In all zones, on-site pedestrian paths shall be constructed within new multiple-~~family~~unit residential developments with ~~3~~5 or more units to insure that access is provided:

* * *

Section 49. The introductory paragraph of Section 9.6740 of the Eugene Code, 1971, is amended to provide as follows:

9.6740 Recycling and Garbage Screening.

Except for ~~one and two family dwellings~~ single-unit dwellings, accessory dwelling units and middle housing, outdoor storage areas and refuse collection areas within or adjacent to vehicular

use areas shall be screened on all sides so that materials stored within these areas are obscured from streets, accessways, or adjacent properties.

* * *

Section 50. Subsection (7)(a)1. of Section 9.6745 of the Eugene Code, 1971, is amended to provide as follows:

9.6745 Setbacks – Intrusions Permitted.

* * *

(7) Parking Spaces in Required Setbacks.

(a) Except as provided in EC 9.2751(15) Driveways and Parking Areas in R-3 and R-4, in areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:

1. Parking spaces in required front yard setbacks are permitted in conjunction with a ~~one-family~~single-unit-detached dwelling, accessory dwelling, or duplex, provided the parking spaces are located on driveways.

* * *

Section 51. Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

9.6775 Underground Utilities.

(1) *Exemptions from Underground Utility Standards.* The following are exempt from the undergrounding requirement of this section:

- (a) Temporary uses on a development site.
- (b) New utility connections to structures or buildings with legally established above ground utility service.
- (c) Accessory dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.
- (d) Dwellings on ~~alley access~~-lots that can be served from an existing above ground utility-owned structure without required addition of above ground utility owned structures.

(2) *Underground Utility Standards.* All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to

occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

Section 52. Subsections (2)(e)5. and (2)(e)6., and (3)(b)1. of Section 9.6792 of the Eugene Code, 1971, are amended to provide as follows:

9.6792 Stormwater Quality.

* * *

(2) Applicability and Exemptions.

* * *

(e) The standards in EC 9.6792(3)(d)-(g) do not apply to development permit applications:

* * *

5. For the construction of a ~~one or two family~~ single-unit dwelling or duplex on a lot or parcel that was created by a land division application submitted and approved by the City prior to March 1, 2014, that is consistent with the approved land use application and the City's stormwater quality (pollution reduction) standards in place at the time of the land division application; or

6. For the construction of a ~~one or two family~~ single-unit dwelling or duplex on a lot or parcel that was created by a land division application that included the construction of a public or private street or shared driveway submitted and approved by the City after March 1, 2014, if the lot or parcel adjoins the public or private street or shared driveway and the facility within the public or private street or shared driveway is an infiltration or filtration facility designed and sized to accommodate stormwater runoff from the adjoining lots or parcels at full buildout of the lots or parcels.

* * *

(3) Standards.

* * *

(b) For land use applications proposing the construction of a public street, stormwater quality facilities to treat the stormwater runoff from the proposed public street shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, mechanical treatment.

1. If selecting an infiltration or filtration facility to treat the stormwater runoff from the public street, the facility can be sized to also treat the stormwater runoff from the ~~one and two family~~ single-unit dwelling and duplex lots or parcels adjoining the public street based on full buildout of those lots or parcels.

* * *

Section 53. Subsection (2)(c)2. of Section 9.6793 of the Eugene Code, 1971, is amended to provide as follows:

9.6793 Stormwater – Flow Control (Headwaters).

* * *

(2) *Applicability and Exemptions.*

* * *

(c) The standards in EC 9.6793(3) do not apply to:

* * *

2. A development permit application for any of the following:

a. Development of a lot or parcel included in a land use application that was determined by the city to comply with the standards in EC 9.6793(3). For such a development permit, the approved land use plan shall control.

b. Development of a lot or parcel that was not included in a land use application that was determined by the city to comply with the standards in EC 9.6793(3) and:

(1) Will result in less than 1,000 square feet of new or replaced impervious surface within a 12 month period; or

(2) Is to construct or alter a ~~one or two family~~ single-unit dwelling or duplex; or

(3) Is for the replacement of more than 1,000 square feet of impervious surface for purposes of maintenance or repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site.

Section 54. Subsections (2)(c) and (2)(f)(3) of Section 9.6795 of the Eugene Code, 1971, are amended to provide as follows:

9.6795 Stormwater – Source Controls.

* * *

(2) *Applicability and Exemptions.* Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards set forth in EC 9.6795(3), apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in EC 9.6795(2)(a) – (h).

* * *

(c) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for ~~one and two family~~ single-unit dwellings and duplexes and areas used for the temporary storage of wood pallets or cardboard.

* * *

(f) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:

1. Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for example cranes and sail boats.
2. Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.
3. ~~One and two family~~ Single-unit dwelling and duplex sites.

Development that is intended for the storage of 10 or more fleet vehicles shall include a designated vehicle washing area.

Section 55. Subsection (1)(a) and (1)(b) of Section 9.6885 of the Eugene Code, 1971, is amended to provide as follows:

9.6885 Tree Preservation and Removal Standards.

(1) *Exemptions from Standards.* The standards in this section do not apply to activities regulated under EC 9.4900 through 9.4980, or an application for development activity that includes or will result in:

(a) *Residential Lots Under 20,000 Square Feet.* Removal of significant trees from a parcel of property not subject to the provisions of subsection (c) of this section with an area of less than 20,000 square feet when:

1. Such parcel is occupied by a ~~one-family~~ single-unit dwelling, accessory dwelling, or ~~duplex~~ middle housing;

2. An application to construct a ~~one-family~~single-unit dwelling, accessory dwelling, or ~~duplex~~middle housing on such lot is being reviewed by the city. However, no significant trees may be removed prior to the approval of the development permit; or
 3. The city has entered into an agreement authorizing the start of construction for a ~~one-family~~single-unit dwelling, accessory dwelling, or ~~duplex~~middle housing.
- (b) *Lots 20,000 Square Feet or Larger.* Removal of up to 5 significant trees within a period of 12 consecutive months from a parcel of property not subject to the provisions of subsection (c) of this section consisting of 20,000 or more square feet of area;

* * *

Section 56. Section 9.7000 of the Eugene Code, 1971, is amended to provide as follows:

9.7000 Introduction.

Review of an application to annex property, divide land, develop or use property, or amend this land use code, the comprehensive plan, or a refinement plan, shall be processed as provided in sections 9.7000 through ~~9.7835~~9.7925.

Section 57. Section 9.7015 of the Eugene Code, 1971, is amended to provide as follows:

9.7015 Application Completeness Review.

Except as provided in EC 9.7905, tThe city shall review an application, other than an an application for a final plat for a middle housing land division, partition, or subdivision ~~final plat~~, and, within 30 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:

- (1) Upon receipt of all of the missing information requested by the city; or
- (2) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or
- (3) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided.

On the 181st day after being first submitted, the application will be void if the applicant has been notified of the missing information and has not complied with (1), (2), or (3) of this section.

Section 58. Section 9.7020 of the Eugene Code, 1971, is amended to provide as follows:

9.7020 Extension of Time Limit Restrictions.

(1) Except as provided in subsection (2) of this section, uUpon the written request of the applicant submitted to the planning director, any applicable time limits may be extended for a specified period of time, but in no case may the total of all extensions exceed 245 days.

(2) Prior to expiration of the time period identified in EC 9.7915, the city council may, at a regularly scheduled meeting, extend the time period for the planning director's decision on an Expedited Land Division application or Middle Housing Land Division application to a date certain

that is no more than 120 days from the date the application was deemed complete pursuant to EC 9.7905. The city council's decision to extend the time period in EC 9.7915 must be based on a finding that an unexpected or extraordinary increase in applications makes a decision within the time period identified in EC 9.7915 impracticable. The city shall mail notice of the meeting at which the city council will consider extending the time for the planning director's decision on an Expedited Land Division application or Middle Housing Land Division application to the applicant at least ten days in advance of the meeting. The city council's decision under this subsection (2) is not a land use decision or a limited land use decision.

Section 59. Subsection (1) of Section 9.7025 of the Eugene Code, 1971, is amended to provide as follows:

9.7025 Performance Agreements.

(1) *Applicability.* The city shall require execution of a performance agreement by the applicant for all of the following types of applications:

- (a) Conditional use permit and any modifications.
- (b) Design review.
- (c) Historic property alteration and any modifications.
- (d) Middle Housing Land Divisions described in EC 9.8192(3).
- (e) Planned unit development, final plan and any modifications.
- (f) Site review and any modifications.
- (g) Subdivisions final plat and any modifications.
- (h) Standards review and any modifications.

Section 60. Section 9.7030 of the Eugene Code, 1971, is amended to provide as follows:

9.7030 Recordation of Certain City Decisions.

After a decision becomes final at the local level, the city shall record at Lane County Deeds and Records a notice of a decision concerning property that is the subject of the following types of applications:

- (1) Conditional use permit and any modifications.
- (2) Design Review.
- (3) Historic landmark, designation.

(4) Historic property, alteration.

(5) [Middle Housing Land Division.](#)

(65) Planned unit development, final plan and any modifications.

(76) Property line adjustment.

(87) Site review and any modifications.

(98) Variances.

(109) Willamette River Greenway Permit and any modifications.

(110) Zone change.

(124) Vacations.

Section 61. Section 9.7055 of the Eugene Code, 1971, is amended to provide as follows:

9.7055 Applications and Review Authorities.

Table 9.7055 Applications and Review Authorities, lists applications and the typical review authorities for the decision and the appeal of the decision. To accommodate a request for concurrent review, the city may instead review multiple applications according to the highest applicable type:

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Adjustment Review						
– Minor	II	D	A			
– Major	II	D			A	
Annexations (See EC 9.7800)						D
Cluster Subdivision	II	D	A			
Code Amendment	V				R	D

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Conditional Use Permit	III		D		A	
Conditional Use Permit, Modification	II	D	A			
Design Review	II	D	A			
Design Review, Modification	II	D	A			
Envision Eugene Comprehensive Plan Amendment	IV or V				R	D
Expedited Land Division	N/A (See 9.7900)	D	A			
Extra-Territorial Extension of Water or Sewer Service						D
Hazardous Materials Review	II	D	A			
Historic Landmark (Local):						
– Designation	III			D	A	
– Removal of Designation	I	D				
Historic Property:						
– Alteration	II	D		A		
– Demolition	II	D		A		
– Moving	II	D		A		

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Metro Plan Amendment	N/A (See EC 9.7700)				R	D
Middle Housing Land Division						
- Tentative Plan	N/A (See 9.7900)	D	A			
- Final Plat	I	D				
Partition:						
– Tentative Plan	II	D	A			
– Final Plat	I	D				
Planned Unit Development:						
– PUD Tentative Plan	III		D		A	
– PUD Final Plan	II	D	A			
– PUD Modification	II	D	A			
Property Line Adjustment	I	D				
Refinement Plan Amendment	IV or V				R	D
Site Review	II	D	A			
Site Review, Modification	II	D	A			
Standards Review	II	D	A			
Street Name Change	IV				R	D
Subdivision:						

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
– Tentative Plan	II	D	A			
– Final Plat	I	D				
Temporary Manufactured Dwelling Hardship Permit	I	D				
Temporary Manufactured Dwelling Hardship Permit, Renewal	I	D				
Traffic Impact Analysis Review	II	D	A			
Vacations:						
– Unimproved Easement	I	D				
– Undeveloped Plat						D
– Unimproved Public Right – of-way, Improved Public Easements	II	D	A			
– Vacation and Re-dedication of Unimproved Public Right-of-way	II	D	A			
– Vacation of Improved Public Right-of-way, and vacation of any						D

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
public way acquired with public funds						
Variance	II	D	A			
/WQ Water Quality Overlay Zone – Map or Zone Error (See EC 9.4786	II	D	A			
/WR Water Resources Conservation Overlay Zone – Map or Zone Error (See EC 9.4960)	I or II	D	A			
Willamette River Greenway Permit	III		D		A	
Willamette River Greenway Permit, Modification	II	D	A			
Zone Change	III		D		A	
Zone Change, concurrent with a refinement plan, land use code, Envision Eugene Comprehensive Plan or Metro Plan amendment shall follow applicable procedure for each type of amendment.						

Section 62. Table 9.7230 of Section 9.7230 of the Eugene Code, 1971, is amended and subsection (10) is added to provide as follows:

9.7230 Expiration.

(1) The planning director's approval of an application shall expire in 12 months, 18 months, or 36 months from the effective date of approval, depending upon the type of land use application as specified in Table 9.7230 Expiration of Type II Application Approvals, or as provided in subsections (2) through (9) of this section. If an application approval has expired according to any of the conditions stated in subsections (2) through (9), the original application approval is revoked and a new application must be filed.

Table 9.7230 Expiration of Type II Application Approvals			
Application	12 months	18 months	36 months
Adjustment Review		X	
Conditional Use Permit, Modification		X	
Design Review			X
Design Review, Modification			X
Historic Property, Alteration		X	
Middle Housing Land Division, Tentative Plan			X
Partition:			
– Tentative Plan		X	
Planned Unit Development, Final			X
Planned Unit Development, Modification			X
Site Review		X	
Site Review, Modification		X	
Standards Review		X	
Standards Review, Modification		X	
Subdivision:			
– Tentative Plan			X
Traffic Impact Analysis Review		X	
Variance		X	

* * *

(10) Approval of a Middle Housing Land Division tentative plan shall be effective for 36 months after the effective date of approval. Within that time, any conditions of approval shall be fulfilled and the final plat, as approved by the city, shall be recorded by the applicant at Lane County Deeds and Records.

Section 63. Section 9.7600 of the Eugene Code, 1971, is amended to provide as follows:

9.7600 General Overview of Appeal Procedures.

These appeal procedures in EC 9.7605 through EC 9.7635 apply to appeals of interpretations of this land use code made according to EC 9.0040(1) and to appeals to all Type II land use applications. The appeal procedures in EC 9.7640 through EC 9.7644 apply to appeals of decisions made pursuant to EC 9.7915. The appeal of the planning director's decision provides for a review of an administrative decision by a higher review authority specified in this land use code. The planning director's decision may be affirmed, reversed, or modified.

Section 64. Section 9.7640 of the Eugene Code, 1971, is added to provide as follows:

9.7640 Filing of Appeal of Planning Director's Decision on Expedited Land Division or Middle Housing Land Division Application.

(1) Within 14 days of the date of the mailing of notice of the planning director's decision on an Expedited Land Division application or a Middle Housing Land Division application, the decision may be appealed to the hearings official by:

(a) The applicant.

(b) Any group or individual who submitted written comments during the 14-day comment period identified in the notice mailed pursuant to EC 9.7910.

(2) The appeal shall be submitted on a form approved by the city manager, be accompanied by a deposit for costs established by the city manager pursuant to EC 2.020 City Manager – Authority to Set Fees and Charges and be received by the city no later than 5:00 p.m. on the 14th day after the notice of decision is mailed. The record from the planning director's proceeding shall be forwarded to the hearings official. New evidence shall be accepted.

(3) The appeal shall include a statement of issues on appeal. The appeal statement shall explain specifically how:

(a) The Planning Director's decision violates the substantive provisions of land use regulations applicable to the application;

(b) The Planning Director's decision is unconstitutional;

(c) The application is not eligible for review under the procedures at EC 9.7900 through 9.7925; or

(d) The parties' substantive rights have been substantially prejudiced by an error in procedure made by the city.

Section 65. Section 9.7641 of the Eugene Code, 1971, is added to provide as follows:

9.7641 Notice of Appeal Procedure.

(1) Within seven days of the date an appeal pursuant to EC 9.7640 is filed, city staff, on behalf of the hearings official, shall mail written notice of the appeal to all of the following:

(a) Applicant.

(b) Owner of the subject property.

(c) The Planning Director.

(d) Appellant.

(e) Any person or organization entitled to notice under EC 9.7910 that provided written comments prior to the close of the public comment period identified in the notice mailed pursuant to EC 9.7910.

(f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.

(2) The notice shall include all of the following:

(a) The street address or other easily understood geographical reference to the subject property.

(b) The applicable criteria for the decision, listed by commonly used citation.

(c) The nature of the application and the proposed use or uses which could be authorized.

(d) An explanation of the requirements for submission of testimony and appeal procedures.

(e) A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and that copies can be obtained at cost.

(f) The name and telephone number of a city contact person.

(g) A statement that a person or organization that provided written comments to the planning director prior to the close of the public comment period identified in EC 9.7910, but did not file an appeal within the time set by EC 9.7640, may participate in the appeal only with respect to the issues raised in the written comments submitted to the planning director by that person or organization.

Section 66. Section 9.7642 of the Eugene Code, 1971, is added to provide as follows:

9.7642 **Appeal Procedure.**

- (1) Only written evidence and argument will be accepted.
- (2) The hearings official may use any appeal procedure that is consistent with the interests of the parties and will ensure a fair opportunity to present information and argument.
- (3) The hearings official shall provide the city an opportunity to explain the planning director's decision, but the hearings official is not limited to reviewing the planning director's decision and may consider information not presented to the planning director.
- (4) A person or organization that provided written comments to the planning director prior to the close of the public comment period identified in EC 9.7910, but did not file an appeal within the time set by EC 9.7640, may participate in the appeal only with respect to the issues raised in the written comments submitted to the planning director by that person or organization.

Section 67. Section 9.7643 of the Eugene Code, 1971, is added to provide as follows:

9.7643 **Decision.**

- (1) The hearings official shall issue a written decision on an appeal of an Expedited Land Division application or a Middle Housing Land Division application within 42 days of the date the appeal is received by the city.
- (2) Except as provided in subsection (5) the hearings official shall affirm, reverse, or modify the decision of the planning director. Before reversing or modifying the planning director's decision, the hearings official shall make findings and conclusions clearly stating how the planning director failed to properly evaluate the application or make a decision consistent with applicable criteria. The hearings official shall seek to identify means by which the application can satisfy the applicable approval criteria.
- (3) The decision of the hearings official is final.
- (4) The hearings official's decision is not a land use decision or limited land use decision.
- (5) If the hearings official finds that the application does not qualify as an Expedited Land Division application or a Middle Housing Land Division application, the hearings official shall remand the application to the appropriate initial decisionmaker for consideration as a land use application or limited land use application.
- (6) The hearings official's decision may not reduce the density of an Expedited Land Division application.
- (7) The hearings official shall assess the costs of the appeal as follows:
 - (a) If the hearings official's decision materially improves the appellant's position in comparison to the planning director's decision, the hearings official shall order the city to refund the deposit for costs required by EC 9.7640(2) to the appellant.

(b) If the hearings official's decision does not materially improve the appellant's position in comparison to the planning director's decision, the hearings official shall order the appellant to pay to the city the costs of the appeal that exceed deposit required by EC 9.7640(2), up to a maximum of \$500.

(8) As used in subsection (7), "costs of the appeal" include the compensation paid the hearings official and other costs incurred by the city, but not the costs incurred by other parties.

Section 68. Section 9.7644 of the Eugene Code, 1971, is added to provide as follows:

9.7644 Notice of Decision.

(1) Within 5 days after the date of the hearings official's decision on the appeal of an Expedited Land Division application or a Middle Housing Land Division application, notice of the decision shall be mailed to all of the following:

(a) Applicant.

(b) Appellant.

(c) Any person who provided oral or written testimony in a timely manner during the appeal.

(d) Any person who requested notice of the appeal decision.

(2) The notice shall:

(a) Summarize the decision of the hearings official.

(b) Explain the appeal rights.

(3) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

Section 69. The following heading and Section 9.7900 of the Eugene Code, 1971, are added to provide as follows:

Expedited Land Division/Middle Housing Land Division Application Procedures

9.7900 General Overview of Expedited Land Division/Middle Housing Land Division Application Procedures.

The Expedited Land Division/Middle Housing Land Division review process provides for review by the planning director of an application based on provisions specified in this land use code. The application process includes notice to nearby occupants and property owners to allow for public comments prior to the planning director's decision.

Section 70. Section 9.7905 of the Eugene Code, 1971, is added to provide as follows:

9.7905 Expedited Land Division/Middle Housing Land Division Application Completeness.

(1) The city shall review an application for an Expedited Land Division or Middle Housing Land Division, and, within 21 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:

- (a) Upon receipt of all of the missing information requested by the city; or
- (b) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or
- (c) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided.

(2) If the application was complete when first submitted or the applicant submits the missing information identified by the city within 180 days of the date the application was first submitted, approval or denial of the application will be based on the standards and criteria that were applicable at the time the application was first submitted.

Section 71. Section 9.7910 of the Eugene Code, 1971, is added to provide as follows:

9.7910 Notice of Application.

(1) Within 10 days of the city's determination that an application is complete, but at least 20 days before the planning director makes a decision, written notice of the application shall be mailed to all of the following, using information from the most recent property tax assessment roll:

- (a) Applicant.
- (b) Owners and occupants of the subject property.
- (c) Owners and occupants of properties located within 100 feet of the perimeter of the subject property.
- (d) Neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.
- (e) Community organizations that have submitted written requests for notification.
- (f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.

(2) The notice shall include all of the following:

- (a) The street address or other easily understood geographical reference to the subject property.
 - (b) The applicable criteria for the decision, listed by commonly used citation.
 - (c) The place, date, and time that comments are due.
 - (d) A statement that copies of all evidence relied upon by the applicant are available for review and can be obtained at cost.
 - (e) A statement that issues that may provide the basis for an appeal to the hearings official must be raised in writing prior to the end of the comment period and with sufficient specificity to enable the hearings official to respond to the issue.
 - (f) The name and phone number of a city contact person.
 - (g) A brief summary of the local decision-making process for the decision being made.
- (3) The notice shall allow a 14-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the city within that 14-day period.
- (4) Responsibility and procedures for mailing and posting the notices described in this section may be established by administrative rule of the city manager adopted pursuant to section 2.019 of this code.

Section 72. Section 9.7915 of the Eugene Code, 1971, is added to provide as follows:

9.7915 **Decision.**

Within 58 days of the city's determination that an application is complete, the planning director shall approve, conditionally approve, or deny an Expedited Land Division or Middle Housing Land Division application. The decision shall: include a brief statement that explains the criteria and standards considered relevant to the decision; state the facts relied upon in rendering the decision; and explain the justification for the decision based upon the criteria, standards and facts set forth. The planning director's decision on an application for an Expedited Land Division or Middle Housing Land Division is not a land use decision or limited land use decision.

Section 73. Section 9.7920 of the Eugene Code, 1971, is added to provide as follows

9.7920 **Notice of Decision.**

- (1) Within 5 days after the planning director renders a decision, notice of the decision shall be mailed to the following:
- (a) Applicant.
 - (b) Owner and occupants of the subject property.

(c) Owners and occupants of properties located within 100 feet of the perimeter of the subject property.

(d) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.

(e) Community organizations that have submitted written requests for notification.

(f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.

(g) Any group or individual who submitted written comments during the comment period.

(h) Those groups or individuals who requested notice of the decision.

(2) The notice shall include all of the following:

(a) A description of the nature of the decision of the planning director.

(b) An explanation of the nature of the application and the proposed use or uses which could be authorized.

(c) The street address or other easily understood geographical reference to the subject property.

(d) The name of a city representative to contact and the telephone number where additional information may be obtained.

(e) A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(f) A statement that the applicant and any person or organization that submitted written comments during the comment period may appeal as provided in EC 9.7640.

(g) A statement that the planning director's decision will not become final until the period for filing a local appeal has expired.

(h) An explanation that a person who is mailed written notice of the planning director's decision cannot appeal directly to LUBA.

(3) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

(4) Unless appealed according to the procedures in EC 9.7640 Filing of Appeal of Planning Director's Decision on Expedited Land Division or Middle Housing Land Division Application, the planning director's decision is effective on the 15th day after notice of the decision is mailed.

Section 74. Section 9.7925 of the Eugene Code, 1971, is added to provide as follows:

9.7925 **Approved Site Plans.**

The applicant shall provide the city with 4 copies of site plans that meet the conditions of approval of the planning director's decision.

Section 75. Subsection (1) of Section 9.8005 of the Eugene Code, 1971, is amended to provide as follows:

9.8005 **Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.**

(1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through 9.3980, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through ~~9.7925~~~~9.7835~~, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.

