The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hour notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hour notice. To arrange for these services, contact the Planning Division at 541-682-5675.

MONDAY, MARCH 26, 2018 – REGULAR MEETING (11:30 a.m. to 1:30 p.m.)

I. PUBLIC COMMENT
The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, except for items scheduled for public hearing or public hearing items for which the record has already closed. Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

II. DELIBERATIONS/RECOMMENDATION
Secondary Dwellings (Phase 1 Implementation of Senate Bill 1051)
Staff: Alissa Hansen, 541-682-5508

III. ITEMS FROM COMMISSION AND STAFF
A. Other Items from Staff
B. Other Items from Commission
C. Learning: How are we doing?

Commissioners: Steven Baker; John Barofsky (Chair); John Jaworski; Brianna Nicolello (Vice-Chair); William Randall; Kristen Taylor
AGENDA ITEM SUMMARY

March 26, 2018

To: Eugene Planning Commission

From: Alissa Hansen, Planning Division

Subject: Deliberation/Recommendation: Secondary Dwellings (Phase 1 Implementation of Senate Bill 1051) (City File CA 18-1)

ACTION REQUESTED
Deliberate and provide a recommendation to City Council on a land use code amendment related to the allowance of secondary dwellings. The goal of this proposed land use code amendment is to expand the areas in which secondary dwellings are allowed in the City, as required by recent state legislation (Senate Bill 1051). The proposed amendment focuses on where secondary dwellings will be allowed in the City, and will increase the number of zones where secondary dwellings are permitted. The proposed land use code language is provided in Attachment A.

BRIEFING STATEMENT
In an effort to address housing affordability, the Oregon State Legislature adopted Senate Bill (SB) 1051 during the 2017 legislative session. This bill, which became effective August 15, 2017, contains a number of new provisions in state law intended to facilitate housing affordability. Pertinent to this process is the portion related to accessory dwelling units (known as secondary dwelling units in Eugene), which requires:

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

To allow for emerging community conversations around housing affordability and neighborhood livability to evolve, in January 2018, the City Council initiated a phased approach for land use code changes to implement Senate Bill 1051 related to secondary dwellings. The current phase (Phase 1) addresses where secondary dwellings are permitted in the City. The existing standards for height, setbacks, building size, etc., are proposed to remain in place at this time. Phase 2 is proposed to begin following adoption of Phase 1 and consist of a review and potential update of our existing standards for secondary dwellings through an inclusive community process. This will allow for the emerging community conversations around housing affordability and neighborhood livability to inform potential changes.
Eugene has long allowed for secondary dwellings in the R-1 Low Density Residential zone subject to development standards such as height, setbacks, building size, owner-occupancy and parking. Secondary dwellings are also allowed in certain special area zones (including Chambers, Chase Node, Downtown Westside, Royal Node, Whiteaker and Walnut Station) subject to development standards.

**Proposed Land Use Code Amendment**

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

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

The proposed amendment also includes language to clarify that secondary dwellings are not accessory buildings. As proposed (see Attachment A), the amendment does not change the standards that currently apply to secondary dwellings.

**Planning Commission Public Hearing**

The Planning Commission held a public hearing on March 6, 2018 to consider the proposed amendments. A total of 20 people testified at the public hearing, and provided a broad range of perspectives. Following the close of the public hearing, the record was left open for one week for additional testimony. Testimony received at the public hearing and during the open record period was provided to the Planning Commission under separate cover, and is available on the web at: [https://www.eugene-or.gov/764/Land-Use-Code-Amendments](https://www.eugene-or.gov/764/Land-Use-Code-Amendments)

Following the close of the public hearing, the Planning Commission asked staff to respond to several topics raised in testimony. Staff responses are provided in Attachment B. In an effort to facilitate deliberations, staff has also provided possible changes to the secondary dwelling standards for the Planning Commission’s consideration (See Attachment C). These possible changes are based on testimony, and questions and comments raised by the Planning Commission, and are intended to provide options in the event the Planning Commission chooses to consider these topics during deliberations.

**Deliberations**

Deliberations will be structured to address the topics in the following order:

1. The draft code language provided in Attachment A that addresses where secondary dwellings are permitted.
2. Other topics that the Planning Commission wishes to consider.
Applicable Criteria
The Eugene Planning Commission will address the relevant approval criteria from the Eugene Code (EC), below, in making their recommendation to the Eugene City Council on the proposed code amendment.

*EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:*

1. *Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.*

2. *Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.*

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

Preliminary findings addressing the above approval criteria have been prepared and are provided as Attachment D. These findings may need to be updated depending on the results of Planning Commissions deliberations.

RECOMMENDATION/NEXT STEPS
Staff recommends that the Planning Commission review the testimony, and provide any suggested revisions before recommending approval to City Council on the land use code amendments.

Following Planning Commission’s recommendation, the amendments will be the subject of a public hearing before the City Council on April 16, 2018, followed by City Council action on May 14, 2018. Senate Bill 1051 requires that the amendments be in effect by July 1, 2018.

FOR MORE INFORMATION
Alissa Hansen, 541-682-5508 or alissa.h.hansen@ci.eugene.or.us

Project webpage: [https://www.eugene-or.gov/764/Land-Use-Code-Amendments](https://www.eugene-or.gov/764/Land-Use-Code-Amendments)

ATTACHMENTS
A. Draft Code Language (same version provided as part of public hearing materials)
B. Staff Response to Public Testimony /Planning Commission
C. Draft Possible Changes for Planning Commission Consideration
D. Preliminary Findings (same version provided as part of public hearing materials)
Secondary Dwellings (Phase 1)
Proposed Land Use Code Changes to Comply with SB 1051
DRAFT – 02.01.18

Language proposed to be added is shown in **bold italics.**
Language proposed to be deleted is shown in [strike-through].

---

**Definitions**

- Clarify that a secondary dwelling is not an accessory building.

**EC 9.0500 Definitions**

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

---

**Agricultural Zone**

- Add secondary dwellings as a permitted use, subject to the existing standards for secondary dwellings that currently apply in the R-1 zone.

<table>
<thead>
<tr>
<th>Table 9.2010 Agricultural Zone Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Dwellings</strong></td>
</tr>
<tr>
<td>One-Family Dwelling, 1 Per Lot</td>
</tr>
<tr>
<td><strong>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AG</th>
</tr>
</thead>
</table>

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

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

---

**Residential Zone**

- Add secondary dwellings as a permitted use in the R-2, R-3 and R-4 zones, subject to the existing standards for secondary dwellings that currently apply in the R-1 zone.
- Clarify that the existing standards for secondary dwellings that currently apply in the R-1 zone would apply to secondary dwellings in R-2, R-3 and R-4.
- Add clarifying language for consistency with Senate Bill 1051.
### Table 9.2740 Residential Zone Land Uses and Permit Requirements

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

#### 9.2741 Special Use Limitations for Table 9.2740.

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

### Table 9.2750 Residential Zone Development Standards

(See EC 9.2751 Special Development Standards for Table 9.2750.)

| Maximum Building Height (2), (3), (4), (5), (16), (17), (18) |
|---|---|---|---|---|
| Secondary Dwelling | See (17) | -- | -- | -- |
| | | | See (17) | See (17) | See (17) |

| Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18) |
|---|---|---|---|---|
| Interior Yard Setback for Secondary Dwellings | See (17) | -- | -- | -- |
| | | | See (17) | See (17) | See (17) |

| Maximum Lot Coverage (17), (18) |
|---|---|---|---|---|
| Lots with Secondary Dwellings (Area-Specific) | See (17)(c) | -- | -- | -- |
| | | | See (17)(c) | See (17)(c) | See (17)(c) |

Secondary Dwellings (17)
Table 9.2750 Residential Zone Development Standards
(See EC 9.2751 Special Development Standards for Table 9.2750.)

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-1.5</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Standards</td>
<td>See (17)(a) and (b)</td>
<td>--</td>
<td>See (17)(a) and (b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area-Specific</td>
<td>See (17)(c)</td>
<td>--</td>
<td>See (17)(c)</td>
<td>See (17)(c)</td>
<td>See (17)(c)</td>
</tr>
</tbody>
</table>

9.2751 Special Development Standards for Table 9.2750.

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

Chase Node Special Area Zone

- Add secondary dwellings as a permitted use in the residential subareas of this zone.
- Clarify that secondary dwellings are not accessory buildings.