Section 76. Subsection (37) of Section 9.8030 of the Eugene Code, 1971, is added to provide as follows:

9.8030 **Adjustment Review – Approval Criteria.**

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

* * *

(37) *Middle Housing Standards Adjustment.* Where EC 9.5550 provides that standards applicable to triplexes, fourplexes, townhouses, or cottage clusters may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following, as applicable:

(a) *Entry Orientation.* The requirements set forth in EC 9.5550(4)(c) and 9.5550(5)(d)1. may be adjusted if the overall proposal creates building orientations and entrances that achieve all of the following:

1. Enhances public safety for residents and visitors; and
2. Provides opportunities for community interaction; and
3. Ensures that the main entrance is visible or clearly identifiable from the street or from common open spaces by its orientation or articulation; and

4. Ensures that residents, visitors, and emergency personnel can easily find the main entrance, and so establish how to enter the residence.

(b) *Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes.* The requirements set forth in EC 9.5550(4)(a) and (b) may be adjusted if the proposal achieves the following:

1. Supports a pedestrian-friendly street environment by minimizing the visual and safety impacts of garages, parking areas, and vehicle circulation areas.
2. Consistency with EC 9.8030(28).

(c) *Townhouse Unit Features.* The requirements set forth in EC 9.5550(5)(b) may be adjusted if the proposed building design utilizes architectural masses, features or details to distinguish elements of the building, such as entryways, windows, garages, and other elements.

(d) *Townhouse Driveway Access and Parking.* The requirements set forth in EC 9.5550(5)(c) may be adjusted if the proposal supports a pedestrian-friendly street environment by minimizing the visual and safety impacts of garages, parking areas, and vehicle circulation areas.

(e) *General Standards for Cottage Clusters.* The requirements set forth in EC 9.5550(6)(a) may be adjusted if the proposal overall achieves an equivalent or higher quality design by including the following:

1. Higher quality design elements, such as durable, high quality materials, architectural detail and craftsmanship, sustainable building design features, enhanced landscaping, or user amenities;
2. An enhanced sense of openness and community for residents by including elements such as abundant and highly functional common open space that is easily accessible and viewable from individual units through abundant windows and porches;
3. Amenities or design that enhance the livability, walkability, and safety of the residents and community, such as enhanced lighting features or easily accessible connectivity to neighborhood amenities;
4. Design that promotes compatibility with adjacent properties and the neighborhood through the scale of buildings and of the overall development pattern, through design elements that may include privacy screening, enhanced landscape buffers, or frontage improvements and amenities that are supportive of an active, walkable, and neighborly streetscape;
5. Enhanced design elements for cottage clusters over 8 units, such as design elements that enhance the common courtyard and open space and provide connectivity and access to shared amenities consistent with the intent of openness and community for residents. A single cottage cluster shall contain a maximum of 12 cottages;
6. An Accessory building must not exceed 600 square feet in floor area and shall comply with standards in EC 9.2751(16)

(f) Cottage Cluster Orientation Standards. The requirements set forth in EC 9.5550(6)(b) may be adjusted if the overall proposal achieves all of the following:

1. Provides a sense of community within a cottage cluster by including design features such as porches, outdoor living areas, and other features that incorporate transparency and openness to encourage passive observation and neighborly interactions, and
2. Each dwelling has pedestrian access to a common courtyard.
3. Dwellings within 20 feet of a front property line that abuts a street shall provide a pedestrian-friendly frontage that includes design features such as street facing porches, abundant windows, gateway elements, and other architectural features.

(g) Common Courtyard Design Standards. The requirements set forth in EC 9.5550(6)(c) may be adjusted if the requested adjustment will allow the project to achieve an equivalent or higher quality design of open space than would result from strict adherence to the standards through:

1. Enhanced spaces that contribute positively to the site, streetscape, and adjoining properties by including design elements such as high-quality materials, outdoor seating, enhanced pedestrian space, pedestrian-scaled lighting, canopy trees and other landscape materials and other user amenities; and
2. An overall design that promotes safety and security for residents and visitors.

(h) Community Building Standards. The requirements set forth in EC 9.5550(6)(d) may be adjusted if the community building is compatible in scale with dwellings in the cottage cluster, including, but not limited to, building height and building size.

(i) Cottage Cluster Parking Design Standards. The requirements set forth in EC 9.5550(6)(f) may be adjusted if the proposal achieves all of the following:

1. Supports a pedestrian-friendly street environment; and
2. Supports livability for cottage cluster residents by minimizing the impacts of parking areas and garages.
3. Consistency with EC 9.8030(28).

Section 77. The following heading and Section 9.8191 of the Eugene Code, 1971, are added to provide as follows:

Middle Housing Land Division, Tentative Plan

9.8191 Purpose of Middle Housing Land Division, Tentative Plan.

Sections 9.8191 through 9.8199 govern the approval of middle housing land divisions. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect public health and safety,

enable development to occur consistent with applicable provisions of the comprehensive plan, enable home ownership, and comply with state laws requiring the allowance of land divisions to create small lots for individual units of middle housing.

Section 78. Section 9.8192 of the Eugene Code, 1971, is added to provide as follows:

9.8192 Applicability of Middle Housing Land Division, Tentative Plan Applications.

(1) Except as provided in subsection (2), Middle housing land divisions are subject to the application procedures in EC 9.7900 through EC 9.7925.

(2) An applicant may elect to have a Middle Housing Land Division application reviewed concurrently with a subdivision or partition application. If the applicant elects concurrent review, the procedures that will apply to review and appeal of the Middle Housing Land Division application are the procedures applicable to review and appeal of the subdivision or partition application. EC 9.7640 through 9.7644 and EC 9.7900 through 9.7925 do not apply to Middle Housing applications reviewed concurrently with subdivision or partition applications. All other provisions of this code continue to apply to each application, including but not limited to approval criteria.

(3) The creation of middle housing lots through a middle housing land division is permitted:

(a) On a lot or parcel prior to the development of middle housing, consistent with the approval criteria in subsections (1) and (3)-(9), of EC 9.8194.

(b) On a lot or parcel developed with middle housing, consistent with the approval criteria in subsections (2) and (3)-(9), of EC 9.8194.

Section 79. Section 9.8193 of the Eugene Code, 1971, is added to provide as follows:

9.8193 Middle Housing Land Division, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to middle housing land division tentative plan applications:

(1) The tentative plan included in the middle housing land division application must be prepared by an Oregon licensed land surveyor.

(2) The application must include a preliminary title report.

(3) The application must identify all contiguous property under the same ownership as the property to be divided.

(4) The application must be signed by the owner of the property to be divided.

(5) The property to be divided must be a legal lot.

Section 80. Section 9.8194 of the Eugene Code, 1971, is added to provide as follows:

9.8194 Middle Housing Land Division, Tentative Plan Approval Criteria.

The planning director shall approve, conditionally approve, or deny the middle housing land division tentative plan application based on compliance with the following criteria:

(1) If the property to be divided is not yet developed with middle housing:

(a) The application proposes development of middle housing on the lot or parcel to be divided; and

(b) The lot or parcel or be divided is developable with middle housing consistent with the following:

1. EC 9.2750;

2. EC 9.2751;

3. EC 9.2760;

4. EC 9.2761;

5. EC 9.2775; and

6. EC 9.5550.

(2) If the property to be divided is developed with middle housing:

(a) The middle housing complies with EC 9.5550; or

(b) The certificate of occupancy for the middle housing was issued before June 30, 2022, and the middle housing complied with applicable land use requirements at the time the certificate of occupancy was issued.

(3) The proposed middle housing land division complies with all of the following:

(a) EC 9.2777, Middle Housing Lot standards;

(b) EC 9.6505, Improvements, Specifications for any street frontage improvements required for middle housing lots that abut a street;

(c) EC 9.6805, Dedication of Public Ways; and

(d) All other applicable development standards for features explicitly included in the application.

(4) The following easements are shown on the tentative plan:

(a) Easements necessary for locating, accessing, replacing, and servicing all utilities;

- (b) Easements for pedestrian access from each dwelling unit to a street;
 - (c) Easements necessary for any common areas or shared building elements;
 - (d) Easements necessary for any shared driveways or parking.
- (5) Separate utilities are provided for each dwelling unit.
- (6) The middle housing land division results in one dwelling unit on each middle housing lot, except lots, parcels or tracts that include a common area. Lots, parcels or tracts that include a common area, but do not include a dwelling unit, are permitted.
- (7) The application demonstrates that buildings or structures on the middle housing lots created by the middle housing land division will comply with applicable building code provisions related to new property lines; and, notwithstanding the creation of new lots or parcels, that structures or buildings located on the middle housing lots will comply with the Oregon Residential Specialty Code.
- (8) The following notes are included on the tentative plan:
- (a) The middle housing lots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.
 - (b) The middle housing developed on the middle housing lots shown on the tentative plan shall remain middle housing and shall not be considered to be any other housing type as a result of the middle housing land division.
- (9) The proposed middle housing land division will not cause any existing improvements on the middle housing lots to be inconsistent with applicable standards in this land use code.

Section 81. The following heading and Section 9.8195 of the Eugene Code, 1971, are added to provide as follows:

Middle Housing Land Division, Final Plat

9.8195 Purpose of Middle Housing Land Division, Final Plat.

The middle housing land division process includes both a tentative plan and final plat procedure. Sections 9.8195 through 9.8199 provide the regulations for processing middle housing land division final plat applications to ensure that tentative plan approval conditions have been met.

Section 82. Section 9.8196 of the Eugene Code, 1971, is added to provide as follows:

9.8196 Applicability of Middle Housing Land Division, Final Plat Applications.

A middle housing land division final plat application may not be submitted unless the subject property has received tentative plan approval and any required approval conditions have been met.

Section 83. Section 9.8197 of the Eugene Code, 1971, is added to provide as follows:

9.8197 Middle Housing Land Division, Final Plat – Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, final plat applications shall:

- (1) Be signed by the owner of the property.
- (2) Contain a proposed final plat stamped and signed by an Oregon licensed land surveyor, complying with state and local platting and surveying requirements.
- (3) Contain documentation addressing all conditions of tentative plan approval and state and local platting requirements.

Section 84. Section 9.8198 of the Eugene Code, 1971, is added to provide as follows:

9.8198 Middle Housing Land Division, Final Plat – Approval Criteria.

The planning director shall approve or deny the final plat for the middle housing land division. Approval shall be based on compliance with the following criteria, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

- (1) The city surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.
- (2) Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.
- (3) Public improvements as required by this land use code or as a condition of tentative plan approval are completed, or:
 - (a) A performance bond or suitable substitute as agreed upon by the city and applicant has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
 - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the partition and the petition has been accepted by the city engineer.
- (4) Public assessments, liens, and fees with respect to the middle housing land division have been paid, or:
 - (a) A segregation of assessments and liens has been applied for and granted by the city, or
 - (b) An adequate guarantee in a form acceptable to the city manager has been provided assuring the liens, assessments and fees will be paid prior to recording the final plat.
- (5) All conditions of tentative middle housing land division approval have been met and the final plat substantially conforms to the provisions of the approved tentative middle housing land division.

Section 85. Section 9.8199 of the Eugene Code, 1971, is added to provide as follows:

9.8199 Middle Housing Land Division, Final Plat – Recordation.

(1) The city surveyor and planning director shall note their approval of the middle housing land division on the final plat along with the effective date of approval, which constitutes the city's acceptance of any dedications to the public contained therein. After approval, the city shall forward the final plat for the middle housing land division to Lane County for signature by the county assessor and recording.

(2) A notice of middle housing land division shall be recorded for each middle housing lot with the Lane County Deeds and Records that states:

(a) The middle housing lot may not be further divided.

(b) No more than one unit of middle housing may be developed on each middle housing lot.

(c) The dwelling developed on the middle housing lot is a unit of middle housing and is not a single attached or detached dwelling, or any other housing type.

Section 86. Subsection (5) of Section 9.8210 of the Eugene Code, 1971, is added to provide as follows:

9.8210 Partition, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

* * *

(5) The written statement submitted with the partition application shall clearly state whether the applicant believes that the proposal qualifies for the expedited land division procedures in EC 9.7900 through EC.97925, and whether the applicant is electing to use the expedited land division procedures in EC 9.7900 through EC 9.7925.

Section 87. Subsection (7) of Section 9.8215 of the Eugene Code, 1971, is added to provide as follows:

9.8215 Partition, Tentative Plan Approval Criteria – General/Discretionary.

The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

* * *

(7) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC 9.7925, the application must meet the following additional approval criteria in subparagraphs (a)-(c):

(a) The proposed partition only includes land zoned for residential uses;

(b) The parcels created will only be developed for residential use, including recreational or open space accessory to residential use; and

(c) The parcels created will either allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; or, existing and future dwellings located on the property that is the subject of the partition application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 88. Subsection (5) of Section 9.8220 of the Eugene Code, 1971, is amended to provide as follows:

9.8220 Partition, Tentative Plan Approval Criteria – Housing/Clear and Objective.

Unless the applicant elects to use the discretionary criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria – General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute, the planning director shall approve, conditionally approve, or deny the partition application based on compliance with the following criteria:

* * *

(5) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC 9.7925, the application must meet the following additional approval criteria in subparagraphs (a)-(c):

(a) The partition only includes land zoned for residential uses;

(b) The parcels created will only be developed for residential use, including recreational or open space accessory to residential use; and

(c) The parcels created will either allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; or, and(d) Eexisting and future dwellings located on the property that is the subject of the partition application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 89. Section 9.8423 of the Eugene Code, 1971, is amended to provide as follows:

9.8423 General Requirements.

Applications for refinement plan amendments shall be submitted on a form approved by the city manager and reviewed under a Type IV process for site specific amendments or otherwise, a Type V process according to EC 9.7000 through [9.7925](#)~~9.7835~~ Application Procedures.

Section 90. Subsection (6) of Section 9.8510 of the Eugene Code, 1971, is added to provide as follows:

9.8510 Subdivision, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative subdivision plan applications:

* * *

[\(6\) The written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the expedited land division procedures in EC 9.7900 through EC 9.7925 and how the applicant believes that the proposal qualifies for the expedited land division procedures in EC 9.7900 through EC 9.7925.](#)

Section 91. Subsection (13) of Section 9.8515 of the Eugene Code, 1971, is added to provide as follows:

9.8515 Subdivision, Tentative Plan Approval Criteria – General/Discretionary.

The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:

* * *

[\(13\) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC 9.7925, the application must meet the following additional approval criteria in subparagraphs \(a\)-\(c\):](#)

[\(a\) The subdivision only includes land zoned for residential uses;](#)

[\(b\) The lots created will only be developed for residential use, including recreational or open space accessory to residential use; and](#)

[\(c\) The lots created will either allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; or, existing and future dwellings located on the property that is the subject](#)

of the subdivision application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 92. Subsection (9) of Section 9.8520 of the Eugene Code, 1971, is amended to provide as follows:

9.8520 Subdivision, Tentative Plan Approval Criteria – Housing/Clear and Objective.

Unless the applicant elects to use the discretionary criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria – General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute, the planning director shall approve, conditionally approve, or deny the subdivision application based on compliance with the following criteria:

* * *

(9) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC 9.7925, the application must meet the following additional approval criteria in subparagraphs (a)-(c):

- (a) The subdivision only includes land zoned for residential uses;
- (b) The lots created will only be developed for residential use, including recreational or open space accessory to residential use; and
- (c) The lots created will either allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; or, and (d) Existing existing and future dwellings located on the property that is the subject of the subdivision application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 93. Subsection (3) of Section 9.8705 of the Eugene Code, 1971, is amended to provide as follows:

9.8705 Applicability of Vacation Procedures.

* * *

(3) Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC 9.7000 through 9.7925~~9.7835~~ Application Procedures.

Section 94. Subsections (1) and (2) of Section 9.8710 of the Eugene Code, 1971, are amended to provide as follows:

9.8710 Vacations, Application Requirements.

(1) Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC 9.7000 through ~~9.7925~~~~9.7835~~ and the approval criteria contained in EC 9.8715. In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.

(2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC 9.7000 through ~~9.7925~~~~9.7835~~ and the approval criteria contained in EC 9.8720. In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.

Section 95. Subsection (4) of Section 9.8865 of the Eugene Code, 1971, is amended to provide as follows:

9.8865 Zone Change Approval Criteria.

Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

* * *

(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

- (a) EC 9.2150 Commercial Zone Siting Requirements.
- (b) EC 9.2430 Employment and Industrial Zone Siting Requirements.
- (c) EC 9.2510 Natural Resource Zone Siting Requirements.
- (d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.
- (e) EC 9.2681 Public Land Zone Siting Requirements.
- ~~(f) EC 9.2735 Residential Zone Siting Requirements.~~
- ~~(g)~~ (f) EC 9.3055 S-C Chambers Special Area Zone Siting Requirements.
- ~~(h)~~ (g) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.
- ~~(i)~~ (h) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.

- (~~j~~i) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
- (~~k~~i) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
- (~~k~~i) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.
- (~~m~~i) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
- (~~m~~i) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
- (~~n~~i) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
- (~~p~~o) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.
- (~~q~~p) EC 9.4160 /CL Clear Lake Overlay Zone Siting Requirements.
- (~~r~~q) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
- (~~s~~i) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
- (~~t~~s) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).
- (~~u~~i) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).
- (~~v~~u) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
- (~~w~~v) An uncodified ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

Section 96. Policy A.9 of the Metropolitan Residential Land Use and Housing Element of the Eugene-Springfield Metropolitan Area Plan is amended as follows:

A. Metropolitan Residential Land Use and Housing Element

Residential Density

Policies

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

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

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

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

The maximum residential densities established in this policy A.9, do not apply to the following housing types located within the City of Eugene: duplexes, triplexes, quadplexes, cottage clusters, and townhouses. A maximum residential density established by a refinement plan policy (whether through a limit on the number of dwelling units per acre, a minimum lot size requirement, a limit on total number of dwelling units in an area, or by any other similar regulation that has the effect of limiting density), may not be applied to the development of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. The City of Eugene may incorporate maximum residential density requirements applicable to duplexes, triplexes, quadplexes, cottage clusters, and townhouses into the Eugene Code (including limits on the number of dwelling units per acre and minimum lot size requirements), as long as those requirements comply with Oregon state law. If an adopted refinement plan policy is inconsistent with this policy, this policy will prevail.

Section 97. The findings set forth in Exhibit B attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 98. 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 99. 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, those sections, subsections, sentences, clauses, phrases or portions that do not require action

on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Section 100. Due to the need to provide certainty to applicants wishing to develop middle housing in the City of Eugene, an emergency is declared to exist, and pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, this Ordinance shall become effective immediately upon its affirmative vote by at least two thirds of the City Council and its approval by the Mayor or passage over the Mayor' s veto.

Passed by the City Council this
____ day of November, 2024

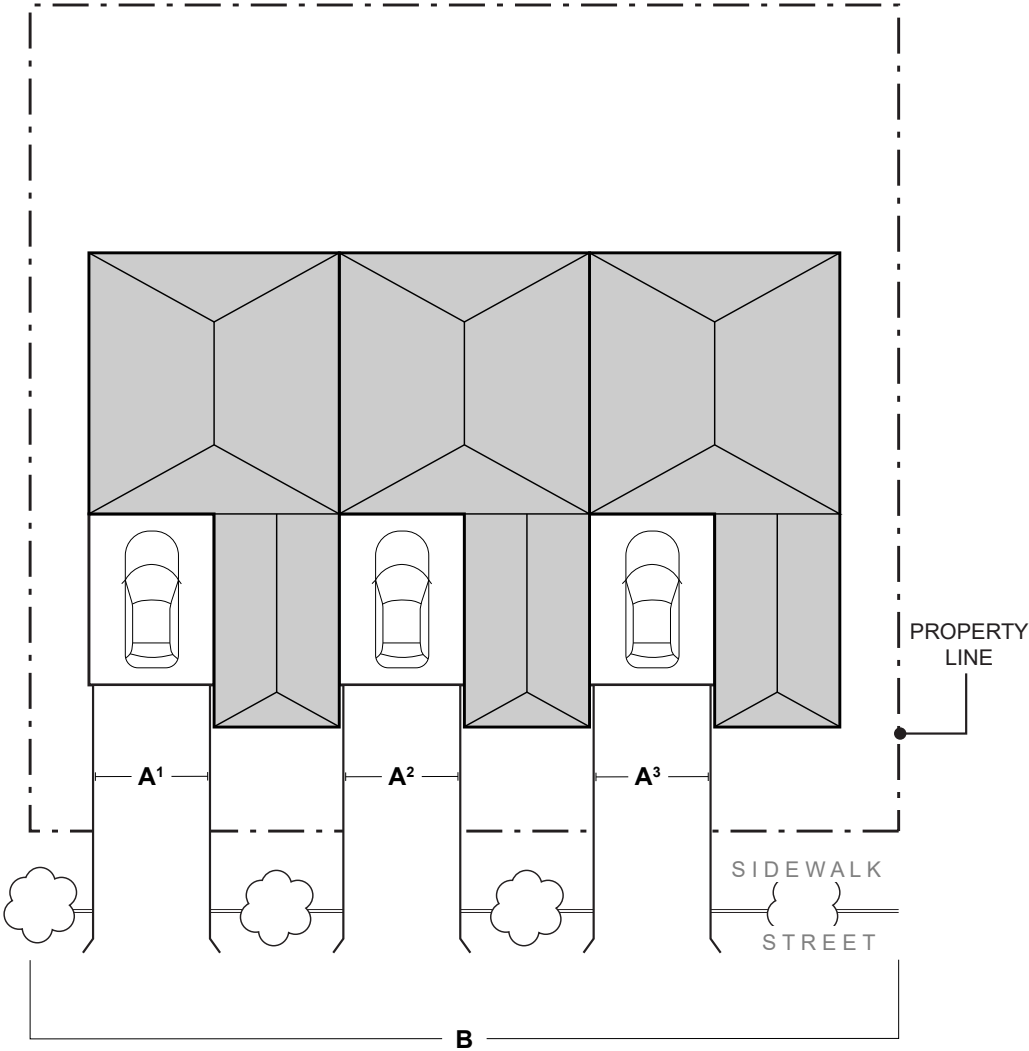
Approved by the Mayor this
____ day of November, 2024

City Recorder

Mayor

Figure
9.5550(4)(a)2.

Triplex/Fourplex Width of
Garages and Parking Areas

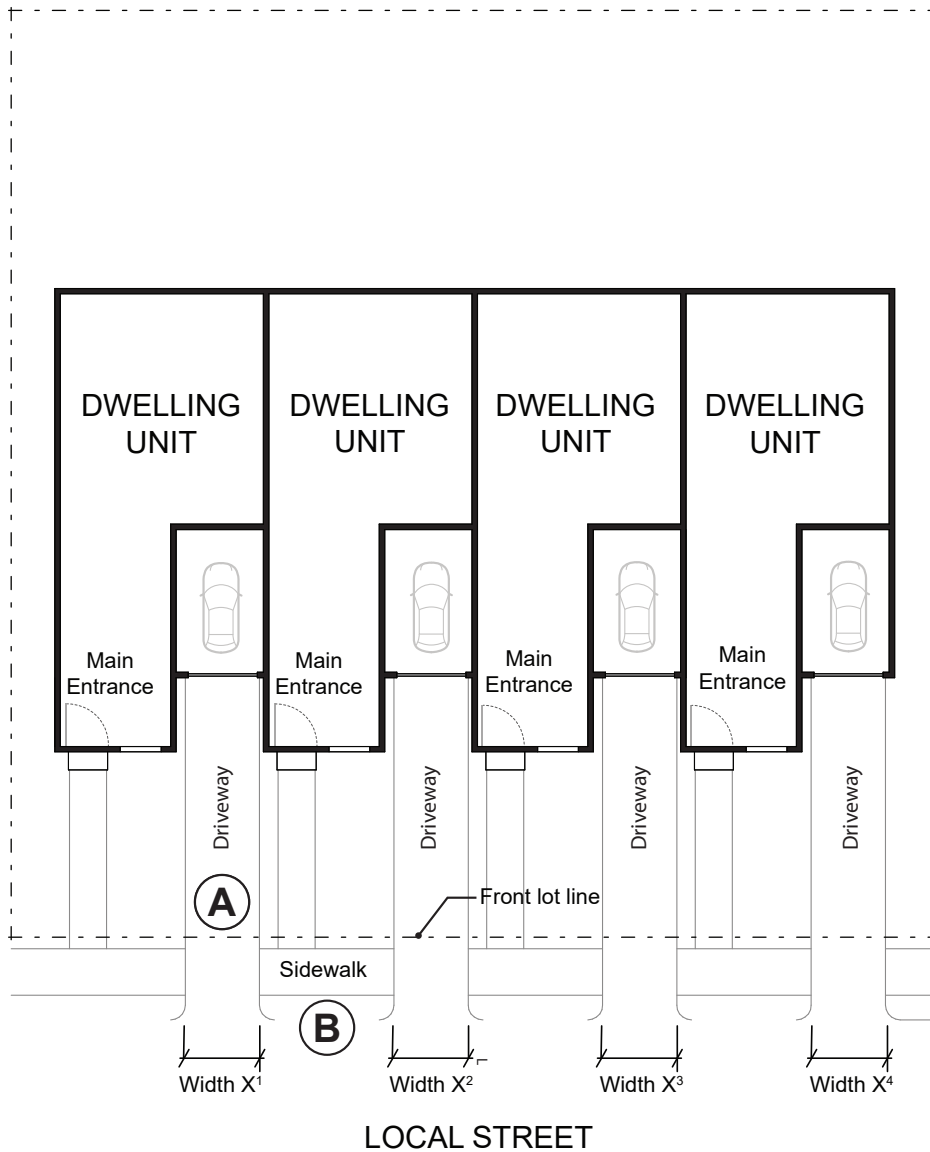


- Ⓐ Garage and on-site parking and maneuvering areas
- Ⓑ Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

Figure
9.5550(4)(b)2-3.

**Triplex/Fourplex Driveway Approach
Width and Separation on Local Street**

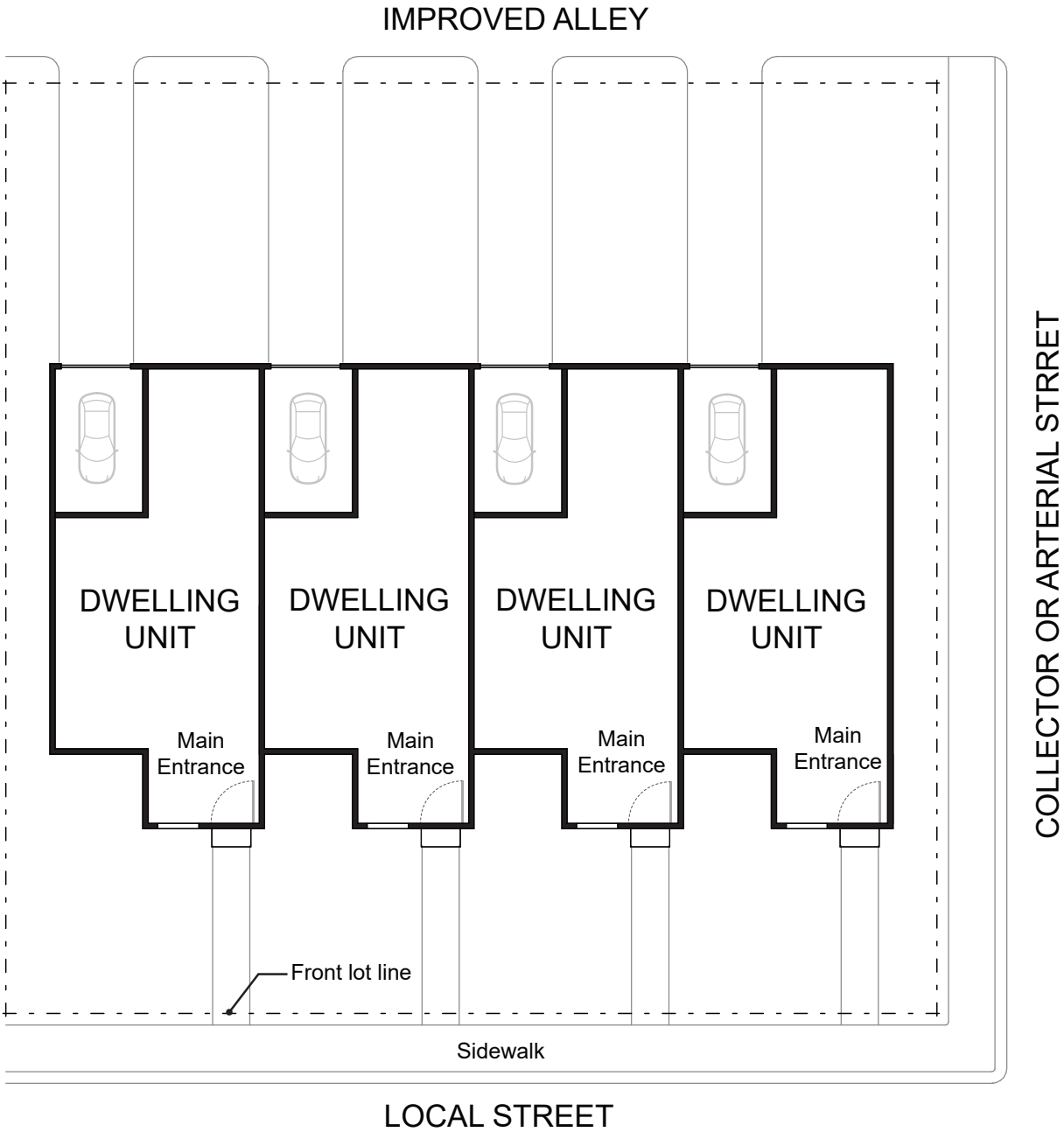


A $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,

B Driveway approaches may be separated when located on a local street

Figure
9.5550(4)(b)4.

**Triplex/Fourplex
Alley Access**



Triplex/Fourplex Driveway Approach Options for Multiple Local Street Frontages

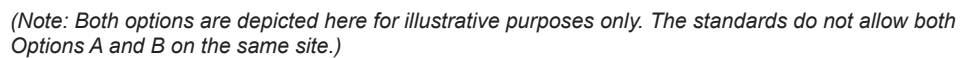


Figure
9.5550(4)(c)1.b.(1)

**Middle Housing Main Entrance
Facing the Street**

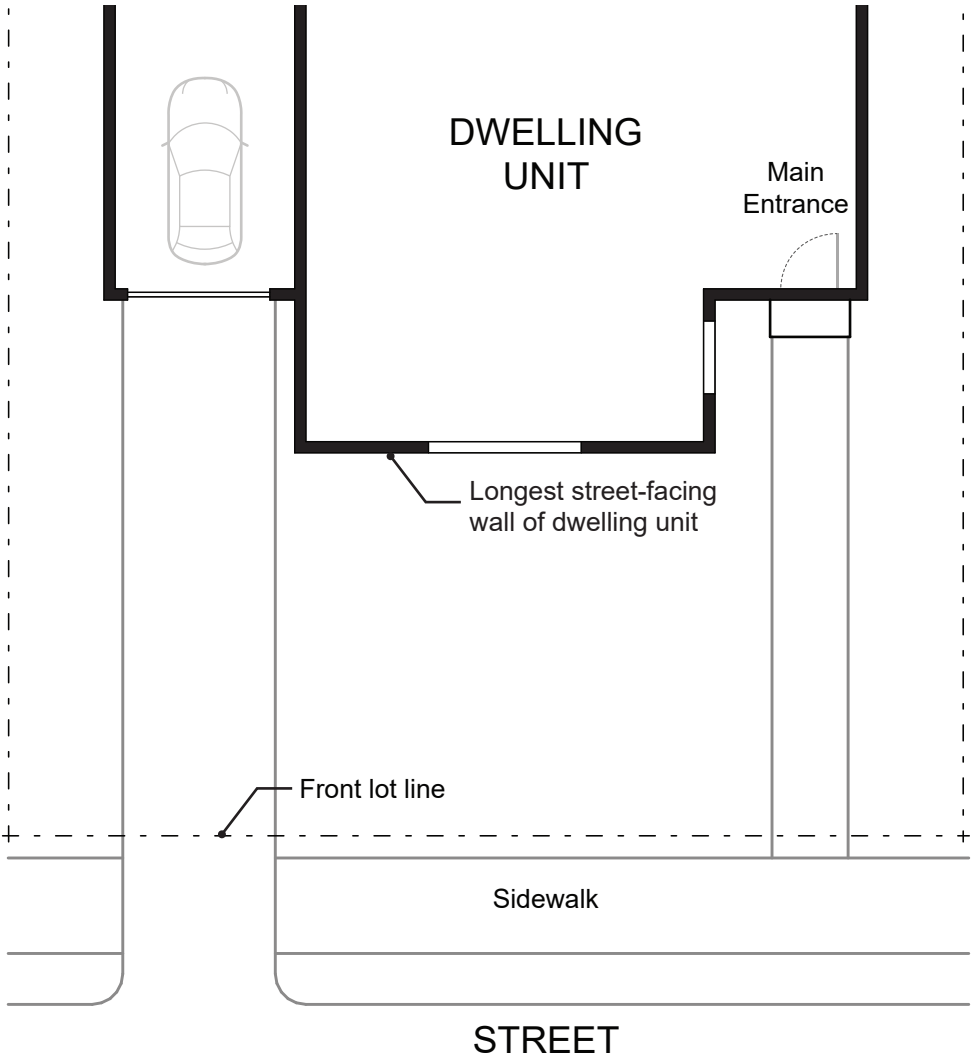


Figure
9.5550(4)(c)1.b.(2)

**Middle Housing Main Entrance
at 45° Angle from the Street**

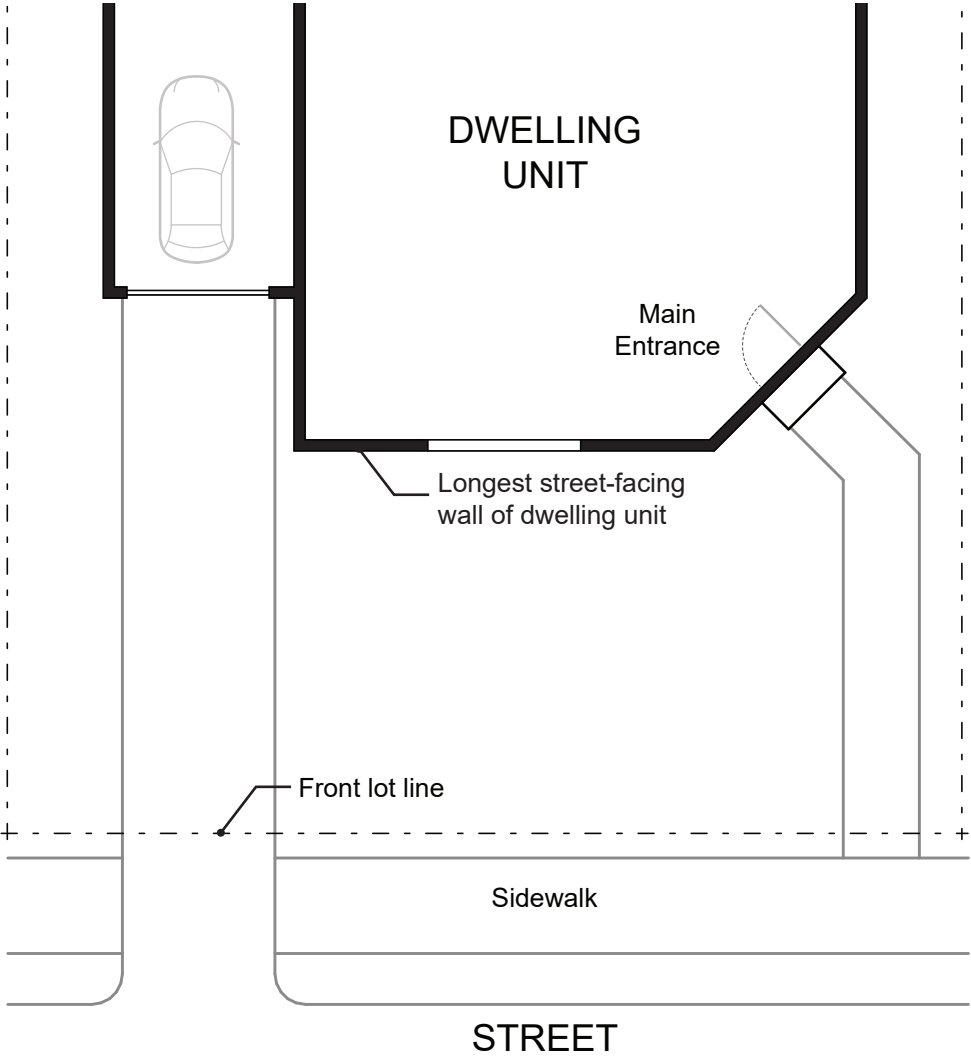


Figure
9.5550(4)(c)1.b.(3)

**Middle Housing Main Entrance
Opening onto a Porch**

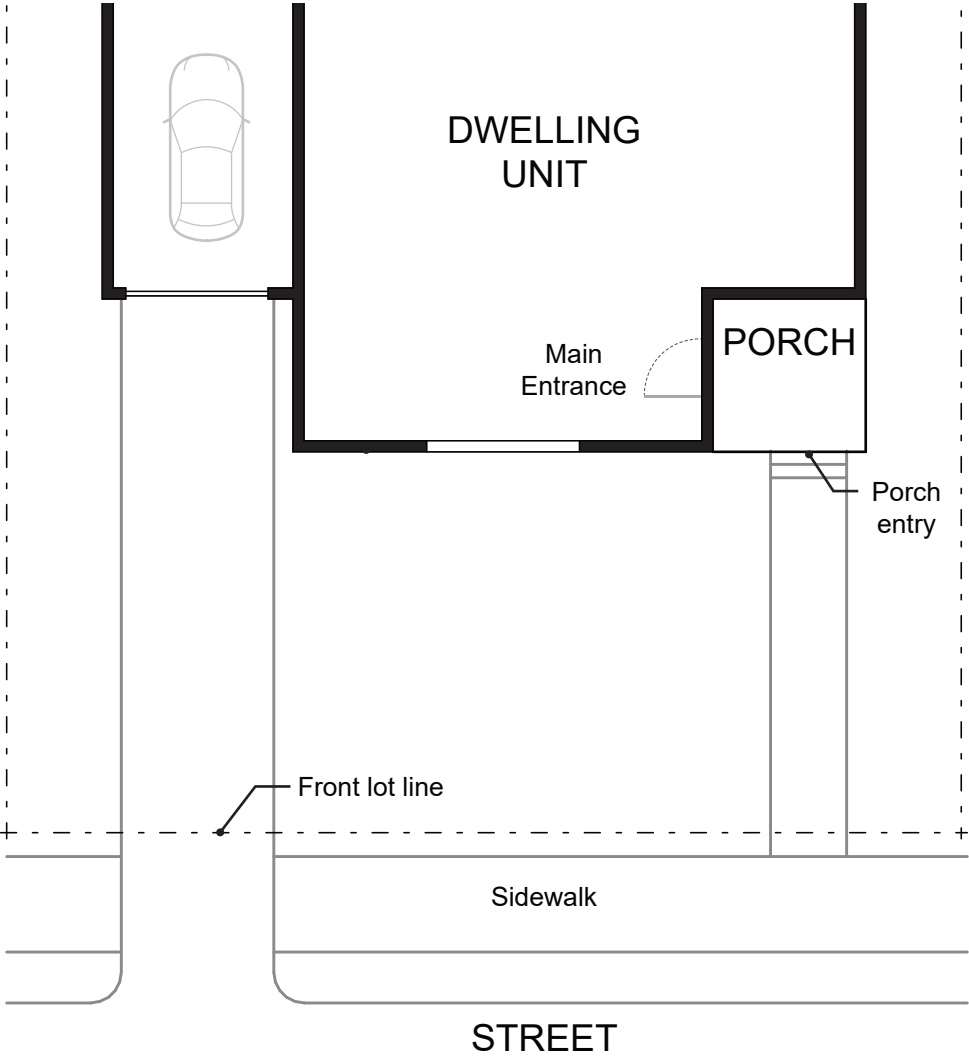


**Figure
9.5550(4)(c)1.c.**

**Middle Housing Main Entrance
Facing Common Open Space**

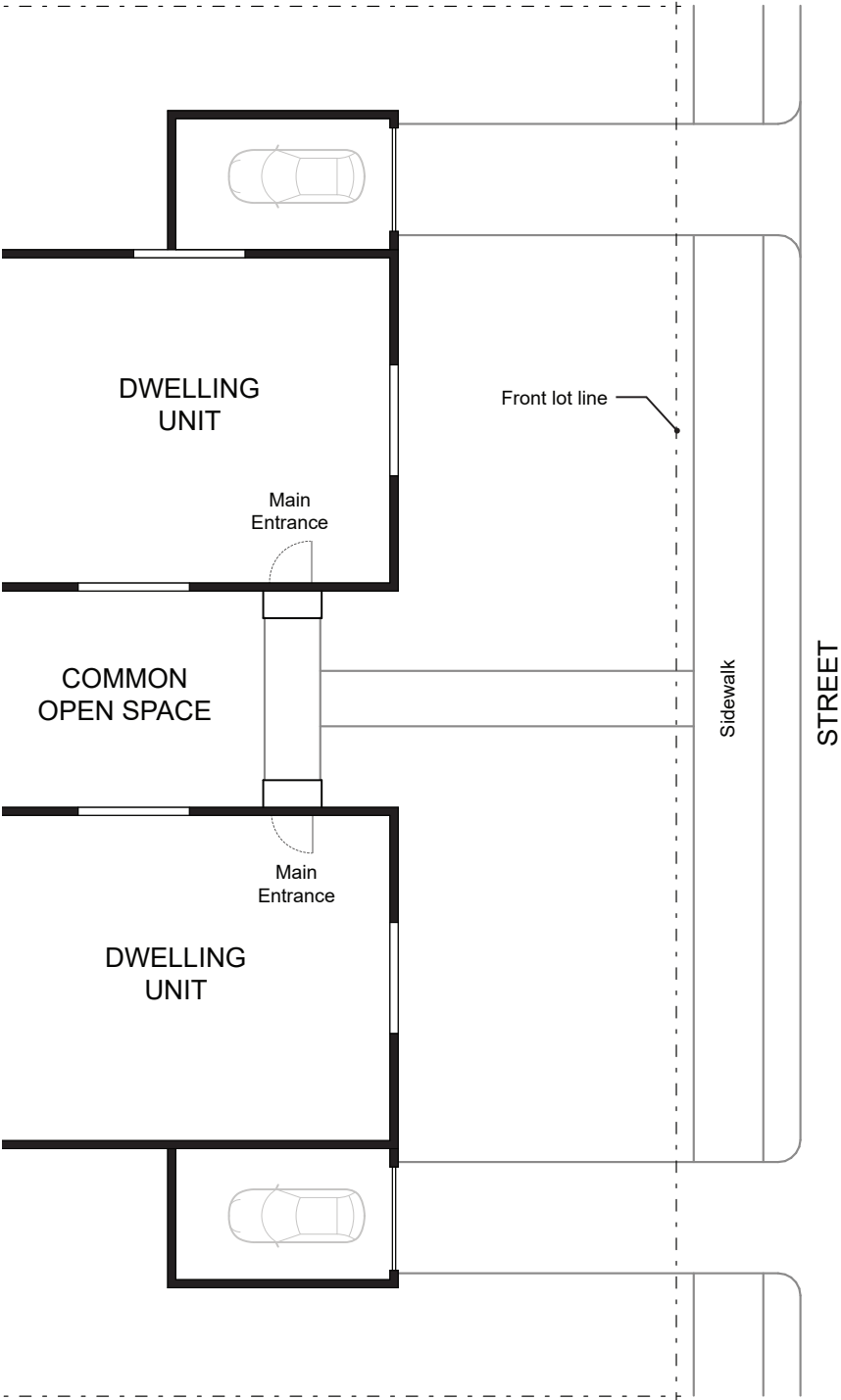


**Figure
9.5550(4)(c)2.**

Middle Housing Window Coverage



STREET-FACING FACADE

■ Area subject to 15% window & entrance door coverage requirement

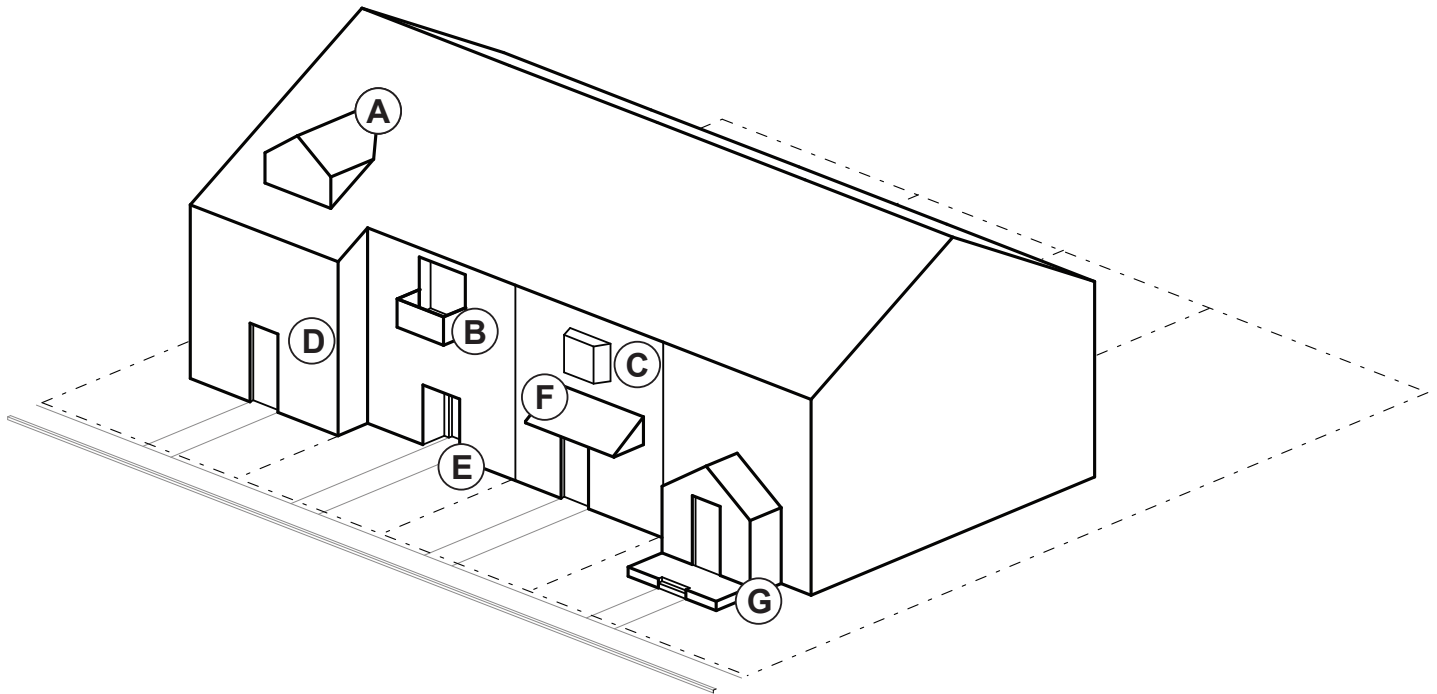


STREET-FACING FACADE

▨ Qualifying window coverage
▩ Qualifying entrance door coverage

**Figure
9.5550(5)(b)**

Townhouse Unit Features



- (A)** Roof dormer, minimum of 4 feet wide
- (B)** Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C)** Bay window extending minimum of 2 feet from facade
- (D)** Facade offset, minimum of 2 feet deep
- (E)** Recessed entryway, minimum 3 feet deep
- (F)** Covered entryway, minimum of 4 feet deep
- (G)** Porch, meets standards of subsection 9.5550(5)(d)1.b3.