Table 9.3115 S-CN Chase Node Special Area Zone
Land Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>C</th>
<th>HDR/MU</th>
<th>HDR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Family Dwelling per lot (Includes zero lot line dwellings)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</strong></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

Table 9.3125(3)(g) S-CN Chase Garden Node
Special Zone Development Standards
(See EC 9.3126 Special Development Standards for Table 9.3125(3)(g.).)

<table>
<thead>
<tr>
<th></th>
<th>C</th>
<th>HDR/MU</th>
<th>HDR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Building Height (3)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Building. [Includes Secondary Dwellings Detached from Main Building]</td>
<td>30'</td>
<td>30'</td>
<td></td>
</tr>
</tbody>
</table>
Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards
(See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)

<table>
<thead>
<tr>
<th>Secondary Dwellings Detached from Main Building</th>
<th>C</th>
<th>HDR/MU</th>
<th>HDR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>30'</td>
<td>30'</td>
</tr>
</tbody>
</table>

Downtown Westside Special Area Zone

- Add clarifying language for consistency with Senate Bill 1051.
- Clarify that the standards that currently apply to secondary dwellings in this zone would continue to apply.

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Residential Dwellings (All dwellings types are permitted if approved through the Planned Unit Development process.)</th>
<th>S-DW</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Family Dwelling (1 Per Lot)</td>
<td>P</td>
</tr>
<tr>
<td>Secondary Dwelling (1 Per Detached One-Family Dwelling [Either Attached or Detached from Primary One-Family Dwelling] on Same Lot)</td>
<td>P</td>
</tr>
</tbody>
</table>

9.3215 S-DW Downtown Westside Special Area Zone Development Standards.

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

Elmira Road Special Area Zone

- Add secondary dwellings as a permitted use.
- Because all residential development in this zone is subject to the standards established for the R-1 zone, the standards for secondary dwellings that apply in the R-1 zone will also apply in this zone.

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Residential Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Family Dwelling (1 Per Lot)</td>
</tr>
<tr>
<td>Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</td>
</tr>
</tbody>
</table>
**Blair Boulevard Historic Commercial Special Area Zone**
- Add secondary dwellings as a permitted use.
- Because all development in this zone is subject to the historic alteration requirements, those requirements will apply to secondary dwellings in this zone.

**9.3510 S-HB Blair Boulevard Historic Commercial Special Area Zone Uses.** The S-HB zone designation is based on the area’s association with the city’s working class and the mix of residential, commercial and light industrial uses within the zone. The S-HB zone is the commercial core of the residential districts located to the east and west of the zone. The Whiteaker Plan Land Use Diagram reflects four underlying land use designations for this zone of residential, commercial, mixed use, and parks. Uses permitted within the S-HB zone are as follows:

1. **Areas Designated for Low and Medium Density Residential.** Allowable uses are:
   - (a) One-family dwellings.
   - (b) Secondary Dwelling (1 Per Detached One-Family Dwelling on Same Lot)
   - (c) Duplexes.

Royal Node Special Area Zone
- Add clarifying language for consistency with Senate Bill 1051.
- Clarify that secondary dwellings are not accessory buildings
- This zone includes standards specific to secondary dwellings, which will continue to apply.

| Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements |
|---------------------------------|-----|-----|-----|-----|-----|
| **Residential**                 | LDR | MDR | RMU | CMU | MSC |
| Dwellings. (All dwellings shall meet minimum and maximum density requirements for development within the Royal Specific Plan area. All dwelling types are permitted.) |     |     |     |     |     |
| One-Family Dwelling (1 Per Lot, includes zero lot line dwellings) | P   | P   | P   |   |     |
| Secondary Dwelling *(1 Per Detached One-Family Dwelling on Same Lot)* | P(1)| P(1)| P(1)|   |     |

<p>| Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards <em>(See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)</em> |
|-------------------------------------------------|-----|-----|-----|-----|-----|
| <strong>Maximum Building Height</strong>                     | LDR | MDR | RMU | CMU | MSC |
| Main Building                                   | 35 feet | 35 feet | 50’ | 50’ | 50’ |</p>
<table>
<thead>
<tr>
<th>Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards</th>
<th>LDR</th>
<th>MDR</th>
<th>RMU</th>
<th>CMU</th>
<th>MSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Building. [Includes Secondary Dwellings Detached from Main Building]</td>
<td>25 feet</td>
<td>25 feet</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
</tr>
<tr>
<td>Secondary Dwellings Detached from Main Building</td>
<td>25 feet</td>
<td>25 feet</td>
<td>50 feet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Whiteaker Special Area Zone**
- Clarify that secondary dwellings are not accessory dwellings.
- Add clarifying language for consistency with Senate Bill 1051.
- Clarify that the standards that currently apply to secondary dwellings in this zone would continue to apply.

| Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements |
|---|---|
| S-W | P |
| Accessory Uses | P |
| Accessory Uses. Examples related to residential uses include a garage, storage shed, bed and breakfast facility (see EC 9.5100)[1] and home occupations (see EC 9.5350)[2], and secondary dwellings (see EC 9.2741(2)). Examples relating to commercial and employment and industrial uses include security work, administration activity and sales related to industrial uses manufactured on the same development site, and storage and distribution incidental to the primary use of the site. | |
| Residential Dwellings | P(2) |
| One-Family Dwelling | P(2) |

**9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards.** Except as provided in subsections (5) to [(12)13] of this section, sections 9.6000 to 9.6885 General Standards for All Development in this land use code shall apply within this S-W zone. In the event of a conflict between the general development standards of this land use code and the standards set forth in this section, the specific provisions of this section shall control.

(1) **Residential Standards.** Except as provided in subsections (5) to [(12)13] of this section, all residential development shall be subject to the standards established for the C-2 zone.

(13) **Secondary dwellings shall be subject to the standards established at EC 9.2750 and EC 9.2751(17).**
Memorandum

Date: March 21, 2018
To: Eugene Planning Commission
From: Alissa Hansen, Planning Division
Subject: Staff Response to Planning Commission Questions—Secondary Dwellings

This memo addresses questions and topics raised by the Planning Commission following the public hearing. The topics are identified in bold below, followed by staff response.

### Siting and Design

At the public hearing on Phase 1 of the land use code amendments proposed to address the accessory dwelling requirements of Senate Bill 1051 (now codified as ORS 192.312(5)), several planning commissioners asked for more information about the meaning of “siting and design” as used in ORS 192.312(5)(a). ORS 197.312(5)(a) requires cities with a population greater than 2,500 (including Eugene) to allow “in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.”

Unfortunately, none of the three operative terms (“reasonable,” “siting,” or “design”) were defined by the legislature. Because those terms are undefined, we will not know what they mean until the Oregon Land Use Board of Appeals (LUBA) or a court interprets them within the context of an appeal from a city or county action. In addition, a regulation that is “reasonable” for one city or county may not be “reasonable” for another. This lack of clarity can be frustrating when a local jurisdiction is trying to interpret what the statutes require, but it also gives the City some flexibility to make and defend its own interpretive choices. It is up to the City’s policy makers (the Planning Commission and ultimately the City Council) to decide in the first instance what constitutes a “reasonable regulation related to siting and design.”

If the Planning Commission believes that a current standard for accessory dwellings (referred to in the Eugene Code as Secondary Dwelling Units or SDUs) is not a “reasonable regulation related to siting and design,” and therefore recommends to the Council that the standard be removed from the land use code, the Commission should articulate whether and why it finds the standard to be: 1) unrelated to siting and design; and/or 2) unreasonable.

Likewise, if the Planning Commission recommends adding a new secondary dwellings standard to the land use code, the Planning Commission should articulate: 1) how the new standard is related to siting and/or design; and 3) why the new standard is reasonable.
Resources

Planning Commission requested the following information:

- Link to City Council Initiation materials and meeting webcasts: https://www.eugene-or.gov/764/Land-Use-Code-Amendments
  https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials (see January 17, 2018 work session and January 22, 2018 meeting for webcasts)

- Link to Senate Bill 1051: https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled


Affordable Housing on Church/Places of Worship Property

Planning Commissioners had several questions related to the allowance for affordable housing on church property.

1. Provide an explanation of churches’ ability to have one or three units but not two.

   Most churches and places of worship are located on land zoned R-1 Low Density Residential. The Eugene Code allows for one single family dwelling per lot as a permitted use in the R-1 zone. Multi-family housing, which is defined as three or more dwellings on one lot is allowed in the R-1 zone, subject to approval of a planned unit development or through the controlled income and rent housing provisions. Any type of multi-family housing is required to meet the multi-family standards at EC 9.5500. The only allowance for two dwellings on one lot in the R-1 zone is a secondary dwelling. However, this typically does not work for churches and places of worship, as the secondary dwelling standards require that there be a primary dwelling and that one of the dwellings be owner occupied.