**Figure
9.5550(5)(c)2.**

**Townhouses with Parking
in Front Yard**

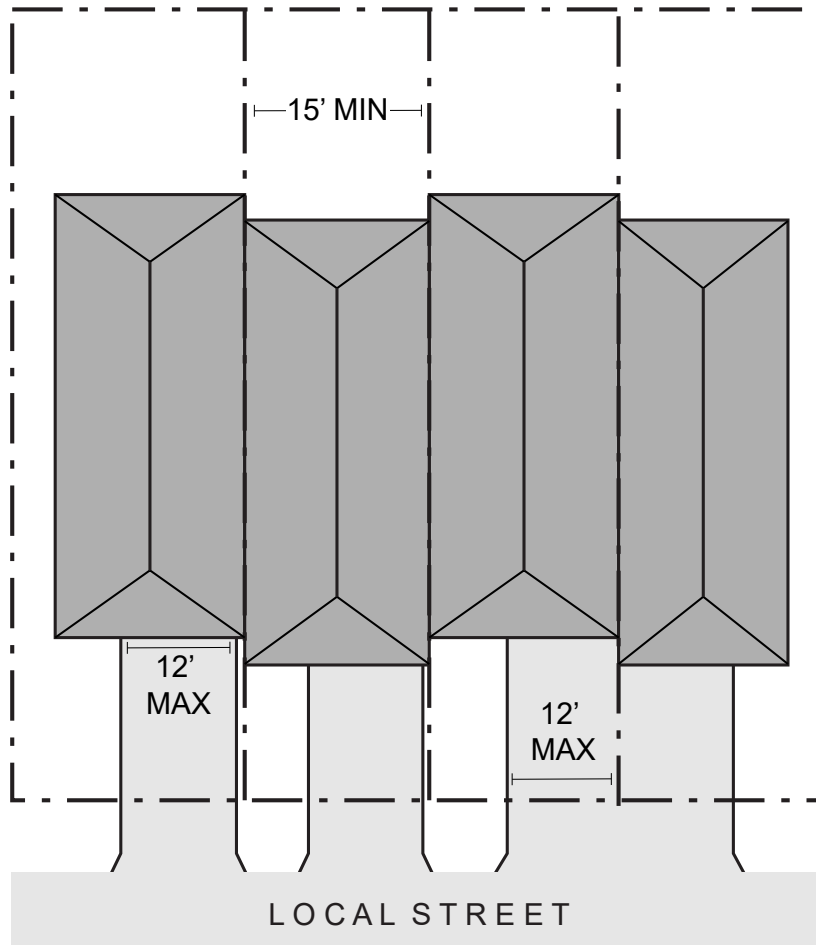


**Figure
9.5550(5)(c)3.b.**

**Townhouses on Corner Lot
with Shared Access**

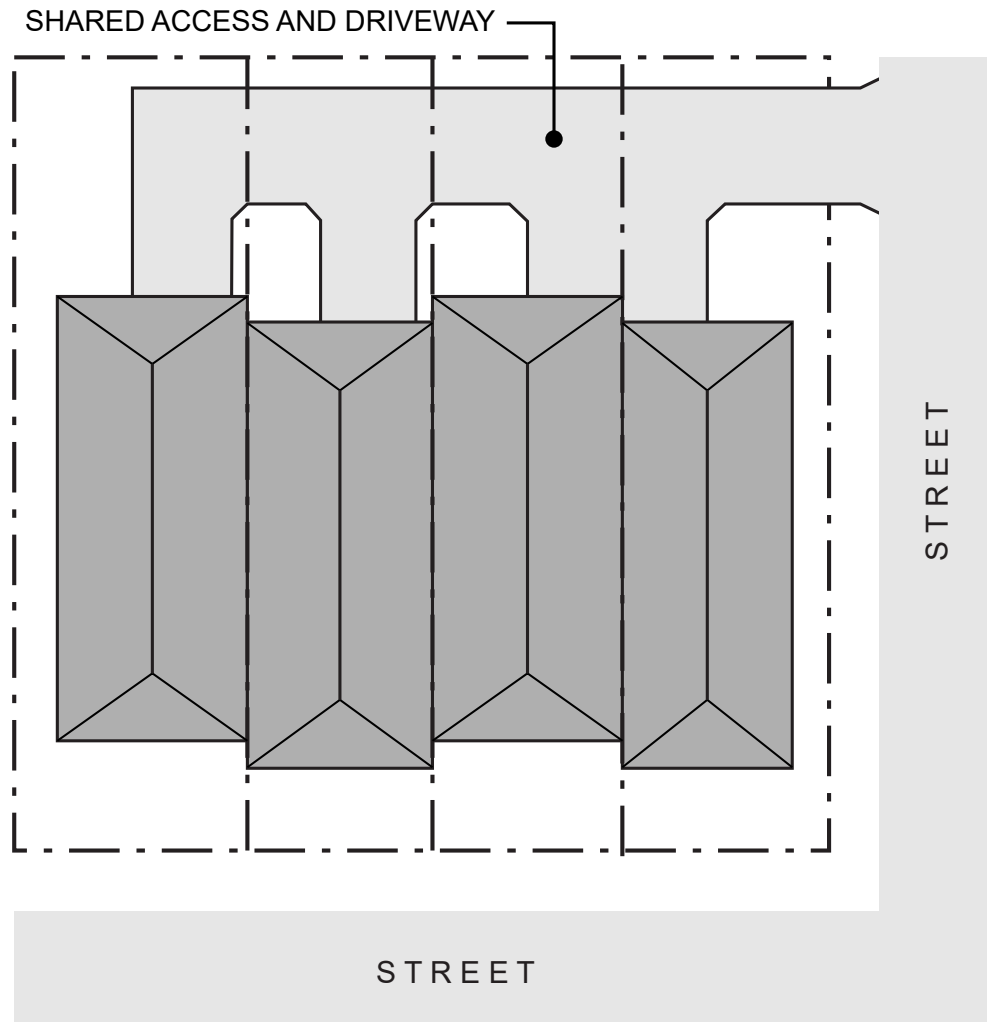


Figure
9.5550(5)(c)3.c.

Townhouses with Consolidated Access

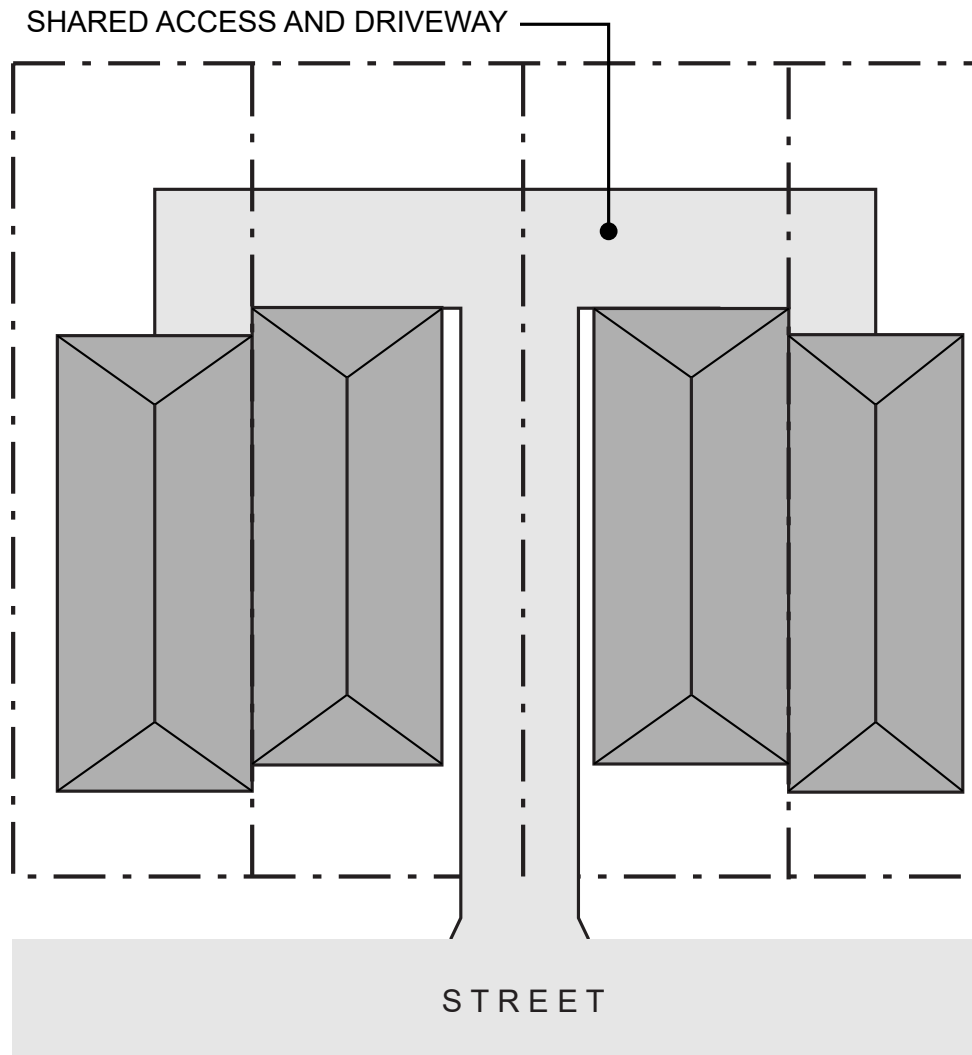
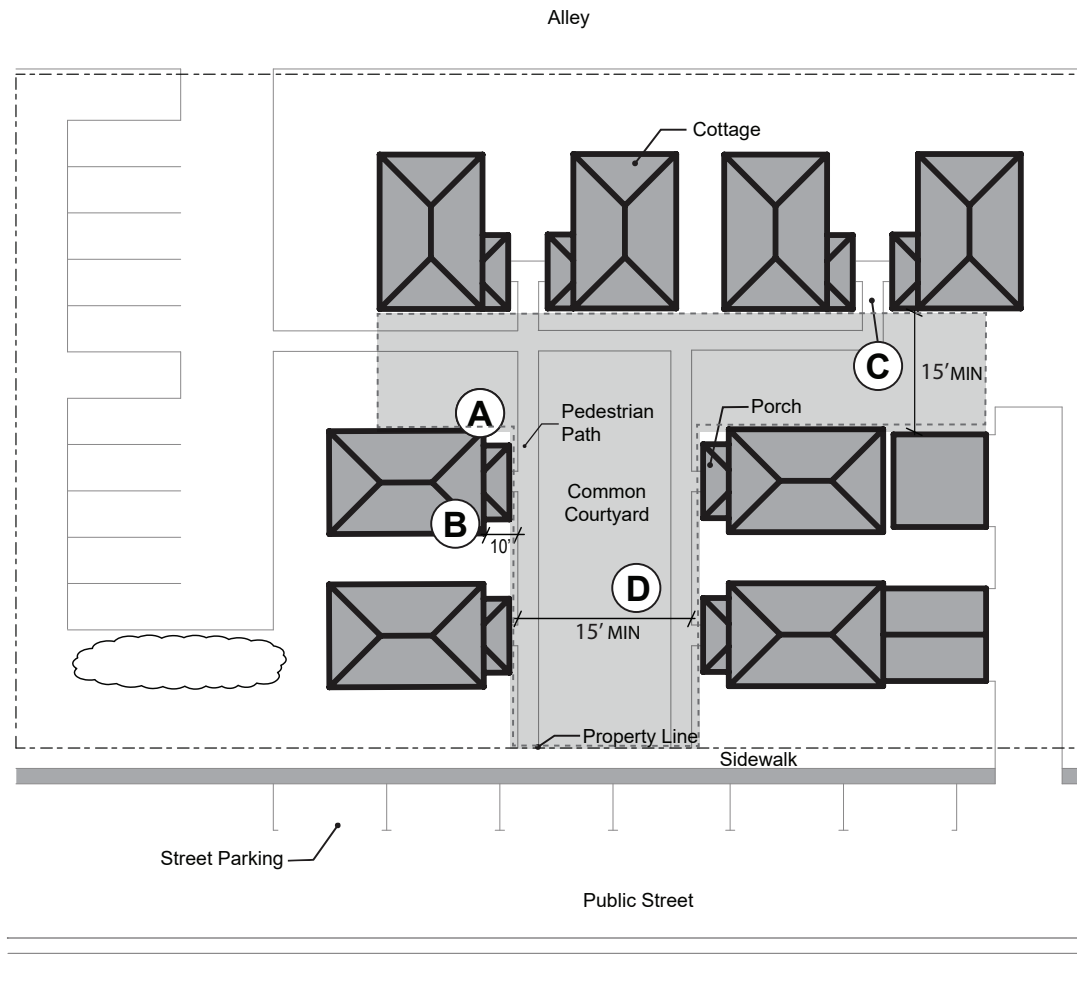


**Figure
9.5550(6)(b)-(c)**

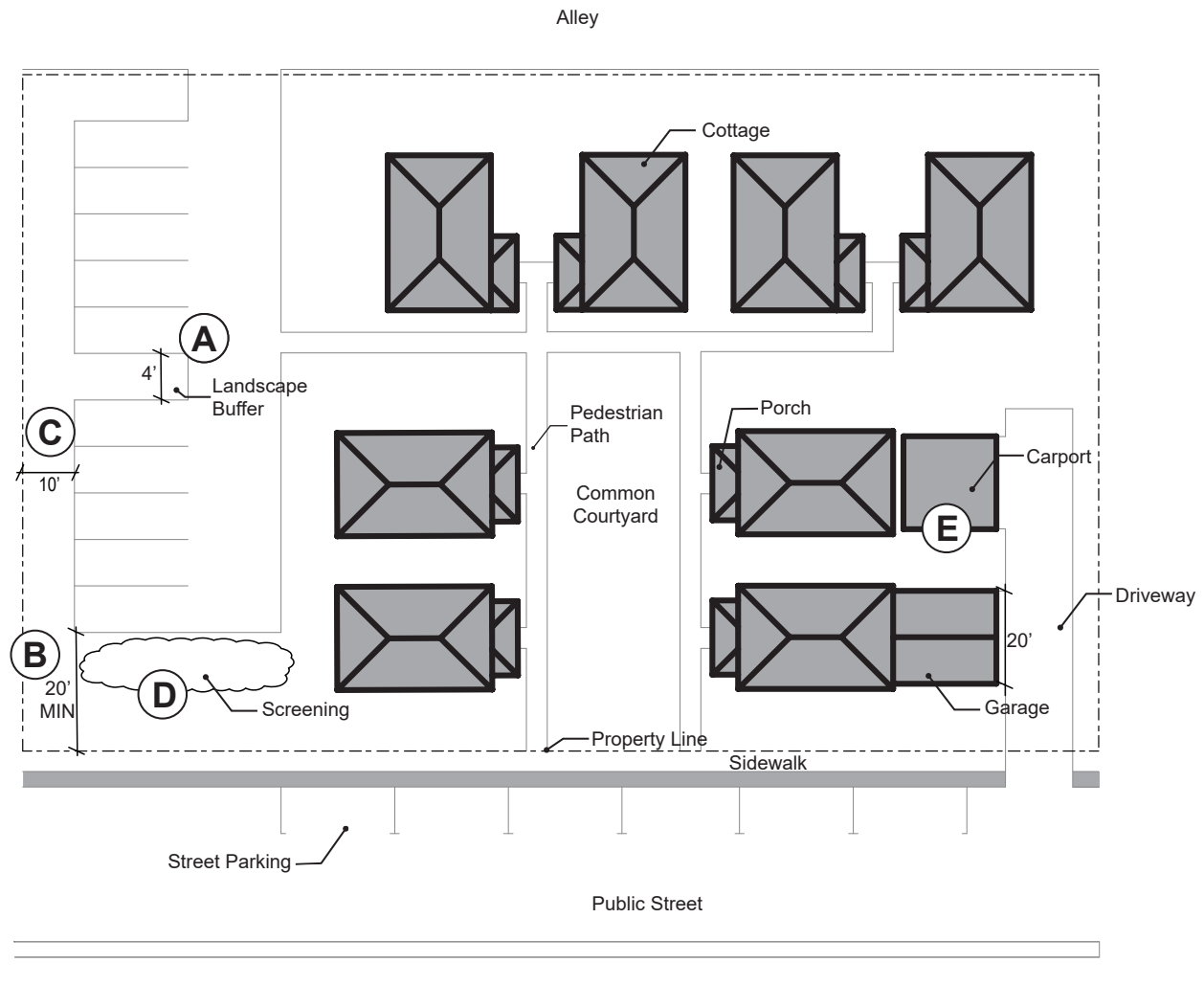
Cottage Cluster Orientation and Common Courtyard Standards



- (A)** A minimum of 50% percent of cottages must have a main entrance facing the courtyard
 - (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard, measured from the façade of the cottage to the nearest delineation of the common courtyard
 - (C)** Cottages must be connected to the common courtyard by a pedestrian path
 - (D)** The common courtyard must be at least 15 feet wide at its narrowest width
-  Common courtyard

**Figure
9.5550(6)(f).**

Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces (8 spaces for larger projects). Clusters separated by minimum 4 feet of landscaping.
- (B)** Parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street other than an alley.
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports (whether shared or individual) must not abut more than 25 percent of a common courtyard's perimeter. Garage doors for individual garages must not exceed 20 feet in width.

Findings

Middle Housing Code Amendments (City Files: CA 21-1 / MA 21-1)

Overview

The Eugene Middle Housing Code Amendment project is intended to implement Oregon House Bill 2001 (2019), codified as ORS 197A.420, which requires Oregon's large cities, including Eugene, to allow duplexes, triplexes, quadplexes, townhouses and cottage clusters (collectively referred to as middle housing) in more places across the City. This project includes amendments to the Eugene Code and Eugene-Springfield Metropolitan Area General Plan, which are referred to in these findings as the "Middle Housing Code Amendments" and "Metro Plan Amendment", respectively.

On May 25, 2022, the Eugene City Council approved Ordinance No. 20667, which included both the Middle Housing Code Amendments and the Metro Plan Amendment.

Ordinance No. 20667 was appealed to the Oregon Land Use Board of Appeals (LUBA), who upheld the ordinance. LUBA's decision was then appealed to the Oregon Court of Appeals, who disagreed with LUBA. On October 12, 2023, LUBA remanded Ordinance No. 20667 back to the City to allow the City Council to reconsider the ordinance's compliance with Statewide Planning Goal 11 (Public Facilities and Services).

On March 11, 2024, the Eugene City Council approved Ordinance No. 20705, which attempted to address the remand direction from LUBA and the Court of Appeals by providing additional findings explaining how existing Eugene Code provisions, similar to those in the Large Cities Middle Housing Model Code, satisfy the City's obligation to comply with Goal 11. Ordinance No. 20705 was appealed to LUBA. On July 10, 2024, LUBA issued a final opinion explaining that the City's evidence and findings did not adequately explain how existing city code provisions and permitting processes address the sufficiency of public facilities to satisfy the City's Goal 11 planning obligation and remanding Ordinance No. 20705 back to the City.

Middle Housing Code Amendments (CA 21-1): The changes to the City's land use code are intended to: comply with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules; create more opportunities for middle housing in Eugene's residential zones; and create development standards for middle housing. The land use code amendments also incorporate new requirements and procedures for middle housing land divisions created by Senate Bill 458 (2021). This new form of land division will allow for the creation of small lots that each contain an individual unit of middle housing. Finally, consistent with the requirements of HB 2538 (2021), the Middle Housing Code Amendments remove language from the land use code that ties maximum occupancy limits for residential dwellings to familial or nonfamilial relationships among occupants. In some circumstances the land use code amendments exceed the minimum standards set by ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules; reflecting the City's policy choice to encourage and in some

cases incentivize the development of middle housing by removing barriers to the siting and construction of middle housing within the City of Eugene.

Metro Plan Amendment (MA 21-1): The text amendment to policy A.9 in the residential element of the Eugene-Springfield Metropolitan General Plan (Metro Plan) is intended to comply with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. This amendment does not change the land use designations shown on the Metro Plan's land use diagram.

Middle Housing Code Amendment Findings

Eugene Code Section 9.8065 sets out the following approval criteria (in ***bold italics***) for a land use code amendment.

EC 9.8065(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Based on the findings under each of the statewide planning goals 1 through 19 below, the amendments are consistent with the goals and this criterion is satisfied.

Statewide Planning Goals

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's acknowledged procedures for adoption of legislative land use decisions, located in sections 9.7050 and 9.7500 through 9.7560 of the Eugene Code, ensure the opportunity for community members to be involved in all phases of the legislative land use decision process and set out the requirements for such involvement. The Middle Housing Code Amendments do not amend or change the City's adopted citizen involvement program. The process for adoption of the Middle Housing Code Amendments complies with Goal 1 because it is consistent with the City's acknowledged procedures for legislative land use decisions.

In addition to compliance with the City's acknowledged legislative land use decision procedures the City also solicited significant public involvement prior to the date pre-adoption notice was provided to the Department of Land Conservation and Development. This early public involvement consisted of three phases: Phase 1, Public Involvement Plan/Approach; Phase 2, Design and Code Concepts; and Phase 3, Code Writing. In Phase 1, the Public Involvement Plan/Approach phase, a Public Involvement Plan for the Middle Housing Code Amendments was drafted by City Staff and approved by the Eugene Planning Commission, acting as the City's Committee for Citizen Involvement. The Public Involvement Plan identified stakeholders who could contribute specific information and viewpoints, including 1000 Friends of Oregon, 2Form Architecture, AARP Oregon, Aligned Architecture, Arbor South Architecture and Planning, Better Eugene-Springfield Transportation, Better Housing Together, CDC Management, Cultivate Development, DevNW, DisOrient Asian American Film Festival, Eugene Chamber of Commerce, Eugene Human Rights Commission, Eugene Planning Commission, Eugene Sustainability Commission, Gallic Financial, Granite Property Management, Habitat for Humanity Lane County, Hayden Homes, Historic Preservation Board, Homes for Good, Housing Policy Board, Huerto de

Exhibit B

Familia, Lane County Homebuilders Association, Lane Independent Living Alliance, Lottery-Selected Panel representative of Eugene demographics, NAACP Eugene-Springfield, Neighborhood Leaders Council, Rainbow Valley Design and Construction, Rowell Brokaw, Sapsik'w'alá, SquareOne Villages, Studio e-Architecture, University of Oregon Longhouse, University of Oregon Real World Eugene class, and Walkable Eugene Citizens Advisory Network.

One of the City's goals for this initial phase of public involvement was to solicit input from individuals and groups who have not historically participated in the City's formal acknowledged legislative land use decision process. Because the Public Involvement Plan was adopted August 11, 2020, and Phase 1 of public involvement began in the summer of 2020, during the midst of COVID-19 pandemic, the plan outlined an engagement process that was focused on virtual engagement.

During Phase 1, City staff created a project webpage which was published on the City's website, as well as an additional project page on the City's virtual engagement platform, Engage Eugene. Additionally, a preliminary Interested Parties list was created to distribute project updates via email. The project webpage content included project background, project fact sheets, including Spanish translations, and meeting information. The project Engage Eugene page content included project background and several opportunities for community members to provide input, including a Question and Answer widget, a forum to share "Middle Housing" stories, and a forum to share best and worst outcomes.

During Phase 2 of the Public Involvement Plan, the Design and Code Concepts phase, staff held a series of five working group meetings to solicit stakeholder input on guiding values and principles for the project. Stakeholder groups included the Boards and Commissions RoundTable, the Local Partners RoundTable, the Healthy Democracy Panel, the Healthy Democracy Steering Committee, and the Equity RoundTable.

The Boards and Commissions RoundTable included representatives from the Eugene Planning Commission, Eugene Sustainability Commission, Eugene Human Rights Commission, Eugene Historic Review Board, Eugene Active Transportation Committee, and the Housing Policy Board.

The Local Partners RoundTable included representatives from Better Housing Together, AARP, Eugene Chamber of Commerce, Eugene Association of Realtors, Better Eugene-Springfield Transportation, 1000 Friends of Oregon, Walkable Eugene Citizens Advisory Network (WECAN), Homebuilders Association of Lane County, and the Neighborhood Leaders Council.

The Equity RoundTable included representatives from the NAACP, University of Oregon Longhouse, Sapsik'w'alá Teacher Education program, DisOrient Asian American Film Festival, Lane Independent Living Alliance, Huerto de Familia, Chinese Benevolent Association, and TransPonder.

During Phase 2, the members of the RoundTables met virtually, held discussions, and made recommendations to staff on guiding values and principles for the project. RoundTable members also reviewed and made recommendations to staff on various code concepts. Meeting videos and materials for the Boards and Commissions and Local Partners RoundTables were made available on the project website. Meeting summaries for the Equity RoundTable were also made available on the project website.

Exhibit B

The Healthy Democracy Panel was comprised of community members who were selected via lottery. The City contracted with Healthy Democracy, a nonpartisan nonprofit organization, to conduct public outreach related the Middle Housing code amendments project. Healthy Democracy mailed 7,500 invitations to randomly-selected households around the City of Eugene, including unincorporated areas within the urban growth boundary. The respondents were then entered into a lottery and Healthy Democracy used an algorithm to select a 29-member panel representative of 7 community demographics: age, geographic location, disability, home ownership, gender, race/ethnicity, and educational attainment. During Phase 2, the Healthy Democracy Panel met 15 times. At their first 9 meetings, the panelists identified guiding values and principles for the project, which they recommended to City staff. At their final 6 meetings, the participants reviewed draft code concepts and made their recommendation on code concepts to City staff. The Healthy Democracy meetings were held virtually, and large group sessions were available to be viewed by the public via the Healthy Democracy YouTube. Meeting videos and materials were provided on the project website.

Four undergraduate students from the “Real World Eugene” class at the University of Oregon partnered with City staff to gather feedback on the project, including 137 survey responses from local students. Furthermore, student interns developed a GIS story map outlining project background and code concepts that was written for a Gen-Z audience. The story map amassed over 500 total views.

In addition to more traditional public outreach activities such as meetings and surveys, City staff established a presence for the project on the social media platforms Instagram, Facebook, and Reddit. Together, the project’s social media accounts reach more than 1,600 followers. City staff held 5 Facebook Live events related to the Middle Housing Code Amendments project: Where the Code Hits the Road: Land Use and Transportation Planning; Land Use and Equity: What are the Connections; Land Use and the Climate; What do you Meme: Communicating Land Use to Gen-Z; and Land Use and Housing: What Drives the Price of New Construction. The live events featured 11 guest speakers and amassed over 4,000 views. Additionally, an “ask me Anything” question and answer forum hosted on a Eugene-specific Reddit channel with more than 30,000 subscribers received over 100 comments.

City staff also developed a “Meeting in a Box” tool to provide community groups, such as City-recognized Neighborhood Associations, with information about the Middle Housing code amendment project. The Meeting in a Box tool included neighborhood walking tours, draft code concepts, and feedback forms. The Meeting in a Box was distributed to all Neighborhood Association chairs and was shared via the project’s preliminary interested parties list, on the project webpage, on the project’s Engage Eugene page, and via the Planning Department’s e-newsletter.

The City also conducted a virtual community survey to solicit feedback on the Middle Housing code amendment project. The survey was hosted on the project’s Engage Eugene page and was open for 5 weeks. The survey was also published in Spanish on a separate Engage Eugene page geared specifically to Spanish speakers. Overall, the English Engage Eugene survey received 4,000 views during the survey open period and 741 community members responded to the survey. Overall, the Spanish Engage Eugene survey received 103 views during the survey open period and 10 community members provided survey responses.

Exhibit B

Throughout Phase 2, project updates were provided via the Planning Division e-newsletter that reaches over 18,000 subscribers as well as to the project Preliminary Interested Parties List.

During Phase 3, the draft code writing phase, a Developer Focus Group comprised of 19 local developers and architects was formed to give their feedback on draft code amendments. The Developer Focus Group meetings were held virtually. Meeting summaries were provided on the project website.

Throughout Phase 3 and the formal code adoption phase, City staff continued to provide project updates via the Planning Division e-newsletter that reaches over 18,000 subscribers as well as to the project Preliminary Interested Parties List.

On October 19, 2021, October 21, 2021, and October 26, 2021, City staff held three one-and-a-half-hour virtual information and question sessions, which were open to anyone with questions about the project, the public engagement process, the public engagement recommendations, or the adoption package. Seventy-two individuals attended the virtual information sessions. Additionally, in October of 2021, City staff published a “Guide to the Middle Housing Adoption Process” that included project background, summaries of proposed code changes, and options for providing public comment.

A public hearing on the proposed Middle Housing Code Amendments was held by the Planning Commission on November 16, 2021. 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. Notices were provided at the following times:

September 21, 2021:	The City’s proposed Middle Housing Code Amendments and notice of Planning Commission public hearing on the proposed amendments were filed with the Oregon Department of Land Conservation and Development.
September 24, 2021:	Notice of the Planning Commission’s public hearing on the proposed amendments was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City’s interested parties list.
October 12, 2021:	Notice of a new Planning Commission public hearing date (November 16, 2021) for the proposed Middle Housing Code Amendments was filed with the Oregon Department of Land Conservation and Development. The public hearing date was rescheduled for a later date due to a notice publication issue. Notice of the public hearing was not published by the local paper in compliance with Eugene Code procedural requirements.
October 15, 2021:	Notice of the new public hearing date for the proposed amendments was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City’s interested parties list

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October 26, 2021:	Notice of the Planning Commission public hearing was published in the Register Guard Newspaper.
November 16, 2021:	The Eugene Planning Commission held a public hearing on the Middle Housing Code Amendments and Metro Plan Amendment.

In addition, information concerning the proposed Middle Housing Code Amendments, including the dates of the public hearings, was posted on the City of Eugene website and project updates were provided via email to the Planning Division e-newsletter that is sent to over 18,000 subscribers, as well as to the project Preliminary Interested Parties List, on the dates shown below:

- Planning Division e-newsletter: May 31, 2020, June 28, 2020, July 26, 2020, August 30, 2020, September 27, 2020, November 29, 2020, January 31, 2021, February 28, 2021, March 28, 2021, April 25, 2021, June 1, 2021, June 28, 2021, August 1, 2021, September 15, 2021, September 27, 2021, and October 31, 2021.
- Project Preliminary Interested Parties List: October 8, 2020, October 25, 2020, November 18, 2020, February 5, 2021, February 13, 2021, February 23, 2021, June 17, 2021, October 5, 2021, and October 20, 2021

Following the Planning Commission's January 25, 2022, adoption of a recommendation that the City Council adopt the Middle Housing Code Amendments and Metro Plan Amendment, city staff held an additional three virtual information sessions on February 18, 2022, February 22, 2022, and March 3, 2022, in advance of the City Council public hearing. These information sessions were held over Zoom at various times to accommodate a variety of schedules and were posted on the project webpage for those unable to attend live. The information sessions included a staff presentation that included an overview of a "Guide to the Planning Commission Recommendation" published prior to the information sessions that included project information, code summaries, and instructions to provide public comment. Each staff presentation was followed by a question and answer session.

The Eugene City Council held a public hearing on the Middle Housing Code Amendments on April 18, 2022. Consistent with land use code requirements, notice of the City Council public hearing was mailed to persons that provided oral or written testimony in a timely manner during the Planning Commission hearing procedures, as well persons that requested notice of the Planning Commission's decision. Notice of the City Council public hearing was published in the Register-Guard newspaper on March 31, 2022. Notice of the City Council public hearing, as well as the text of the Middle Housing Code Amendments and Metro Plan Amendment, was posted on the City's website on April 1, 2022. The City Council continued to accept written public comment until its decision on the Middle Housing Code Amendments and Metro Plan Amendment.

On May 25, 2022, the Eugene City Council approved Ordinance No. 20667, which included both the Middle Housing Code Amendments and the Metro Plan Amendment.

Ordinance No. 20667 was appealed to the Oregon Land Use Board of Appeals (LUBA), who upheld the ordinance. LUBA's decision was then appealed to the Oregon Court of Appeals, who disagreed with LUBA. On October 12, 2023, LUBA remanded Ordinance No. 20667 back to the

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City to allow the City Council to reconsider the ordinance's compliance with Statewide Planning Goal 11 (Public Facilities and Services).

On February 20, 2024, the Eugene City Council held a public hearing on an ordinance attempting to address the remand direction from LUBA and the Court of Appeals through additional findings explaining how existing Eugene Code provisions, similar to those in the Large Cities Middle Housing Model Code, satisfy the City's obligation to comply with Goal 11. Following the public hearing, on March 11, 2024, the Eugene City Council approved Ordinance No. 20705 to adopt the Middle Housing Code Amendments and the amended findings. Ordinance No. 20705 was appealed to LUBA. On July 10, 2024, LUBA issued a final opinion explaining that the City's evidence and findings did not adequately explain how existing city code provisions and permitting processes address the sufficiency of public facilities to satisfy the City's Goal 11 planning obligation and remanding Ordinance No. 20705 back to the City.

On November 18, 2024, the City Council held a public hearing on the remand ordinance. Although not required by the land use code, on October 31, 2024, notice of the City Council public hearing was mailed the Department of Land Conservation and Development, to persons that provided oral or written testimony in a timely manner during the initial adoption process, and to persons that requested notice of the City Council's decision. The proposed remand ordinance was posted in two places on the City's website on October 31, 2024. Notice of the City Council public hearing on the remand ordinance was published in the Register-Guard newspaper on October 31, 2024. The City Council continued to accept written public comment until its decision on the remand ordinance.

These processes afforded 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 formal adoption procedure and approval criteria that were used in considering these amendments. The record shows that there is an adequate factual basis for the amendments to the land use code. 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 citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with 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 and maintain agricultural lands.

The Middle Housing Code Amendments will only affect properties located within the City of Eugene and therefore do not affect any lands designated by the comprehensive plan for

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agricultural use. To the extent that there are properties within the City currently zoned for agricultural use the proposed amendments do not force a discontinuance of agricultural practices. The amendments are intended to reduce barriers to the development of middle housing within the City; therefore, they have the potential to reduce the need to expand the City's urban growth boundary in a way that impacts agricultural land in the future. For all these reasons, the amendments are consistent with Statewide Planning Goal 3.

Goal 4 - Forest Lands. To conserve forest lands.

The Middle Housing Code Amendments will only affect properties located within the City of Eugene and therefore do not affect any lands designated by the comprehensive plan for forest use. The amendments are intended to reduce barriers to the development of middle housing within the City; therefore, they have the potential to reduce the need to expand the City's urban growth boundary in a way that impacts forest lands. For all these reasons, the amendments are consistent with Statewide Planning Goal 4.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces. 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 Middle Housing Code 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, the proposed amendments are consistent with Statewide Planning Goal 5.

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 Middle Housing Code Amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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. To the extent that the Middle Housing Code Amendments allow for increased residential density on residentially zoned and designated properties, including those residential properties that may be located in proximity to potential natural hazards, those changes are required by ORS 197A.420. The residential development allowed by the Middle Housing Code Amendments will be subject to the City's existing policies and regulations that protect people and property from natural hazards. The Middle Housing Code Amendments do not amend or repeal any policies or regulations that protect people and property from natural hazards. The Middle Housing Code Amendments will not reduce or repeal adopted natural hazard protections. Therefore, the Middle Housing Code Amendments are consistent with Statewide Planning Goal 7.

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 that recreational facilities are provided to Oregon citizens and is primarily concerned with the provision of recreational facilities in non-urban areas of the state. The Middle Housing Code Amendments do not affect the City's provisions for or citizen's access to recreation areas, facilities, or recreational opportunities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

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 Middle Housing Code 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 the City to provide an adequate supply of buildable land to accommodate the City's estimated housing needs for a 20-year planning period. The Envision Eugene Residential Land Supply Study (2012-2032) was adopted by the City of Eugene in 2017 as a refinement of the Envision Eugene Comprehensive Plan and complies with the requirements of Goal 10 and Chapter 660, division 008 of the Oregon Administrative Rules.

The Envision Eugene Residential Land Supply Study includes an inventory of buildable lands for residential use. According to the Residential Land Supply Study, there is sufficient buildable residential land to meet the identified land need. The Middle Housing Code Amendments do not impact the City's supply of residential buildable land. No land is being re-designated from a residential use to a non-residential use, and the amendments do not otherwise diminish the amount of land available for residential use.

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Goal 10 also requires the City to conduct a Housing Needs Analysis (HNA) in order to assess whether the City's estimated housing needs for a 20-year planning period can be satisfied. The Envision Eugene Residential Land Supply Study (2017) includes a HNA that forecasts that Eugene's population will increase by 33,778 people between 2012 and 2032. Based on the HNA analysis, Eugene will need 15,105 dwellings to accommodate this growth.

The Middle Housing Code Amendments increase the capacity of existing residential land by allowing for development of more dwelling units on residential land throughout the city. More specifically, the amendments will allow for the development of middle housing types in areas where those housing types were previously prohibited or limited, which will result in an increase in the overall capacity for dwellings on lands designated for residential uses.

OAR 660-046-0200 provides that OAR 660-046-0025 through OAR 660-046-0235 are intended to measure compliance with ORS 197A.420 and Goal 10 for cities with a population of over 25,000. The Middle Housing Code Amendments are consistent with ORS 197A.420 and OAR 660-046-0025 through OAR 660-046-0235. The amendments allow a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. The amendments also allow all middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings. The siting and design standards included in the Middle Housing Code Amendments comply with OAR 660-046-0210 and do not, individually or cumulatively, discourage the development of middle housing through unreasonable cost and delay.

The Middle Housing Code Amendments include changes to the city's land use code that are compliant with the minimum standards set by OAR Chapter 660, division 46 and/or are consistent with the state's model code. In several instances, the Middle Housing Code Amendments go beyond the express requirements of state law to expand the opportunities for and reduce barriers to development of middle housing in the city. These incentives include, but are not limited to:

- Lot sizes for development of middle housing are generally smaller than lot sizes required for the development of single-unit dwellings;
- Further reductions in lot size (or density increases in the case of townhouses) for middle housing developments that include income-qualified units and middle housing developments that include dwellings with an average size of less than 900 square feet;
- Allowance for detached as well as attached duplexes, triplexes, and quadplexes;
- Reduced parking requirements for income-qualified middle housing, and middle housing on lots within ¼ mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station;
- Increased lot coverage allowance for middle housing developments.

Based on these findings, the Middle Housing Land Use Code 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 Eugene/Springfield Public Facilities and Services Plan (PFSP) is the adopted and acknowledged public facility plan for areas within Eugene’s urban growth boundary with respect to water, wastewater, and stormwater services. The Eugene 2035 Transportation Plan (TSP), which was adopted pursuant to chapter 660, division 12 of the Oregon Administrative Rules (OARS), fulfills the requirements for transportation facilities planning in ORS 197.172(2)(e), Statewide Planning Goal 11, and OAR chapter 660, division 11. The Middle Housing Code Amendments do not make changes to the PFSP or the 20235 TSP, nor do they allow development that is insufficiently served by public facilities.

Consistent with OAR 660-046-0010(3)(e), following adoption of the Middle Housing Code Amendments, the City will work to ensure that infrastructure serving areas where middle housing is allowed, including any undeveloped or underdeveloped areas as defined in OAR 660-046-0320(8), is appropriately designed and sized to serve the land uses allowed by the City’s comprehensive plan and land use regulations, including middle housing uses.

The Land Use Board of Appeals, in its most recent remand of the Middle Housing Code Amendments, explained that the Oregon Court of Appeals has determined that City can demonstrate that the Middle Housing Code Amendments comply with Goal 11 by adopting the “sufficient infrastructure” provisions in the Large Cities Middle Housing Model Code (Model Code), which limit development of middle housing on lots that lack sufficient infrastructure to support it.

The City Council finds that the Middle Housing Code Amendments comply with Goal 11 because they incorporate the “sufficient infrastructure requirements” from the Model Code, including the “on lots or parcels with Sufficient Infrastructure” restriction. Incorporating the Model Code’s “sufficient infrastructure provisions,” into the Middle Housing Code Amendments ensures that the higher density housing that may be allowed under the Middle Housing Code Amendments will only be allowed on “lots or parcels with sufficient infrastructure.” The language that is now included in both the Model Code and Middle Housing Code Amendments requires that an applicant demonstrate that the following level of public services is already provided or will be provided upon submittal of a development application:

- Connection to a public sewer system capable of meeting established service levels.
- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

The City Council finds that the City’s adoption of the Model Code’s “sufficient infrastructure” requirements, the same requirements imposed by the State through its Model Code, provides an

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adequate factual base to show that the middle housing development potentially allowed by the Middle Housing Code Amendments will not be allowed on a lot or parcel for which there is no demonstration of sufficient infrastructure.

For all the reasons stated above, the City Council finds that there is an adequate factual base to show that the Middle Housing Code Amendments are consistent with Goal 11.

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.*

Chapter 639, Section 3(5) of Oregon Laws 2019 provides that “[w]hen a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.”

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The Middle Housing Code Amendments are legislative changes to Eugene's land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings. Therefore, the City is not required to consider whether the amendments significantly affect an existing or planned transportation facility. Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

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

Goal 13 provides guidance on the management of land and land uses to maximize the conservation of energy. Goal 13 provides implementation direction focused on lot sizes, building heights, density of housing, compatibility, and availability of light, wind, and air. The Middle Housing Code Amendments limit the height of middle housing located within the low-density residential zone to the same height limit applicable to single-family dwellings in that zone. The height limitation will allow for solar infiltration and limit middle housing development from shadowing of other buildings providing for more availability of light. Goal 13 encourages, among other things, an increase in density along high-capacity transportation corridors. The Middle Housing Code Amendments remove all off-street parking requirements for middle housing on lots within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station. EmX lines are located along high-capacity transportation corridors in Eugene. The removal of off-street parking requirements incentivizes middle housing (which will necessarily provide higher density than detached single-family homes) close to transit, consistent with Goal 13. In addition, the removal of off-street parking requirements for middle housing close to transit potentially allows for higher density on individual lots because more of the lot can be used for housing instead of parking. As the amendments encourage density along high capacity transportation corridors, the amendments are consistent with Statewide Planning Goal 13.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The Middle Housing Code Amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, the amendments are consistent with Statewide Planning Goal 14.

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 Middle Housing Code Amendments do not contain any changes to the City's 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 lands affected by these Middle Housing Code Amendments. Therefore, these goals are not relevant, and the amendments will not affect compliance with Statewide Planning Goals 16 through 19

EC 9.8065(2) Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

Metro Plan Policies

The following policies from the Metropolitan Residential Land Use and Housing Element of the Eugene Springfield Metropolitan Area General Plan (Metro Plan): (identified below in italics) are applicable to these Middle Housing Code Amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the Metro Plan.

Residential Land Use and Housing Element

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

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

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

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

ORS 197A.420 requires the City to allow “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings” and requires the City to allow “[a]ll middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings.” The Middle Housing Code Amendments will implement the requirements of ORS 197A.420. Development of middle housing as required by state law and as allowed by the Middle Housing Code Amendments, may cause the density on some residentially zoned and designated properties to exceed the current density ranges in Policy A.9 of the Metro Plan’s Residential Land and Housing Element.

However, a text amendment to policy A.9 of the Metro Plan, adopted by the City Council as part of the same ordinance that contains the Middle Housing Code Amendments, exempts middle housing from the maximum densities in the density ranges in policy A.9 and allows the City to establish maximum density requirements that apply to middle housing within the City as long as the middle housing density requirements comply with state law. The text amendment also clarifies that whenever an adopted refinement plan policy conflicts with the amended policy A.9, the policy A.9 controls.

Therefore, the Middle Housing Code Amendments are consistent with policy A.9 of the Metro Plan as amended by the ordinance that also adopts the land use code amendments.

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A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.

The Middle Housing Code Amendments allow for middle housing to be developed in more areas of the City, which increases the overall number of potential dwelling units that could be developed within City limits. Additionally, the development standards applicable to middle housing were selected to encourage the development of middle housing and remove barriers to that development. By encouraging the development of middle housing on land that was otherwise likely to have been developed with detached single-family housing, the land use code amendments promote higher residential density within the city, conserving rural resource lands outside the urban growth boundary.

The increased opportunity and reduced barriers to the development of middle housing will allow for more infill of middle housing, which will utilize existing infrastructure when feasible. The increased infill opportunities will also help to improve the efficiency of public services and facilities by increasing density within the city, thereby allowing more people within the city limits to access those services and facilities.

Through the allowance of more middle housing on existing lots within the City and removing barriers to development, the overall density within the UGB is likely to increase, which will reduce pressure to expand the UGB for residential purposes, as further supported under the findings for Goal 10 at EC 9.865(1) above, incorporated herein by reference.

The increased density facilitated by these amendments will utilize existing infrastructure where possible, improve efficient use of public services and facilities, and help to conserve the rural resource lands outside the UGB. For all these reasons, the land use code amendments are consistent with policy A.10.

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.

The Middle Housing Code Amendments will allow middle housing in more areas of the city, thereby increasing density throughout Eugene's residentially designated lands, including residentially designated lands located near employment and commercial services consistent with this policy.

In addition, the land use code amendments allow for reductions in off-street parking requirements for development of middle housing on lots located within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station. EmX lines are , located on high capacity roadways with frequent transit service.

Based on the increased allowance of middle housing and incentives to locate middle housing near transit, the amendments are consistent with policy A.11.

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

The Middle Housing Code Amendments will allow middle housing in more residential areas within the city limits. Existing adopted city policies and regulations, including, but not limited to, the Eugene/Springfield Public Facilities and Services Plan (PFSP), the Eugene 2035 Transportation System Plan (TSP), the Parks and Recreation System Plan, and the land use code, regulate the provision of adequate infrastructure and services, open space, and other urban amenities within the city limits. The proposed amendments do not apply to areas that are within the city's urban growth boundary (UGB) but outside the city limits. Properties located outside the city limits but within the UGB will be evaluated for their ability to access urban facilities and services at the time of future annexation. The Middle Housing Code Amendments do not amend the currently adopted PFSP or the 2035 TSP. Consistent with the PFSP and OAR 660-046-0010(3)(e), the City will continue to plan and develop public facilities to support the land uses designated in the City's acknowledged comprehensive plan, including public facility projects that support the development of middle housing.

As discussed in the findings regarding compliance with Goal 11, incorporated herein by reference, the City Council finds that incorporation of the Model Code's "sufficient infrastructure" requirements into the Middle Housing Code Amendments provides an adequate factual base to show that the middle housing development potentially allowed by the Middle Housing Code Amendments will not be allowed on a lot or parcel for which there is no demonstration of sufficient infrastructure. For all these reasons, the amendments are consistent with policy A.12.

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.

Consistent with this policy, the Middle Housing Code Amendments allow for middle housing to be developed in more residentially zoned and designated areas of the City, which increases the overall number of potential dwelling units that could be developed within City limits. Additionally, the development standards applicable to middle housing were selected to encourage the development of middle housing and to remove barriers to that development. By encouraging the development of middle housing on land that was otherwise likely to have been developed with detached single-family housing, the land use code amendments promote higher residential density within the city.

The amendments allow for middle housing to be developed on smaller lots than the lot sizes currently required for single detached dwellings. This creates more opportunities for effectively designed infill by allowing development of housing on lots that may otherwise have been too small to support housing or land divisions under the existing land use code. Smaller lot size requirements for middle housing types may also create opportunities for redevelopment of lots that would otherwise be non-conforming because of their size.

While the amendments allow a duplex on any lot that permits a single-detached dwelling, the amendments also allow duplexes on lots that are as small as 2,250 square feet. This significantly

reduces existing barriers to duplex development, which currently include a requirement for an 8,000 square foot lot. Similarly, the Middle Housing Code Amendments allow triplexes on lots that are 3,500 square feet. Lots of this size were previously not permitted in Eugene without adhering to special small lot development standards (only permitted in the R-2, R-3, and R-4 zones) or getting approval through a planned unit development or cluster subdivision. These lots sizes present an opportunity to further partition or subdivide lots that were previously too small to divide any further. New lots created through this process will offer an opportunity for new development, redevelopment, and in-fill within existing neighborhoods.

ORS 197A.420 requires the City to allow “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings” and to allow “[a]ll middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings.” Therefore, the City cannot refuse to allow middle housing where it is required by state law based on impacts to historic, existing and future neighborhoods.

Notwithstanding state law requirements, the City Council finds that the standards for middle housing included in the land use code amendments render middle housing visually compatible with existing and future residential neighborhoods in the city through development standards including height limitations, lot coverage, building orientation, and off-street parking requirements. However, consistent with OAR 660-046-0010(3)(a)(B), the amendments do not alter the development standards within special area zones or overlay zones that provide protection to historic areas and developments, such as the Historic Blair Special Area Zone.