2. Would it be possible for the Planning Commission to recommend adding changes to allow affordable housing on church property and what would those changes look like?

   Yes, the Planning Commission can include such a change in their recommendation to City Council if desired. To assist in the Planning Commission’s discussion, staff has provided possible code language (see Attachment C to the March 26, 2018 Planning Commission Agenda Item Summary) that includes two option for addressing affordable housing on church property. The first option is a simple fix that would provide churches and places of worship the ability to have two additional dwellings (beyond any house for church personnel) as a permitted use and not subject to the multi-family standards provided the following are met:

   - 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.
   - Each dwelling is limited to 800 square feet in area and 18 feet in height.
   - The development site does not exceed the maximum net density per acre in the R-1 zone.

   The first option fixes the current situation where a church cannot have two dwellings; however, it does not address the larger concern expressed by others at the public hearing regarding the need for more affordable housing on church land. In the event the Planning Commission is interested, staff has also provided a second
option for consideration that includes the same provisions above, but does not limit the number of additional dwellings to two. Instead, it relies on the maximum density requirements of the R-1 zone to limit the number of units. It also would not require the housing to meet the multi-family standards, which have been identified as barrier to this type of housing. If the Planning Commission is interested in recommending that more than two additional dwellings be allowed but is concerned about leaving the number of units open ended, the Planning Commission could also put a limit on the number of dwellings rather than relying on density.

3. What about the requirement that churches have an approved conditional use permit?

Churches, temples and synagogues, including associated residential structures for religious personnel, in the R-1 Low Density Residential zone are required to have an approved conditional use permit (CUP). Other dwellings, such as one-family dwellings, secondary dwellings and controlled income and rent housing are permitted outright in the R-1 zone. For churches with an approved CUP, additional housing is permitted so long as it does not conflict with the approved CUP plans. If there is a conflict, a modification or new CUP may be required.

### Density/Lot Size

Planning Commissioners asked for more information on the relationship between minimum lot sizes required for secondary dwellings and density requirements in the R-1 Low Density Residential zone. Testimony also raised questions about density in other zones.

1. How does lot size equate to density? Are the lot size equals density comments based on the maximum density allowed by the Metro Plan designation?

Prior to the Single Family Code Amendments, which were adopted in 2014, the minimum lot size was 4,500 square feet for attached secondary dwellings and 6,000 square feet for detached secondary dwellings. As part of the Single-Family Code Amendments, in response to public testimony, the CityCouncil changed the minimum lot size to 6,100 square feet for all secondary dwellings (except in the three university area neighborhoods where it was increased to 7,500 square feet). The intent was to make the minimum lot size commensurate with the lot size needed to meet the density requirements for two dwellings, based on the density requirements for R-1 zoning in the land use code and with the low density residential designation in the Metro Plan.

Secondary dwellings (previously called accessory dwellings) have long been permitted within Eugene’s R-1 zone as a means to promote opportunities for small scale infill, to make efficient use of land, and to fulfill the Metro Plan’s overall goals and policies to increase overall residential density. Historically, the City did not count these dwellings when calculating residential density. This approach is consistent with how many communities across the state treat secondary dwellings (including the City of Springfield who also relies on the Metro Plan low density residential designation).

If the Planning Commission wishes to recommend changing or removing minimum lot size requirements, staff has provided draft code language for discussion (See Attachment C to the March 26, 2018 Planning Commission Agenda Item Summary). It is noted that as part of a legislative process, the City Council is entitled to interpret the Metro Plan and to determine how density calculations are made. Depending on the outcome of the Planning Commission’s deliberations, staff may need to revise the findings to address this topic.
2. **What about the density requirements in the R-2, R-3 and R-4 zones?**

Testimony questioned the need to allow for secondary dwellings in the R-2 Medium Density Residential, R-3 Limited High Density Residential and R-4 High Density Residential zones because the density requirements for those zones are not consistent with the minimum lot size requirements for secondary dwellings. For example, in the R-3 zone, two dwellings on one 6,100 square foot lot equates to a density of approximately 14 unit per acre, which is below the minimum density of 20 units per acre in the R-3.