To the extent that the development of middle housing alters or affects the character of existing neighborhoods, the City Council finds that the benefit of the opportunities for effectively designed infill and redevelopment created by the Middle Housing Code Amendments, outweighs the minor impacts to existing residential neighborhoods. For all the reasons above, the land use code amendments are consistent with policy A.13.

A. 14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.

The Middle Housing Code Amendments are the result of a review of the city’s land use code and development regulations and the amendments remove barriers to the development of middle housing in areas where typically detached single-family housing has been developed. The amendments allow for middle housing to be developed in more residentially zoned and designated areas of the City, which increases the overall number of potential dwelling units that could be developed within City limits.

Additionally, the development standards applicable to middle housing were selected to encourage the development of middle housing and to remove barriers to that development. By encouraging the development of middle housing on land that was otherwise likely to have been developed with detached single-family housing, the land use code amendments remove barriers to development of a wider range of housing options within the city and will likely result in the development of more duplexes, triplexes, fourplexes, townhouses and cottage clusters in addition to detached single-family homes and large multi-unit developments. For all these reasons, the amendments are consistent with policy A.14.

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A. 16 Allow for the development of zoning districts which allow overlap of the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts. Under no circumstances, shall housing densities be allowed below existing Metro Plan density ranges.

The Middle Housing Code Amendments do not create new zones or rezone property.

However, generally, the amendments do allow for a wider range of middle housing types throughout Eugene's residential zones, which supports more housing options and promotes housing choice. The allowance of middle housing, which may result in densities higher than those previously allowed in Eugene's low and medium density residential plan designations, facilitates the ability to develop in accordance with this policy and ensure that the minimum density set by the Metro Plan density ranges will be met. The amendments do not permit housing densities that are lower than the existing Metro Plan density ranges.

Based on these findings, the amendments are consistent with this policy A.16.

Housing Type and Tenure Policies

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location.

The Middle Housing Code Amendments provide the opportunity for development of the various middle housing types, including duplexes, triplexes, fourplexes, townhomes, and cottages in all residential zones.

The amendments encourage density by providing new minimum lot size requirements. A duplex is now permitted on any lot that permits a single-detached dwelling. Additionally, the amendments allow a duplex on lots that are 2,250 square feet, which significantly reduces the existing barriers to duplex development, which currently require an 8,000 square foot lot, further expanding opportunities for duplex development. Similar reductions and incentives in lot size allowance for other middle housing types also facilitate the development of more middle housing types throughout Eugene.

Additional incentives for middle housing, such as reduced off-street parking requirements for middle housing developments that include income-qualified units, and development of middle housing on lots within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station are likely to increase the range and variety of housing type, density, size and cost in the City.

New development standards have been established for triplexes, fourplexes, and cottage clusters that are consistent with state law and the state's model code. The Eugene Code currently considers triplexes, fourplexes, and cottage clusters "Multiple Family Dwellings" and subjects those housing types to the City's Multi-Family Development standards or requires a planned unit development approval. The new development standards for these housing types in the Middle Housing Code Amendments will lower barriers to development of triplexes, fourplexes and cottage clusters and will expand the opportunity to develop those housing types throughout Eugene.

Exhibit B

In addition, the Middle Housing Code Amendments expand development opportunities for duplexes, triplexes and fourplexes by allowing units in those housing types to be detached as well as attached. The amendments will allow two, three, or four separate dwellings to exist on the same lot and be considered a duplex, triplex, or fourplex, respectively. This option, commonly referred to as “detached plexes” increases design flexibility for the development of duplexes, triplexes, and fourplexes, especially on sites with an existing dwelling or dwellings and on oddly shaped lots or lots with other types of development restrictions. This flexibility is consistent with this policy, as it provides opportunities for choice in housing density, size, type, cost and location.

The Middle Housing Code Amendments also include new development standards for townhouses that are consistent with state law and the state’s model code. At this time, townhouses, currently called rowhouses, are prohibited in the City’s R-1 zone in certain neighborhoods and require vehicular access from the rear of the development. These requirements, along with other standards for townhouses, have been a barrier to the development of townhouses in Eugene. The amendments allow townhouses in the R-1 zone, subject to new clear and objective development standards, and remove the requirement for vehicular access from the rear of the townhouse, which has consistently been a barrier to development of townhouses in areas that do not have established alleys or have undeveloped alleys.

The Middle Housing Code Amendments create new standards for cottage clusters that drastically reduce barriers to cottage cluster development. Under the City’s currently adopted land use code, cottage clusters are either subject to the strict multi-unit development standards or require a cluster subdivision or planned unit development approval. These requirements presented significant barriers to the development of cottage clusters and the amendments remove those barriers and provide previously missing opportunities for cottage cluster development.

Overall, the Middle Housing Code Amendments increase opportunities for the development of middle housing and the removal of barriers to middle housing development, which will provide opportunities for new middle housing types across Eugene at a higher density than previously permitted and will allow for more choice in housing size, type, cost and location. Based on these findings, the amendments are consistent with this policy A.17.

A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.

As discussed in the findings under Policy A.17, incorporated herein by reference, the Middle Housing Code Amendments allow for the development of middle housing types on residentially zoned and designated properties throughout Eugene. The changes will allow a variety of structure types, such as townhouses, cottages, and attached and detached duplexes, triplexes, and fourplexes within residential designations in the City. Based on these findings, the amendments are consistent with this policy.

Exhibit B

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

The Middle Housing Code Amendments include siting and design standards for triplexes, fourplexes, townhouses and cottage clusters. These siting and design standards include, but are not limited to, setbacks, height limits, window coverage, entry orientation, building orientation and parking requirements. Duplexes are subject to the same siting and design standards and single-family detached housing. These siting and design standards will reduce visual and other impacts of middle housing on surrounding uses.

Based on these findings, the amendments are consistent with this policy.

A.33 Consider local zoning and development regulations impact on the cost of housing.

The Middle Housing Code Amendments expand the potential for development of middle housing by reducing barriers and creating opportunities for development. The new development standards for triplexes, fourplexes, townhomes, and cottage clusters included in the amendments significantly reduce potential development costs by no longer subjecting these developments to the City's multi-unit development standards and by offering clear and flexible design standards that comply with state law.

Additionally, the amendments include incentives for middle housing such as reduced off-street parking requirements for middle housing developments that include income-qualified units, and middle housing on lots within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station. The amendments also include lot size reductions for middle housing developments that include small units or income-qualified units. These incentives will likely reduce the costs of development of middle housing, which should translate into housing that costs less to rent or buy. The income-qualified units must be made available at prices or rent levels appropriate for persons with incomes at or below 80% of the area median income.

In conjunction with these factors, the newly created middle housing land division process will likely reduce the costs associated with dividing and selling a unit within a middle housing development. The savings from the middle housing land division will likely reduce costs and expand opportunities for home ownership in middle housing that was previously unavailable or costly.

Based on these findings, the amendments are consistent with this policy.

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any relevant or applicable policies for these amendments.

Applicable Refinement Plans

To the extent that policies in the City's adopted refinement plans constitute mandatory approval criteria a discussion of the policies that appear to be relevant is provided below. The plan the policy is from is listed in (**bold**) followed by policies in (*italics*) and applicable findings.

Exhibit B

Bethel-Danebo Refinement Plan (1982)*Recommendations: General Land Use**Policy*

1. *The following land use designations in the Eugene-Springfield Metropolitan Area General Plan shall be maintained:*
 - a. *low-density residential development in most of the plan area;*
 - b. *a commercial node on Highway 99 North and three commercial/ residential development nodes in the plan area;*
 - c. *medium-density residential development around the Highway 99 North commercial node, and the three development nodes.*

This policy aligns the Bethel-Danebo Refinement Plan land use designations with those of the Metro Plan. No changes are being made to the Metro Plan's Land Use Diagram or to the land use designations of properties within the refinement plan area. Exempting middle housing from the maximum densities identified in policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan as provided in the concurrent Metro Plan Amendment is necessary to comply with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules and will facilitate the allowance of middle housing on residentially zoned and designated properties. Based on these findings, the amendments are consistent with this policy.

Eugene Downtown Plan (2004)*Living Downtown*

1. *Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities. (pg. 25)*

The Middle Housing Code Amendments will create more opportunity for middle housing in Eugene's residential zones, including residentially zoned properties in the downtown core and on the edges of downtown. Middle Housing types (duplexes, triplexes, fourplexes, cottage clusters and townhomes) all include multiple units, so creating opportunity for more middle housing development downtown is consistent with this policy. The Middle Housing Code Amendments also include lot size reduction incentives for small units, which are more likely to be affordable to persons with lower income levels. Additionally, the amendments further support affordability by including income-qualified incentives, which provide development incentives (reduced parking requirement, reduced lot size requirements, and density increases) when middle housing units are reserved for people who are below 80 percent of the area median income. Based on these findings, the amendments are consistent with this policy.

Fairmount/U of O Special Area Study (1982)

Land Use

General Policies

1. The City of Eugene will use the Land Use Diagram and the policies of this plan along with other City policies in making land use and other decisions regarding the plan area. The Land Use Diagram is a generalized map and graphic depiction of the policies and proposals of this plan and the Community Goals and Policies. It is a supplement to and a refinement of the Metropolitan Area General Plan Diagram.

No changes are being made to the Metro Plan's Land Use Diagram or to the land use designations of properties within the refinement plan area. The definition of "low-density" residential as used in the plan's Land Use Diagram provides that the area shown as "low-density" on the Land Use Diagram "is to remain in low-density residential use with emphasis on preserving and maintaining the single-family character which currently exists." The City Council finds that nothing in the amendments prevents the area shown as "low-density" on the plan's Land Use Diagram from remaining in low-density residential use. The City Council further finds that the development standards applicable to middle housing help to ensure that middle housing developed in the plan area will blend in with the existing single-family character of the neighborhood. Finally, the City Council finds that to the extent this plan policy would prohibit the development of middle housing within the area shown as "low-density" on the Land Use Diagram, that prohibition is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

5. There will continue to be opportunity for residents to be involved in land use decisions that affect them.

As noted in the findings regarding compliance with Statewide Planning Goal 1, hereby incorporated in these findings, the city has provided many opportunities for public involvement in both the drafting and consideration of the Middle Housing Code Amendments. The amendments are consistent with this policy.

East Campus Area Policy 4: The City shall encourage the University to develop its high- and medium- density residential units with concern for adequate parking and appropriate parking solutions, regard for landscaping, and consideration of the impact on the rest of the neighborhood.

To the extent that this policy impacts the development of middle housing types, nothing in the Middle Housing Code Amendments discourages or prohibits the University from developing its high-density and medium-density residential units with concern for adequate parking and appropriate parking solutions and consideration of the impact of the development on the rest of the neighborhood. To the extent that the Middle Housing Code Amendments include

requirements for off-street parking for middle housing types, those off-street parking requirements are either consistent with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules, or are intended to incentivize development of income-qualified middle housing units to encourage affordability or to incentivize development of middle housing close to EmX stations, which will provide residents with transportation options other than single-occupancy vehicles and will therefore likely reduce the need for parking associated with those developments. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Jefferson Far West Refinement Plan

Land Use Element

Residential Policies

2.0 Increase the opportunity for home ownership within the area.

The Middle Housing Code Amendments will allow development of middle housing types in more places in the city, including the plan area. Consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. Finally, the Middle Housing Code Amendments include incentives to develop middle housing for sale at prices affordable to persons with an income of 80% or less of the area median income. The City Council finds that the Middle Housing Code amendments will increase the opportunity for home ownership by allowing for the development of more housing units at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

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

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of densities and types and will increase the opportunity for home ownership by allowing for the development of more housing units in

Exhibit B

different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

*Far West
Residential Areas*

1. North Low-Density Residential Area

The City shall continue to recognize the area as suitable for low-density housing. Efforts shall be made to maintain and improve existing housing stock through both public and private investments. In an effort to allow additional residential units and yet maintain 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.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as suitable for low-density housing. Middle housing types are permitted in low-density residential zones, and the City Council finds that the development of middle housing is consistent with the term “low-density housing” as it is used in this policy. Nothing in the amendments prohibits efforts to maintain and improve existing housing stock. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The City Council finds that development of middle housing is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the North Low-Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The plan does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

2. Central Low-Density Residential Area

The low-density designation recognizes the 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.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the residential character of the area. The amendments do not rezone or re-designate any residentially zoned properties in the area. Middle housing types are classified as allowed residential uses in the land use code. The City Council finds that development of middle housing

Exhibit B

is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the Central Low-Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The plan does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Finally, because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. Based on these findings, the amendments are consistent with this policy.

3. West Medium-Density Residential Area

This area shall be recognized as appropriate for medium density housing. The City shall consider rezoning land designated PL Public Land and in use as Westmoreland Family Housing to reflect existing development. The City shall improve and maintain public access for bicyclists and pedestrians along the Amazon Canal and crossing the Amazon Canal easement.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium density housing. Middle housing types are permitted in medium-density residential zones, and the City Council finds that the development of middle housing is consistent with the term “medium density housing” as it is used in this policy. Based on these findings, the amendments are consistent with this policy.

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, and infilling, and shared housing.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as suitable for low-density residential use. Middle housing types are permitted in low-density residential zones and the City Council finds that the development of middle housing is consistent with the term “low-density residential use” as it is used in this policy. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The plan does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

Exhibit B

*Jefferson
Residential Areas**11. West Low-Density Residential Area*

Encourage additional residential development that will maintain the character of the area by pursuing the application of block planning and allowing additional housing units on undeveloped or underutilized sites, division of existing single-family structures in to duplexes, and access to additional housing units off of alleys.

The Middle Housing Code Amendments are consistent with this policy's direction to encourage residential development, to allow additional housing units on undeveloped or underutilized sites and to allow division of existing single-family structures into duplexes. The Middle Housing Code Amendments also reduce barriers for the development of middle housing on existing alley access lots and allow for middle housing development on lots that utilize an alley for access purposes. The City Council finds that development of middle housing is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the West Low-Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. Based on these findings, the amendments are consistent with this policy.

12. West Medium-Density Residential Area

This area is appropriate for medium-density residential use.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium density residential use. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term "medium density residential use" as it is used in this policy. Based on these findings, the amendments are consistent with this policy.

13. Low-Density Residential Area – South of the Fairgrounds

This area shall remain a low-density residential area. Efforts shall be made to maintain and improve the quality of the existing housing stock.

Nothing in the Middle Housing Code Amendments will prevent this area from remaining a low-density residential area. Nothing in the amendments requires rezoning or re-designation of low-density residential properties. Middle housing types are permitted in low-density residential zones. Based on these findings, the amendments are consistent with this policy.

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14. Low to Medium Density Residential Area

This area shall be recognized as appropriate for low-to medium-density residential development.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for low-to medium density residential development. Middle housing types are permitted in both low-density and medium-density residential zones. Based on these findings, the amendments are consistent with this policy.

15. Low- to Medium-Density Residential Area

This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review.

The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as a low-to medium density residential area. Nothing in the amendments requires rezoning or re-designation of low-density residential properties. Middle housing types are permitted in both low-density and medium-density residential zones. The City Council finds that development of middle housing is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the Low-to-Medium Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules.

The Middle Housing Code Amendments are consistent with the policy's direction to encourage an increase in residential density. The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy is inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control.

Finally, because the Middle Housing Code Amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The plan

Exhibit B

does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

16. East Medium Density Residential Area

This area shall be recognized as appropriate for medium-density residential development. Efforts shall be made to preserve the existing residential structures by encouraging rehabilitation, infilling, or relocation of structures within the neighborhood.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium density residential development. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term “medium density residential development” as it is used in this policy. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. In addition, the amendments allow for conversion of existing residential structures into middle housing, which is consistent with the language of this policy regarding preservation and rehabilitation of residential structures. Based on these findings, the amendments are consistent with this policy. Based on these findings, the amendments are consistent with this policy.

17. High-Density Residential Area

This area shall be recognized as appropriate for high-density residential uses. Proposed rezonings to higher residential densities within this area shall be evaluated based on criteria such as parcel size, proposed development, and impact on surrounding uses. Site review shall be required in conjunction with rezonings.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for high-density residential uses. Middle housing types are permitted in high-density residential zones. Nothing in the Middle Housing Code Amendments requires rezoning or re-designation of property. Based on these findings, the amendments are consistent with this policy.

Exhibit B

Laurel Hill Neighborhood Plan (1982)*Land Use and Future Urban Design**Policies*

1. *Approval of Valley development will take into consideration:*
 - a. *Density*
 - b. *Size*
 - c. *Dispersal*
- a. *Density*

The appropriate density for residential development shall be determined based on 1) the provision of the Metropolitan Area General Plan calling for an overall density range of one to ten units per acre; and 2) provisions of the South Hills Study, including those limiting density to five units per acre for sites above 500 feet in elevation.

The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

5. New land divisions shall be planned to respect the present topography and ensure solar potential to the extent possible. Developers shall be encouraged to investigate techniques other than grid-type division of land when planning for development.

The Middle Housing Code Amendments do not amend the existing solar standards, which apply at the time of development of middle housing or at the time of partition or subdivision. As required by SB 458 (2021), the Middle Housing Code Amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Consistent with this policy, the middle housing land division process allows for the creation of lots using techniques other than a grid-type division of land. Based on these findings, the amendments are consistent with this policy.

Exhibit B

*Transportation
Policies*

2. All future construction in the Valley or East Laurel Hill shall include adequate off-street parking to accommodate not only permanent residents but a reasonable number of visitors. Although on-street parking should be discouraged, in some areas pull-out facilities for parking should be developed, particularly where congestion exists.

To the extent that the Middle Housing Code Amendments include requirements for off-street parking for middle housing types, those off-street parking requirements are either: consistent with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules; intended to incentivize development of income-qualified middle housing units to encourage affordability; or intended to incentivize development of middle housing close to EmX stations, which will provide residents with transportation options other than single-occupancy vehicles and will therefore likely reduce the need for parking associated with those developments. The City Council finds that compliance with the off-street parking requirements of the Middle Housing Code Amendments constitutes “adequate off-street parking” consistent with this policy. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

*Relationship to the City
Policies*

2. The City will communicate to the recognized neighborhood group its general information pertaining to programs and projects that may have a physical impact on the Valley, in order that the association can participate in the public discussion.

As noted in the findings regarding compliance with Statewide Planning Goal 1, which are hereby incorporated in these findings, the city has provided many opportunities for public involvement in both the drafting and consideration of the Middle Housing Code Amendments, including specifically reaching out to neighborhood associations. The amendments are therefore consistent with this policy.

*East Laurel Hill Area
Land Use and Future Urban Design Policies*

1. The density within East Laurel Hill with the exception of the commercial/residential node shall be consistent with the low-density designation of the Metro Plan. The development node’s medium-density residential/professional designation is an exception and may allow up to 20 units per acre, subject to consideration of the South Hills Study or future amendments to that plan. All low-density areas at elevations greater than 500 feet are subject to South Hills Study development guidelines. Controlled-income-and-rent

Exhibit B

housing subsidized under Federal, State, or City programs would be allowed in accordance with City policy.

The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

South Hills Study (1974)

For reference, the South Hills Study utilized the term “Recommendations” instead of “Policies”. The recommendations below constitute relevant policies from the South Hills Study.

Ridgeline Park – Specific Recommendations

That all vacant property above an elevation of 901’ be preserved from an intensive level of development, subject to the following exceptions:

- 1. Development of individual residences on existing lots; and*
- 2. Development under planned unit development procedures when it can be demonstrated that a proposed development is consistent with the purposes of this section.*

As required by ORS 197A.420(2), a duplex must be allowed on each lot or parcel zoned for residential use that allows for the development of detached single dwelling units, and all middle housing types must be allowed in areas zoned for residential use that allow for the development of detached single-family dwellings. The concurrently adopted Metro Plan Amendment exempts middle housing from the maximum residential densities identified in policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan as necessary to comply with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The Metro Plan Amendment also provides that a maximum residential density established by a refinement plan policy, whether by a limit on the number of dwelling units per acre, a minimum lot size requirement, or any other similar regulation that has the effect of limiting density, may not be applied to the development of middle housing. The City Council interprets this plan policy consistently with ORS 197A.420, Chapter 660, division 46 of the Oregon Administrative Rules and the concurrently adopted Metro Plan Amendment to allow the development of the middle housing on existing lots above 901 feet within the boundaries of the South Hills Study. The Middle Housing Code Amendments include an amendment to EC 9.8325(12) to reflect the Council’s finding that middle housing is allowed on existing lots above

Exhibit B

901 feet within the South Hills Study area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Density - Specific Recommendations

That in the area west of Friendly Street the maximum level of new development per gross acre be limited to 8 units per acre (the maximum figure of 8 units per gross acre being subject to positive findings under the planned unit development criteria and the density point system (if established) of the planned unit development provisions) of positive findings under the planned unit development criteria).

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

That in the area east of Friendly Street the maximum level of new development per gross acre be limited to 5 dwelling units per acre (the maximum figure of 5 dwelling units per gross acre being subject to positive findings under the planned unit development criteria and the density point system (if established) of the planned unit development provisions).

The Middle Housing Code Amendments and concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

River Road – Santa Clara Urban Facilities Plan

Residential Land Use Policies and Suggested Actions

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

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area's character as a low-density residential area. Nothing in the amendments requires rezoning or re-

Exhibit B

designation of low-density residential properties. Middle housing types are permitted in low-density residential zones and the City Council finds that the development of middle housing is consistent with the term “low-density residential character of the area” as it is used in this policy. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules.

The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The allowable densities for middle housing in the Middle Housing Code Amendments are consistent with the Metro Plan as amended and therefore consistent with this policy.

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

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. The amendments are therefore consistent with this policy because they provide for a diversity of housing types in the plan area.

5.0 Permit medium-density housing (10 to 20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit, and alternative modes of transportation, schools and parks, and open space should be considered. Medium-density residential development will be considered for the north Santa Clara area consistent with the above criteria.

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

In regard to access to commercial development transit, and alternative modes of transportation, schools and parks, and open space, existing land use regulations ensure that this access is provided in a manner consistent with this policy. The Middle Housing Code Amendments do not alter the existing regulations; therefore, the code amendments are consistent with this policy.

Westside Neighborhood Plan (1987)*Land Use Element Policies/Implementation Strategies**1. Prevent erosion of the neighborhood's residential character.*

The City Council finds that the Middle Housing Code Amendments will not contribute to the erosion of neighborhood's residential character. The amendments do not rezone, re-designate or otherwise change the character of the neighborhood's residentially zoned properties. Middle housing types are classified as allowed residential uses in the land use code. The City Council finds that development of middle housing is consistent with the residential character of the neighborhood. The City Council does not interpret this policy to require preservation of the existing or predominant types of residential dwellings and densities in the neighborhood against other residential dwelling types and densities specifically allowed by the zoning and land use designations of properties within the neighborhood. The City Council finds that such a prohibition on new types of residential dwellings is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. Based on these findings, the amendments are consistent with this policy.

2. Support improving existing housing and reducing the number of substandard units.

The Middle Housing Code Amendments support the improvement of existing housing by allowing conversion of existing housing into middle housing. The amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. Based on these findings, the amendments are consistent with this policy.

*Central Residential Area**1. The City shall continue to recognize this area as appropriate for medium-density residential development and shall discourage nonresidential uses. This policy applies to all portions of the Central Residential Area, even those properties abutting major arterials such as Chambers Street and West 11th Avenue.*

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium-density residential development. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term "medium density residential development" as it is used in this policy. Nothing in the amendments allows or encourages nonresidential uses. Based on these findings, the amendments are consistent with this policy.

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2. The City shall encourage actions that will preserve existing residential structures, including rehabilitation, block planning, infilling, and shared housing.

The Middle Housing Code Amendments support the preservation of existing residential structures by allowing conversion of existing residential structures into middle housing. The amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. Additionally, because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on lots with existing single-family homes as well as infill lots that may have constraints that could inhibit the development of other housing types. The plan does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

Eastern Residential/Mixed Use Area

1. This area shall continue to be recognized as appropriate for medium-density residential development. Although there is currently a mixture of land uses in the area, any further rezonings that would promote the conversion of residential uses to nonresidential uses should be discouraged.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium-density residential development. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term “medium density residential development” as it is used in this policy. The amendments do not rezone any properties in the area. Based on these findings, the amendments are consistent with this policy.

Northern Residential Area

1. The City shall recognize this area as appropriate for medium density residential uses.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium-density residential uses. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term “medium density residential uses” as it is used in this policy. Based on these findings, the amendments are consistent with this policy.

4. The City shall encourage alley access and parking to occur in rear yard areas with special landscaping and other amenities provided along West 8th Avenue.

The Middle Housing Code Amendments encourage alley access to middle housing developments by allowing greater design flexibility when access and parking are provided off of an alley rather

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than the street or within a front yard setback. The Middle Housing Code Amendments do not prohibit landscaping and other amenities to be located along West 8th Avenue. The Code Amendments include provisions to limit the impacts of vehicle use on street frontages, such as landscape screening requirements for cottage cluster parking areas visible from the street. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Transportation and Traffic Element

4. Recognize the negative impacts that insufficient parking in and close to the Westside Neighborhood can have on the vitality of commercial activities and the character of residential areas within the Westside Neighborhood.

The City Council finds that compliance with the off-street parking requirements of the Middle Housing Code Amendments constitutes sufficient off-street parking for purposes of this policy. To the extent that the Middle Housing Code Amendments include requirements for off-street parking for middle housing types, those off-street parking requirements are either: consistent with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules; intended to incentivize development of income-qualified middle housing units to encourage affordability; or intended to incentivize development of middle housing close to EmX stations, which will provide residents with transportation options other than single-occupancy vehicles and will therefore likely reduce the need for parking associated with those developments. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

West University Refinement Plan (1982)

Land Use, Housing, and Commerce

3. The City of Eugene will update its Land Use Code and that effort shall particularly take into account the need to:

-reduce non-residential uses permitted in the R-3 and R-4 zones.

-redefine usable open space.

-enable infilling on newly created small lots.

-enable alley access as the primary access to newly created lots.

-reduce minimum lot size.

-increase the flexibility of the development standards (for example to enable more efficient use of open space, shared open space, and shared parking, and more extensive use of public rights-of-way).

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-review parking requirements for residential development with the purpose of reducing the required number of spaces per unit in the plan area.

-amend the commercial zoning in the City Code to provide a greater range of commercial zones.

The Middle Housing Code Amendments support the following components of this policy; “enable infilling on newly created small lots”; “reduce minimum lot size”; “increase the flexibility of the development standards”; and “review parking requirements for residential development with the purpose of reducing the required number of spaces per unit in the plan area.” The Code Amendments will create more opportunity for middle housing in Eugene’s residential zones, including enabling the development of middle housing through infill on existing and new lots. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The Middle Housing Code Amendments reduce the minimum lot size for lots created for middle housing and provide additional incentives for reducing lot sizes further under certain circumstances, for example, if the proposed development includes small or income-qualified units. The Middle Housing Code Amendments offer design flexibility through the development standards applicable to the various middle housing types. Finally, the Middle Housing Code Amendments generally reduce off-street parking requirements for middle housing development and include further parking reductions through incentives for income-qualified units and middle housing located within ¼ mile walking distance of an EmX station. Based on these findings, the amendments are consistent with this policy.

8. Efforts shall be made to save existing residential structures in the plan area. These efforts shall include rehabilitation, house moving, and infilling.

The Middle Housing Code Amendments support infill development on lots with existing residential structures by allowing duplexes, triplexes, and fourplexes to be detached. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing, which mitigates required changes that might encourage removal or demolition. Based on these findings, the amendments are consistent with this policy.

9. The City will encourage residential uses in all parts of the plan area. The intent of this policy is to provide housing opportunities in all zoning districts in the plan area, but not to the exclusion of other uses in non-residential zones.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. The Middle Housing Code Amendments therefore increase the diversity of housing types allowed in the plan area. The Middle Housing Code Amendments are focused on residential zones and do not limit or reduce housing opportunities in non-residential zoning districts within the plan area. Based on these findings, the amendments are consistent with this policy.

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11. The City and the neighborhood shall study ways to encourage a variety or mix of structure types providing both owner and rental opportunities and appealing to a diverse population.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of residential structures and for home ownership by allowing for the development of more housing units in different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Whiteaker Plan (1994)*Land Use Element*

3. In areas designated for medium- or high-density residential use, allow single-family housing that can be rehabilitated to help maintain a variety of dwelling unit types and densities.

The Middle Housing Code Amendments do not change where single-family housing is allowed in the City. Additionally, the amendments support the rehabilitation of existing single-family housing (as well as other structures) by allowing detached duplexes, triplexes, and fourplexes and by allowing for the conversion of existing structures into middle housing. The Middle Housing Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. Based on these findings, the amendments are consistent with this policy.

10. Increase efforts to preserve and rehabilitate existing housing resources, and minimize conversion to non-residential uses or demolition.

The Middle Housing Code Amendments support the rehabilitation of existing housing resources by allowing duplexes, triplexes, and fourplexes to be detached and by allowing for the conversion of existing structures into middle housing. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures on lots being converted to middle housing. These allowances and flexibility mitigate required changes or alterations to existing structures to comply with the new standards for existing residential structures that may encourage removal. Based on these findings, the amendments are consistent with this policy.

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11. Explore and implement ways to increase owner-occupied housing within those portions of Whiteaker designated for residential use. Increase options/opportunities for purchase or home ownership to interested low-income renters.

The Middle Housing Code Amendments will allow development of middle housing types in more places in the city, including the plan area. Consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for home ownership by allowing for the development of more housing units at a greater range of price points within the plan area. Finally, the amendments further support affordability by including income-qualified incentives, which provide development incentives (reduced parking requirement, reduced lot size requirements, and density increases) when middle housing units are reserved for people who are below 80 percent of the area median income. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

West Blair Residential Area – Subarea 2

1. Recognize the West Blair Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses.

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Nothing in the amendments requires rezoning or re-designation of low-density residential properties or encourages non-residential uses.

Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership.

Based on these findings, the amendments are consistent with this policy.

East Blair Residential Area – Subarea 3

1. Recognize the East Blair Residential Area as being appropriate for medium-density residential use (up to 20 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses.

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The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Nothing in the amendments requires rezoning or re-designation of medium-density residential properties or encourages non-residential uses.

Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership.

Based on these findings, the amendments are consistent with this policy.

3. Make efforts to preserve single-family houses and large, older homes that now have multiple units that are in good condition or could be fixed up to maintain a variety of dwelling unit types and densities.

The Middle Housing Code Amendments support the preservation of existing residential structures by allowing duplexes, triplexes, and fourplexes to be detached. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. These allowances and flexibility mitigate required changes or alterations to existing structures that may encourage removal. Further, these allowances and the changes included in the Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Based on these findings, the amendments are consistent with this policy.

Rose Garden Residential Area – Subarea 7

1. Recognize the Rose Garden Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses in areas planned for residential use.

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Nothing in the amendments requires rezoning or re-designation of low-density residential properties or encourages non-residential uses.

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Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership.

Based on these findings, the amendments are consistent with this policy.

Northwest Residential Area – Subarea 8

- 1. Recognize the Northwest Residential Area as appropriate for low-density residential use (up to 10 units per acre) with the exception of lots developed with residential densities that exceed those allowed under R-1 zoning.*

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

West Skinner Butte Residential Area – Subarea 10

- 1. Recognize the West Skinner Butte Residential Area as appropriate for Medium-Density Residential use (up to 20 units per acre), encourage an increase in various types of home ownership, and promote new residential developments that are compatible with the Whiteaker neighborhood.*

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. The amendments are therefore consistent with the policy by providing the opportunity for diversity of housing types in the plan area. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership. The City Council finds that the standards for middle housing included in the Middle Housing Code Amendments render middle housing visually compatible with existing and future residential

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neighborhoods in the city through development standards including height limitations, lot coverage, building orientation, and off-street parking requirements.

Based on these findings, the amendments are consistent with this policy.

East Skinner Butte Residential Area – Subarea 11

3. Particularly within the East Skinner Butte Historic District, encourage home ownership, preservation of historic structures and landscape features, and discourage non-residential use.

The Middle Housing Code Amendments support the preservation of sound historic properties by allowing duplexes, triplexes, and fourplexes to be detached. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. These allowances and flexibility mitigate required changes or alterations to existing structures that may encourage removal. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership. Finally, nothing in the amendments requires rezoning or re-designation of low-density residential properties or encourages non-residential uses. Based on these findings, the amendments are consistent with this policy.

Willakenzie Area Plan (1992)

A number of policies in this plan require the City to recognize a particular area or set of properties as appropriate for low, medium or high-density uses and residential development. In response to those policies, the City Council finds that nothing in the Middle Housing Code Amendments is inconsistent with recognition of a particular area or set of properties as appropriate for low, medium or high-density uses, including residential development. Middle housing types are permitted in low, medium, and high-density residential zones. Based on these findings, the amendments are consistent with these “recognition” policies.

In addition, the City Council makes the following findings:

Land Use Policies and Proposed Actions

Policy 6. Minimize land use conflicts by promoting compatibility between low-density and high-density residential land uses as well as between residential and nonresidential land uses.

Middle housing types are allowed in low-density and high-density residential zones. The existence of the same housing types in various residential zones promotes visual compatibility between the differently zoned areas. To the extent that the Middle Housing Code Amendments include special development standards for middle housing types, those standards are either consistent with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules, or are intended to ensure that new middle housing development enhances

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the variety of housing options available to Eugene's residents and to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape. The Middle Housing Code Amendments do not alter the standards applicable to multi-unit developments, a common use type in the high-density areas. The multi-unit standards require specific design elements intended to ensure that the multi-unit development enhances the character and livability of the neighborhood, such as, landscaping screening, parking design, open space, and building orientation. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Residential Policies and Proposed Actions

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.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the low-density residential character of the area. The amendments do not rezone or re-designate any residentially zoned properties in the area. Middle housing types are classified as allowed low-density residential uses in the land use code. The City Council finds that development of middle housing is consistent with the low-density residential character of the Willakenzie neighborhoods. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within existing Willakenzie neighborhoods. The City Council finds that such a prohibition is contrary to the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of residential structures and for home ownership by allowing for the development of more housing units in different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

2. Require new medium density residential development in the Willakenzie area to achieve a minimum density level of 10 dwelling units per acre and new high-density residential development to achieve a minimum density level of 15 dwelling units per acre. If a future citywide code amendment establishes different minimum density levels than are established in this plan, the levels established in the code will take precedence, except in the Chase

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Gardens High-Density Residential area. Development in this area shall achieve a minimum density level of no less than 15 dwelling units per acre.

Nothing in the Middle Housing Code Amendments or Metro Plan amendments changes the minimum density applicable to residential developments. The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The change to Policy A.9 and the Code Amendment specifically exempt middle housing from the maximum density, while maintaining the applicability of the minimum density. The applicability of the minimum density requirements is necessary to ensure that residential development, including middle housing, contributes to the provision of an adequate supply and range of housing types that will meet the city's future population growth. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

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

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of residential structures and for home ownership by allowing for the development of more housing units in different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

8. Promote compatibility between low-density residential land uses and medium- to high-density residential land uses.

Middle housing types are allowed in low, medium, and high-density residential zones. The existence of the same housing types in various residential zones promotes visual compatibility between the differently zoned areas. To the extent that the Middle Housing Code Amendments include special development standards for middle housing types, those standards are either consistent with the requirements of ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules, or are intended to ensure that new middle housing development enhances the variety of housing options available to Eugene's residents and are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

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Willagillespie Subarea Policies and Proposed Actions

2. The City shall encourage infilling of large, vacant residential parcels and residential parcels which have not yet been developed to their fullest capacity in order to accomplish a compact urban growth form.

The Middle Housing Code amendments allow for flexibility in the design and development of middle housing, including the ability to develop detached middle housing units; therefore, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

Unincorporated Subarea Policies and Proposed Actions

8. The City shall recognize the area in the east side of Coburg Road at the intersection of Kinney Loop (Tax Lot 3600 – Assessor’s Map 17-03-16-2 3) as depicted on the Willakenzie Land Use Diagram (and as refined by Inset Map C) as being appropriate for medium-density residential development. The area shall be limited to no more than ten units per acre.

This subarea is located outside the Eugene city limits so the Middle Housing Code Amendments do not apply to properties within this unincorporated subarea. Additionally, nothing in the Middle Housing Code Amendments is inconsistent with recognition of a particular area or set of properties as appropriate for medium-density uses residential development. Middle housing types are permitted in medium-density residential zones within the city. Finally, when the properties in this subarea annex into the City, the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types located on those annexed properties from maximum residential density requirements as necessary to comply with ORS 197A.420 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

Metro Plan Amendment Findings

Eugene Code Section 9.7735 sets out the following approval criteria (in ***bold italics***) for a Metro Plan amendment:

EC 9.7735(1) The proposed amendment is consistent with the relevant Statewide Planning Goals; and

Based on the findings under each of the statewide planning goals 1 through 19 below, the Metro Plan Amendment is consistent with the goals and this criterion is satisfied.

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the*

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opportunity for citizens to be involved in all phases of the planning process.

The City's acknowledged procedures for amendments to the Metro Plan, located in sections 9.7700 through 9.7735 of the Eugene Code, ensure the opportunity for community members to be involved in all phases of the Metro Plan amendment process and set out the requirements for such involvement. The Metro Plan Amendment does not amend or change the City's citizen involvement program. The process for adopting this amendment complies with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

In addition to meeting the minimum requirements for compliance with Goal 1, the City engaged in public involvement activities regarding the Middle Housing Code Amendments project as discussed in detail the Goal 1 findings for the Middle Housing Code Amendments above, incorporated herein by reference. The draft Metro Plan Amendment was presented to the Planning Commission at their August 10, 2021 work session.

As part of the formal adoption process, a public hearing on the proposed Middle Housing Code Amendments and the Metro Plan Amendment was held by the Planning Commission on November 16, 2021. 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. Notices were provided at the following times:

September 21, 2021:	The City's proposed Metro Plan Amendment and notice of Planning Commission public hearing was filed with the Oregon Department of Land Conservation and Development.
September 24, 2021:	Notice of the Planning Commission's public hearing on the proposed amendment was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City's interested parties list.
October 12, 2021:	Notice of a new Planning Commission public hearing date (November 16, 2021) for the proposal was filed with the Oregon Department of Land Conservation and Development. The public hearing date was rescheduled for a later date due to a notice publication issue. Notice of the public hearing was not published by the local paper in compliance with Eugene Code procedural requirements.
October 15, 2021:	Notice of the new public hearing date was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City's interested parties list
October 26, 2021:	Notice of the Planning Commission public hearing was published in the Register Guard Newspaper.

The Eugene City Council held a public hearing on the Metro Plan Amendment on April 18, 2022. Consistent with land use code requirements, notice of the City Council public hearing was mailed

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to persons that provided oral or written testimony in a timely manner during Planning Commission hearing procedures, as well persons that requested notice of the Planning Commission's decision. Notice of the City Council public hearing was published in the Register-Guard newspaper on March 31, 2022. Notice of the City Council public hearing, as well as the text of the Middle Housing Code Amendments and Metro Plan Amendment, was posted on the City's website on April 1, 2022. The City Council continued to accept written public comment until its decision on the Middle Housing Code Amendments and Metro Plan Amendment.

On May 25, 2022, the Eugene City Council approved Ordinance No. 20667, which included both the Middle Housing Code Amendments and the Metro Plan Amendment.

Ordinance No. 20667 was appealed to the Oregon Land Use Board of Appeals (LUBA), who upheld the ordinance. LUBA's decision was then appealed to the Oregon Court of Appeals, who disagreed with LUBA. On October 12, 2023, LUBA remanded Ordinance No. 20667 back to the City to allow the City Council to reconsider the ordinance's compliance with Statewide Planning Goal 11 (Public Facilities and Services).

On February 20, 2024, the Eugene City Council held a public hearing on an ordinance attempting to address the remand direction from LUBA and the Court of Appeals through additional findings explaining how existing Eugene Code provisions, similar to those in the Large Cities Middle Housing Model Code, satisfy the City's obligation to comply with Goal 11. Following the public hearing, on March 11, 2024, the Eugene City Council approved Ordinance No. 20705 to adopt the Middle Housing Code Amendments and the amended findings. Ordinance No. 20705 was appealed to LUBA. On July 10, 2024, LUBA issued a final opinion explaining that the City's evidence and findings did not adequately explain how existing city code provisions and permitting processes address the sufficiency of public facilities to satisfy the City's Goal 11 planning obligation and remanding Ordinance No. 20705 back to the City.

On November 18, 2024, the City Council held a public hearing on the remand ordinance. Although not required by the land use code, on October 31, 2024, notice of the City Council public hearing was mailed the Department of Land Conservation and Development, to persons that provided oral or written testimony in a timely manner during the initial adoption process, and to persons that requested notice of the City Council's decision. The proposed remand ordinance was posted in two places on the City's website on October 31, 2024. Notice of the City Council public hearing on the remand ordinance was published in the Register-Guard newspaper on October 31, 2024. The City Council continued to accept written public comment until its decision on the remand ordinance.

These processes afforded ample opportunity for citizen involvement consistent with Goal 1. Therefore, the Metro Plan Amendment 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 formal adoption procedure and approval criteria that were used in considering this Metro Plan Amendment. The record shows that there is an adequate factual basis for the Metro Plan Amendment. The Goal 2 coordination requirement is met when

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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 citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this amendment with 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 this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve and maintain agricultural lands.

The Metro Plan Amendment will only affect properties located within the City of Eugene and does not affect any lands designated by the comprehensive plan for agricultural use. The amendment provides that middle housing on residentially designated lands within the city is not subject to density maximums; therefore, the amendment has the potential to increase density within the city and reduce the need to expand the City's urban growth boundary in a way that impacts agricultural land. For all these reasons, the amendment is consistent with Statewide Planning Goal 3.

Goal 4 - Forest Lands. To conserve forest lands.

The Metro Plan Amendment will only affect properties located within the City of Eugene and therefore does not affect any lands designated by the comprehensive plan for forest use. The Metro Plan Amendment provides that middle housing on residentially designated lands within the city is not subject to density maximums; therefore, the amendment has the potential to increase density within the city and reduce the need to expand the City's urban growth boundary in a way that impacts forest lands. For all these reasons, the amendment is consistent with Statewide Planning Goal 4.

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

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

- (d) 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;*
- (e) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (f) 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.*

The Metro Plan Amendment does not create or amend the City's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to

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address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged urban growth boundary. Therefore, the amendment is consistent with Statewide Planning Goal.

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 Metro Plan Amendment does not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendment is consistent with Statewide Planning Goal 6.

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. To the extent that the Metro Plan Amendment allows for increased residential density on residentially designated properties, including those residentially designated properties that may be located in proximity to potential natural hazards, the allowance for increased density is required by ORS 197A.420. Middle housing developed as allowed by the Metro Plan Amendment will be subject to the City's existing policies and regulations that protect people and property from natural hazards. The Metro Plan Amendment does not amend or repeal any policies or regulations that protect people and property from natural hazards. The Metro Plan Amendment will not reduce or repeal adopted natural hazard protections. Therefore, the amendment is consistent with Statewide Planning Goal 7.

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 that recreational facilities are provided to Oregon citizens and is primarily concerned with the provision of recreational facilities in non-urban areas of the state. The Metro Plan Amendment does not affect the City's provisions for or citizen's access to recreation areas, facilities, or recreational opportunities. Therefore, the proposed amendment is consistent with Statewide Planning Goal 8.

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 Metro Plan Amendment does not impact the supply of industrial or commercial lands. Therefore, the amendment is consistent with Statewide Planning Goal 9.

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

Goal 10 requires the City to provide an adequate supply of buildable land to accommodate the City's estimated housing needs for a 20-year planning period. The Envision Eugene Residential Land 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 Chapter 660, division 008 of the Oregon Administrative Rules.

The Envision Eugene Residential Land Supply Study includes an inventory of buildable lands for residential use. According to the Residential Land Supply Study, there is sufficient buildable residential land to meet the identified land need. The Metro Plan Amendment does not impact the City's supply of residential buildable land. No land is being re-designated from a residential use to a non-residential use, and the amendment does not otherwise diminish the amount of land available for residential use.

Goal 10 also requires the City to conduct a Housing Needs Analysis (HNA) in order to assess whether the City's estimated housing needs for a 20-year planning period can be satisfied. The Envision Eugene Residential Land Supply Study (2017) includes a HNA that forecasts that Eugene's population will increase by 33,778 people between 2012 and 2032. Based on the HNA analysis, Eugene will need 15,105 dwellings to accommodate this growth.

The Metro Plan Amendment increases the capacity of existing residential land by removing density maximums for middle housing on residentially designated lands, thereby allowing for development of more middle housing dwelling units on residential land throughout the city. Based on these findings, the amendment is 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 Eugene/Springfield Public Facilities and Services Plan (PFSP) is the adopted and acknowledged public facility plan for areas within Eugene's urban growth boundary with respect to water, wastewater, and stormwater services. The Eugene 2035 Transportation Plan (TSP), which was adopted pursuant to chapter 660, division 12 of the Oregon Administrative Rules (OARS), fulfills the requirements for transportation facilities planning in ORS 197.172(2)(e), Statewide Planning Goal 11, and OAR chapter 660, division 11. The Middle Housing Code Amendments do not make changes to the PFSP or the 20235 TSP, nor do they allow development that is insufficiently served by public facilities.

Consistent with OAR 660-046-0010(3)(e), following adoption of the Middle Housing Code Amendments, the City will work to ensure that infrastructure serving areas where middle housing is allowed, including any undeveloped or underdeveloped areas as defined in OAR 660-046-0320(8), is appropriately designed and sized to serve the land uses allowed by the City's comprehensive plan and land use regulations, including middle housing uses.

The Land Use Board of Appeals, in its most recent remand of the Middle Housing Code Amendments, explained that the Oregon Court of Appeals has determined that City can demonstrate that the Middle Housing Code Amendments comply with Goal 11 by adopting the "sufficient infrastructure" provisions in the Large Cities Middle Housing Model Code (Model

Code), which limit development of middle housing on lots that lack sufficient infrastructure to support it.

The City Council finds that the Middle Housing Code Amendments and Metro Plan Amendment comply with Goal 11 because the Middle Housing Code Amendments incorporate the “sufficient infrastructure requirements” from the Model Code, including the “on lots or parcels with Sufficient Infrastructure” restriction. Incorporating the Model Code’s “sufficient infrastructure provisions,” into the Middle Housing Code Amendments ensures that the higher density housing that may be allowed under the Middle Housing Code Amendments and Metro Plan Amendment will only be allowed on “lots or parcels with sufficient infrastructure.” The language that is now included in both the Model Code and Middle Housing Code Amendments requires that an applicant demonstrate that the following level of public services is already provided or will be provided upon submittal of a development application:

- Connection to a public sewer system capable of meeting established service levels.
- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

The City Council finds that the City’s adoption of the Model Code’s “sufficient infrastructure” requirements, the same requirements imposed by the State through its Model Code, provides an adequate factual base to show that the middle housing development potentially allowed by the Middle Housing Code Amendments and Metro Plan Amendment will not be allowed on a lot or parcel for which there is no demonstration of sufficient infrastructure.

For all the reasons stated above, the City Council finds that there is an adequate factual base to show that the Metro Plan Amendment is consistent with Goal 11.

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:

- (2) 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*

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- (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.*

Chapter 639, Section 3(5) of Oregon Laws 2019 provides that “[w]hen a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendment significantly affects an existing or planned transportation facility.”

The Metro Plan Amendment is a legislative change to the City’s comprehensive plan that adjusts the residential density ranges in order to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings. Pursuant to Chapter 639, Section 3(5) of Oregon Laws 2019, the City is not required to consider whether the amendment significantly affects an existing or planned transportation facility. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

Goal 13 provides guidance on the management of land and land uses to maximize the conservation of energy. Goal 13 provides implementation direction focused on lot sizes, building heights, density of housing, compatibility, and availability of light, wind, and air. Goal 13 encourages, among other things, an increase in density along high-capacity transportation corridors. To the extent this goal is relevant to the Metro Plan Amendment, the amendment allows for increased density of middle housing, including middle housing located along transportation corridors. That additional middle housing density is consistent with Goal 13’s encouragement of density along high-capacity transportation corridors. For all these reasons, the Metro Plan Amendment is consistent with Statewide Planning Goal 13.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The Metro Plan Amendment does not affect the City’s provisions regarding the transition of land

from rural to urban uses. Therefore, the amendment is consistent with Statewide Planning Goal 14.

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 Metro Plan Amendment does not contain any changes to the City's Willamette River Greenway regulations or to the Greenway policies in the Metro Plan; 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 lands affected by the Metro Plan Amendment. Therefore, these goals are not relevant, and the amendment will not affect compliance with Statewide Planning Goals 16 through 19.

EC 9.7735(2) The proposed amendment does not make the Metro Plan internally inconsistent.

The Metro Plan Amendment exempts middle housing from the maximum densities in the density ranges in policy A.9 and allows the City to establish maximum density requirements that apply to middle housing within the City as long as the middle housing density requirements comply with state law. The text amendment also clarifies that whenever an adopted refinement plan policy conflicts with the amended policy A.9, the policy A.9 controls.

The amendment to Policy A.9 adds the following provision:

The maximum residential densities established in this policy A.9, do not apply to the following housing types located within the City of Eugene: duplexes, triplexes, quadplexes, cottage clusters, and townhouses. A maximum residential density established by a refinement plan policy (whether through a limit on the number of dwelling units per acre, a minimum lot size requirement, a limit on total number of dwelling units in an area, or by any other similar regulation that has the effect of limiting density), may not be applied to the development of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. The City of Eugene may incorporate maximum residential density requirements applicable to duplexes, triplexes, quadplexes, cottage clusters, and townhouses into the Eugene Code (including limits on the number of dwelling units per acre and minimum lot size requirements), as long as those requirements comply with Oregon state law. If an adopted refinement plan policy is inconsistent with this policy, this policy will prevail.

The change to this policy is necessary to ensure compliance with state law and to facilitate the proposed concurrent land use code amendment.

ORS 197A.420(2) requires cities to allow a duplex on any lot in which a single-detached dwelling is permitted. It also requires that cities allow all middle housing types in areas zoned for residential use that allow for the development of detached single-detached dwellings. This

requirement necessitates that policy A.9 be amended to ensure compliance with the state law. As an example, Eugene's code currently permits a single-detached dwelling on lot that is 4,500 square feet in the R-1 zone (which implements the low-density residential designation). Under the new state law, the same lot must also be permitted a duplex, which would result in a density of over 19 dwelling units per gross acre. Similarly, state law (OAR 660-046-0220(2)) requires that a triplex be permitted on a lot that is 5,000 square feet and a fourplex on a lot that is 7,000 square feet, both of which exceed the maximum densities in the Metro Plan's current density ranges.

The Metro Plan Amendment exempts middle housing from the maximum densities established in the Metro Plan for low, medium, and high density residential designations. This amendment makes policy A.9 consistent with state law requirements and provides flexibility to amend the land use code as provided in the concurrently adopted Middle Housing Code Amendments. As demonstrated by the findings regarding consistency of the Middle Housing Code Amendments with the Metro Plan, with the amendment of policy A.9 to remove maximum density limits for middle housing types, both the Middle Housing Code Amendments and the Metro Plan Amendment are consistent with applicable Metro Plan policies.

Given this analysis and as amended, the Metro Plan is not made internally inconsistent by this amendment.

EC 9.7735(3) When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.

The Envision Eugene Comprehensive Plan does not contain any policies relevant to the Metro Plan Amendment.

OAR 660-046-0030

The following findings demonstrate compliance with the requirements of OAR 660-046-0030(2) *(in bold italics)*.

OAR 660-046-0030(2): In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges;

Eugene Code section 7.725 provides for an exemption from City-imposed system development charges (SDCs) for rental housing provided to persons with an income at or below 60 percent of the area median income and for housing for home ownership for persons with an income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

In addition, the City's Transportation SDC methodology, adopted by Resolution No. 5254, provides for the following transportation SDC reductions:

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- A 30% reduction for new residential-only buildings, additions to existing residential-only buildings, or changes of use of existing buildings to residential-only uses, which are located in the Downtown Plan boundary and which are designed with a minimum of 20 residential dwelling units per net acre;
- A 15% reduction for townhouses with frontage on “key corridors” as identified in Envision Eugene and which provide pedestrian corridors from the development to the key corridor right-of-way;
- A 10% reduction for townhouse located in Nodal Development areas;
- A 10% reduction for a townhouse development located wholly or partially within a quarter mile of the centerline of a Frequent Transit Network identified in the Transportation SDC Project Plan, unless a physical condition (e.g. a water body or intervening development) precludes direct pedestrian access between the development and the Frequent Transit Network;
- A 5% reduction for a townhouse development located wholly or partially within a half mile of the centerline of a Frequent Transit Network identified in the Transportation SDC Project Plan, unless a physical condition (e.g. a water body or intervening development) precludes direct pedestrian access between the development and the Frequent Transit Network; and
- An additional 10% reduction for a development that qualifies for any of the transportation SDC reductions listed above and has a signed Transportation Demand Management Agreement with the City pursuant to EC 9.8030(10) and reduces the number of parking spaces otherwise required by the Eugene Code.

The City’s consideration and adoption of SDC reductions and/or exemptions applicable to certain types of middle housing demonstrate compliance with this requirement.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and

Pursuant to ORS 307.515 to ORS 307.523, the City has adopted a Low-Income Rental Housing Property Tax Exemption program, codified in sections 2.937 through 2.940 of the Eugene Code. In addition, pursuant to ORS 307.540 to ORS 307.548, the City has adopted a Nonprofit Corporation Low Income Housing tax exemption, codified in sections 2.910 to 2.922 of the Eugene Code.

The City’s consideration and adoption of property tax exemptions applicable to certain types of middle housing demonstrates compliance with this requirement.

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195.

Pursuant to ORS 320.192 and ORS 320.195, the City has adopted a Construction Excise Tax, codified at EC 3.730 through 3.748.

The City’s consideration and adoption of a construction excise tax demonstrates compliance with this requirement.

Additionally, the City has created the Housing Implementation Pipeline (HIP) a 5-year internal work plan to coordinate current and future resources, goals, and priorities with a systems-

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thinking approach to housing across the full spectrum, from people experiencing homelessness to overall housing supply. The HIP is intended to lower the cost of housing, and more specifically, to prioritize, fund, and implement actions that will have an impact on the cost of housing. The HIP sets out the City's internal cross-departmental workplan related to housing over the next five years. It creates a policy framework connecting funding sources and actions, while clearly showing how actions meet goals identified across the housing continuum. The HIP incorporates the City's existing tools and goals; and identifies opportunities to create new goals and explore implementation of new tools, including tools that will enable the City to work towards achieving housing affordability.

As the findings above demonstrate, the City has complied with the requirements of OAR 660-046-0030(2).

Middle Housing Remand | City Files: CA 21-1 & MA 21-1

Record Materials as of November 5, 2024 for the Remand of the Middle Housing Code Amendments

The following links to the record materials are provided as an easy way to access materials in the record for the remand of the Middle Housing Code Amendments Ordinance No. 20705. The record materials linked below will be provided to the City Council electronically and a paper copy of the remand record materials will be available in the City Council offices.

Draft Ordinance

- 2024 Middle Housing Ordinance for the November 18, 2024, Public Hearing:
<https://eugene-or.gov/DocumentCenter/View/76684>

Remand Testimony

- No testimony has been received as of November 5, 2024. Any new testimony will be posted on the Middle Housing webpage (<https://www.eugene-or.gov/4244/Middle-Housing>) and provided to the City Council in batches.

Notices and Procedural Materials

- Mailed Notice and Notice Affidavit – October 31, 2024
<https://eugene-or.gov/DocumentCenter/View/76648>
- DLCD Notice – October 31, 2024
<https://eugene-or.gov/DocumentCenter/View/76685>

Other Documents:

- Oregon Land Use Board of Appeals (LUBA) Decision – July 10, 2024:
<https://eugene-or.gov/DocumentCenter/View/75570>
- Ordinance No. 20705 (Remanded)
<https://eugene-or.gov/DocumentCenter/View/73273>
- Oregon Land Use Board of Appeals (LUBA) Decision – January 27, 2023:
<https://www.eugene-or.gov/DocumentCenter/View/72356>
- Oregon Court of Appeals (COA) Decision – July 12, 2023:
<https://www.eugene-or.gov/DocumentCenter/View/72355>
- Oregon Land Use Board of Appeals (LUBA) Remand Decision – October 12, 2023:
<https://www.eugene-or.gov/DocumentCenter/View/71690>
- Large Cities Middle Housing Model Code (Model Code), Exhibit B to OAR 660-046-0010
<https://www.eugene-or.gov/DocumentCenter/View/71691>
- DLCD Guidance for Senate Bill 458 (Middle Housing Land Divisions)
Part 1: <https://www.eugene-or.gov/DocumentCenter/View/72611>
Part 2: <https://www.eugene-or.gov/DocumentCenter/View/72612>

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Establishing a Fire Service Fee and Adding New Sections 6.760, 6.765, 6.770, 6.775, 6.780, 6.785, and 6.790 to the Eugene Code, 1971.

Meeting Date: November 18, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Twylla Miller
Contact Telephone Number: 541-682-8417

ISSUE STATEMENT

This public hearing is an opportunity for the community to provide feedback to the Eugene City Council on the proposal to establish a Fire Service Fee that would be used to fund existing and new fire and emergency medical services.

BACKGROUND

Similar to other local governments around the state, the City has been experiencing post pandemic challenges including high inflation, workforce hiring and retention, a housing and unhoused crisis, the need to provide ongoing funding to provide services after one-time state and federal funds expire, and to replenish reserve levels drawn down during the pandemic. The General Fund also continues to have a structural gap, as the cost of General Fund operations continues to outpace revenues. The 2023-2025 Adopted Budget included a revenue placeholder of \$8.3 million in the second year of the biennium, which was addressed on the June Supplemental Budget with a combination of budget reductions and revenue adjustments.

Additionally, City Council adopted an ordinance expanding the definition of stormwater services to add the operations and maintenance of City-owned parks and open spaces on June 24, 2024. Expanding stormwater service fee eligibility to all parks services allows for a stormwater fee increase to be administratively implemented to generate approximately \$1 million in stormwater fee revenue to fund parks and open spaces expenses currently funded by the General Fund. The administrative order to enact the fee became final on October 12, 2024.

The critical funding gap solution presented in the spring also included the concept of Council adopting an ordinance to create a Fire Service Fee that would provide dedicated funding to stabilize and enhance fire and emergency medical services. This solution or other budget adjustments will need to occur in the first year of the next biennium that begins July 2025, to provide continued stability.

During the September 30, 2024, work session Council reviewed a potential structure for a Fire Service Fee, including two different rate structure options. At the October 23, 2024 work session, Council reviewed a draft ordinance for a fire service fee assessed on developed property and

November 18, 2024 Public Hearing – Item 3

based on the square footage of buildings associated with a stormwater account, without a distinction between residential and commercial properties and directed the City Manager to schedule a public hearing on the ordinance.

FIRE SERVICE FEE PROPOSAL

The proposed Fire Service Fee would be assessed on developed property and be based on the square footage of buildings associated with a stormwater account. A draft ordinance establishing a Fire Service Fee is included as Attachment A. Several key components of the proposed ordinance and fee structure are described below.

Use of Funds: Fire Service Fee revenue will only be used to fund existing and new fire and emergency medical services, to administer the Fire Service Fee, and to support an income-based assistance program. The proposed fee structure is projected to generate an estimated \$10 million in net revenue per year after accounting for the costs of administration, collection, and income-based assistance. The revenue would provide funding for \$8 million in existing fire/EMS services currently housed in the General Fund and the potential to add an additional \$2 million in expanded fire/Emergency Medical Services (EMS) services.

Obligation to Pay: If a property is located within Eugene city limits, has an associated stormwater account(s), and contains one or more buildings, the person responsible for paying that property's stormwater charge would also be obligated to pay the Fire Service Fee. There are many different account configurations, but as an example, for a duplex residential building if both residential units are combined onto one stormwater account, the Fire Service Fee would also be grouped onto one account and the fee assessed based on the total square footage of the entire building and billed to the account holder. If the stormwater charges for each unit within the duplex are assessed on separate accounts, the Fire Service Fee would be assessed on the square footage associated with each unit and billed separately.

Basis of Fee: The Fire Service Fee will be based on the total square footage of the building(s), or portion(s) of building(s), associated with a stormwater service customer account. After researching the range of rate structures used by other jurisdictions that assess similar fees, square footage was chosen for the following factors:

- 1.) The square footage of building(s) on a property allows for a direct nexus to the demand for fire services,
- 2.) The approach allows for the development of a rate structure which may be more equitable than other approaches such as water meter size and,
- 3.) Is based on data which is readily available to the City.

Billing Adjustments: If a customer believes their Fire Service Fee is billed based on incorrect square footage, they may request that the issue be reviewed by City staff. If the review confirms the square footage was incorrect, the Fire Service Fee will be reduced to reflect the revised square footage, and the customer may receive up to a twelve-month credit.

Delinquencies: Staff would follow a typical City process for handling delinquent payments, which would include sending multiple late notices if the fee is not paid within 10 days of the due date stated on the bill. If the fee is still owed after multiple collection attempts, delinquent fees may be recovered using a private collection agency.

Income-Based Assistance: A portion of the Fire Service Fee revenues will be used to support an income-based Fire Service Fee bill assistance program. The qualifications and process for receiving Fire Service Fee bill-paying assistance shall be set by the City Manager.

DRAFT RATE SCHEDULE:

The monthly rates needed to generate approximately \$10 million in net revenue per year are shown in the table below.

Rate Categories Total Square Footage	Monthly Fire Service Fee Charge Per Stormwater Service Customer Account
50 – 750	\$3
751 – 1,500	\$6
1,501 – 2,500	\$10
2,501 – 3,500	\$15
3,501 – 5,000	\$21
5,001 – 10,000	\$38
10,001 – 15,000	\$63
15,001 – 30,000	\$113
30,001 – 50,000	\$200
50,001 – 75,000	\$313
75,001 – 100,000	\$438
100,001 – 150,000	\$626
150,001 – 200,000	\$876
200,001 – 300,000	\$1,252
>300,000	\$1,752

As noted above, this solution or other budget adjustments will need to occur in the first year of the next biennium that begins July 2025. As staff begin budget development preparations for the new biennium, it is important to understand if the Fire Service Fee is a viable part of the solution set.

An additional work session has been scheduled on November 20, 2024 for Council to discuss feedback from this public hearing and potential next steps. The suggested timeline would include Council direction/action before going on winter break this December.

RELATED CITY POLICIES

[Strategic Plan](#) Focus Area – Organizational wellbeing: To create a sustainable budget with balanced revenues and expenditures that provides funding for necessary services in the community.

PREVIOUS COUNCIL DIRECTION

[September 14, 2022 Work Session](#)

This session was an information update on the condition of the General Fund and the future financial outlook.

[February 27, 2023 Work Session](#)

This session provided a high-level budget update and a recommendation for a revenue team to develop funding strategies for unfunded services.

[April 12, 2023 Work Session](#)

This session provided an updated Revenue Committee proposal to develop funding strategies for unfunded services.

[April 26, 2023 Budget Committee Meeting](#)

The City Manager presented the 2023-2025 Proposed Budget.

[May 10, 2023 Budget Committee Meeting](#)

The Budget Committee received presentations on Alternative Response, Downtown Services, and Unhoused Services.

[May 17, 2023 Budget Committee Meeting](#)

The Budget Committee received presentations on the Fire Engine/Squad proposal, Climate Recovery, and Urban Renewal Agency (URA) Frozen Base.

[May 24, 2023 Work Session](#)

This session provided information on unfunded/underfunded service levels as Council considers a potential scope for the Revenue Committee.

[June 21, 2023 Work Session](#)

This session provided high level information on the financial condition of the City and discussion

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on a revised approach to addressing the structural gap in the General Fund and other funding and service prioritization needs.

[July 10, 2023 Work Session](#)

This session was a continuation of the Financial Condition and Revenue Update work session on June 21, 2023 to provide information and additional context to understand evolving financial needs and the approach for continued revenue and service prioritization discussions.

[October 11, 2023 Work Session](#)

This session included an overview of the revenue report created by staff in August 2023 and an update on the next steps for a revenue advisory team to advise the City Manager on revenue options to address funding issues.

[February 26, 2024 Work Session](#)

This session included an overview of the Revenue Advisor work to date including potential revenue options that could make sense for the range of funding issues facing the City.

[April 22, 2024 Work Session](#)

This session provided information on the current critical funding gap in the General Fund that begins July 2024. Staff presented a potential two-year solution that includes budget strategies, a park fee that could be implemented in the summer of 2024, and a fire fee that could be implemented in the next biennium.

[May 13, 2024 Work Session](#)

Council directed the City Manager to schedule a public hearing for an ordinance concerning charges for stormwater and parks service and amending Section 6.406 of the Eugene Code, 1971 with the following motion:

Councilor Keating, seconded by Councilor Groves moved to direct the City Manager to schedule a public hearing on an ordinance amending the definition of “stormwater service” to add the operation and maintenance of City-owned parks and open space as set out in Attachment A to this AIS.

Passed 7:1 (Opposed by Councilor Clark)

[June 17, 2024 Public Hearing](#)

Council held a public hearing for an ordinance concerning charges for stormwater and parks service and amending Section 6.406 of the Eugene Code, 1971. One person testified on behalf of the Eugene Chamber of Commerce Local Government Affairs Council which did not take a formal position on the ordinance.

[June 24, 2024 Work Session](#)

Council adopted an Ordinance amending Section 6.406 of the Eugene Code, 1971 to expand the definition of “stormwater service” to add the operation and maintenance of City-owned parks and open spaces.

Passed 5:2 (Opposed by Councilor Clark and Councilor Semple)

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September 9, 2024 Work Session

This session was an information update on the condition of the General Fund and the future financial outlook.

September 30, 2024 Work Session

This session was an overview of financial considerations and draft Fire Service Fee proposals to raise revenue to address the critical funding gap in the General Fund.

October 23, 2024 Work Session

This session provided the Council the opportunity to review a draft ordinance assessed on developed property, based upon the square footage of buildings associated with a stormwater account.

Councilor Keating, seconded by Councilor Groves moved to direct the City Manager to schedule a public hearing on the ordinance establishing a Fire Service Fee as set forth in Attachment A to this AIS.

Passed 8:0

COUNCIL OPTIONS

This is a public hearing only and no action is required at this time. Council action on the proposed ordinance will be scheduled for a future date.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

A. Proposed Ordinance: An Ordinance Establishing a Fire Service Fee.

FOR MORE INFORMATION

Staff Contact: Twylla Miller, Chief Financial Officer
Telephone: 541-682-8417
Staff E-Mail: tmiller@eugene-or.gov

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A FIRE SERVICE FEE AND
ADDING NEW SECTIONS 6.760, 6.765, 6.770, 6.775, 6.780, 6.785, AND
6.790 TO THE EUGENE CODE, 1971.**

Section 1. Sections 6.760, 6.765, 6.770, 6.775, 6.780, 6.785, and 6.790 of the Eugene Code, 1971, are added to provide as follows:

6.760 Fire Service Fee – Purpose and Use.

(1) The provisions contained in sections 6.760 to 6.790 of this code are for the purpose of providing dedicated funding for fire and emergency medical services through the adoption of a Fire Service Fee.

(2) Fire Service Fee revenue shall only be used to fund existing and new fire and emergency medical services, to administer the Fire Service Fee, and to support the income-based assistance program authorized by section 6.785 of this code.

6.765 Fire Service Fee – Definitions.

For purposes of sections 6.760 to 6.790 of this code, the following words and phrases shall have the following meanings, unless the context requires otherwise:

Building. Improvements erected upon the land including but not limited to the following: single family homes, condominiums, accessory dwelling units, multi-unit apartment buildings, manufactured dwelling units, dormitories, attached or detached garages, barns, warehouse buildings, fraternity houses, motels/hotels, manufacturing facilities, office facilities, commercial buildings, industrial buildings, shopping centers, senior care facilities, medical facilities, educational buildings, government buildings, sports facilities, and churches.

Developed property. Real property that is located within the corporate limits of the City of Eugene, on which one or more buildings exist, and that has at least one associated stormwater service customer account.

Person responsible. The owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the developed property.

Stormwater Service. The use of the city's stormwater system including, but not limited to, collection of stormwater discharged from property on which development exists and its deposit directly or indirectly into the city stormwater system. The terms "city stormwater system," "development," and "stormwater" have the meanings set forth in section 6.406 of this code.

Stormwater Service Customer. Any person who has a stormwater service account and is responsible for the payment of the charge for city stormwater service.

Total Square Footage. The cumulative total of square footage of the building (s), or portion(s) of the building(s), for which a stormwater service customer pays a stormwater service charge.

6.770 Fire Service Fee – Establishment and Obligation to Pay.

(1) A Fire Service Fee is hereby established. The obligation to pay the Fire Service Fee arises when the person responsible receives fire service benefits. It is presumed that all developed property receives fire service benefits.

(2) Unless another person responsible has agreed in writing to pay the Fire Service Fee and a copy of that written agreement is filed with the city, the person(s) paying stormwater service charges for the building(s), or portion(s) of building(s), associated with the stormwater service customer's account shall pay the Fire Service Fee.

(3) The Fire Service Fee shall be based on the total square footage of the building(s), or portion(s) of building(s), associated with the stormwater service customer's account and shall be set by the city manager using the procedures, criteria and limitations set out in section 2.020 of this code. The city manager shall review and may amend the Fire Service Fee on at least a biennial basis.

6.775 Fire Service Fee - Billing.

(1) Receipt of stormwater service will automatically initiate billing for the Fire Service Fee established by section 6.770 of this code.

(2) If the person responsible can demonstrate to the satisfaction of the city that the amount of the Fire Service Fee billed to the person responsible has been calculated based on an incorrect total square footage of the building(s), or portion(s) of building(s), associated with the stormwater service customer's account and the incorrect total square footage calculation has resulted in an overpayment by the person responsible, the Fire Service Fee billed to the person responsible shall be reduced, and the appropriate credit given (not to exceed 12 months of overpayment credit).

6.780 Fire Service Fee – Delinquencies.

Unless otherwise agreed to in writing by the city, the Fire Service Fee shall be billed monthly and if not paid within 10 days of the due date stated on the bill, the fee owed shall be deemed to be a delinquent fee. Delinquent fees may be recovered by the city using actions allowed by law, including city use of a private collection agency. Costs incurred by the city collecting delinquent fees can be recouped from the person responsible in accordance with the administrative fee order adopted by the city manager pursuant to section 2.020 of this code.

6.785 Fire Service Fee - Income-Based Bill Assistance.

A portion of the Fire Service Fee revenues shall be used to support an income-based Fire Service Fee bill assistance program. The qualifications and process for receiving Fire Service Fee bill-paying assistance shall be set by the city manager.

6.790 Fire Service Fee – Administrative Rules.

The city manager may adopt administrative rules pursuant to section 2.019 of this code in order to implement the provisions of sections 6.760 to 6.785.

Section 2. Fire Service Fee revenue shall be budgeted and accounted for in a separate fund.

Section 3. Notwithstanding Section 1 of this ordinance (providing that the Fire Service Fee shall be set by the city manager in accordance with section 2.020 of this code), the Fire Service Fee is initially established as follows:

Rate Categories Total Square Footage	Monthly Fire Service Fee Charge Per Stormwater Service Customer Account
50 – 750	\$3
751 – 1,500	\$6
1,501 – 2,500	\$10
2,501 – 3,500	\$15
3,501 – 5,000	\$21
5,001 – 10,000	\$38
10,001 – 15,000	\$63
15,001 – 30,000	\$113
30,001 – 50,000	\$200
50,001 – 75,000	\$313
75,001 – 100,000	\$438
100,001 – 150,000	\$626
150,001 – 200,000	\$876
200,001 – 300,000	\$1,252
>300,000	\$1,752

Amendments to this initially established Fire Service Fee may be made by the city manager in accordance with Section 1 of this ordinance.

Section 4. The obligation to pay the Fire Service Fee established by Section 1 of this ordinance shall not arise before July 1, 2025.

Section 5. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended, or repealed herein.

Passed by the City Council this
____ day of _____, 2024

City Recorder

Approved by the Mayor this
____ day of _____, 2024

Mayor