Staff notes that following Table 9.2750 in the Eugene Code, which spells out the minimum and maximum density requirements for the residential zones, there are additional standards related to density. These include an exemption that provides that the minimum residential density requirements do not apply to:

- Lots zoned R-2 that are less than 21,780 square feet and that were created before August 24, 2017
- Lots or development sites in the R-3 or R-4 zones that are developed and are 13,500 square feet or less in size

This means that any R-2 zoned lot between 6,100 square feet (the minimum required for a secondary dwelling) and 21,780 square feet is exempt from R-2 minimum density requirements and could have a secondary dwelling. The same is true for R-3 and R-4 zoned lots between 6,100 and 13,500 square feet. This means that a 6,100 square foot lot in the R-3 zone could have both a single family dwelling and a secondary dwelling.

The testimony also correctly stated that additional dwellings are allowed in the R-2, R-3 and R-4 zones depending on lot size. However, additional dwellings and secondary dwellings are not the same. Secondary dwellings are subject to separate development standards (such as building size and height) that non-secondary dwellings are not required to meet. Additionally, secondary dwellings may be eligible for incentives in the future. City Council is currently looking at reducing system development charges (SDC) for secondary dwellings. If adopted, these SDC reductions would not be available for additional (non-secondary) dwellings in R-2, R-3 and R-4.

### Change “Secondary” Dwellings to “Accessory” Dwellings

Planning Commission asked what would be necessary to change the land use code so that secondary dwellings are called accessory dwellings, consistent with SB 1051. This would require changing all 107 references of “secondary” dwelling to “accessory” dwelling. While this would be a relatively simple fix in that it merely involves replacing words and does not have any policy implications, it would make for a longer ordinance.
Possible Changes for Planning Commission Consideration
DRAFT 03.20.18

Language proposed to be added is shown in *bold italics*.
Language proposed to be deleted is shown in [strike-through].

1. Update definition of secondary dwelling to reflect definition provided in SB 1051

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

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

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>
<thead>
<tr>
<th>Residential Zone Land Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dwellings.</strong> (All dwellings, except secondary dwellings, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)</td>
</tr>
<tr>
<td><strong>R-1</strong></td>
</tr>
</tbody>
</table>

9.2751 **Special Development Standards for Table 9.2750.**

1. **Density.**
   
   (a) The minimum residential density requirements set forth in Table 9.2750 do not apply to:
   
   1. Secondary dwellings in R-1;

17. **Secondary Dwellings.**

   (a) General Standards for Attached Secondary Dwellings. Except as provided in subsection (c) below, secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:

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

   *Renumber remainder of section.*

   (c) Area-Specific Secondary Dwelling Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors
and South University Neighborhood Association:

[1. Lot Area. To allow for a secondary dwelling, the lot shall contain at least
7,500 square feet.]}

*Renumber remainder of section.


(4) Use Regulations. Residential flag lots have the same land use regulations as the
base zone except:
(a) Home occupations are not allowed on residential flag lots less than 13,500
square feet; and
(b) Secondary dwellings are not allowed on flag lots less than 12,500 square
feet; and
(e) Secondary dwellings are not allowed on flag lots that did not exist or were not
approved prior to August 29, 2014.


(2) Development Standards Applicable in the S-C/R-1 Subarea. Except as provided
in this subsection, the development standards applicable in the S-C/R-1 Subarea
shall be those set forth in EC 9.2750 to EC 9.2777 for the R-1 zone, Special
Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the
General Standards for all Development in EC 9.6000 through 9.6885.
(a) Lot Size Minimums for Flag Lots. In lieu of any conflicting provisions in EC
9.2750 to 9.2777 for flag lots in the R-1 zone, the following standards apply for
flag lots in the S-C/R-1 subarea:
1. Single dwellings and attached secondary dwellings: minimum lot size
4,500 square feet.
2. Detached secondary dwellings: minimum lot size 6,000 square feet.
3. The original lot, prior to creation of the flag lot, is not subject to a
minimum lot size of 13,500 square feet.

(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 all Development in EC 9.6000 through 9.6885.
(a) Density Standards. In lieu of the density standards for the R-2 zone in Table
9.2750 and EC 9.2750(1), there is no minimum density requirement regardless of lot size, and the following maximum density standards apply:
1. For lots with street access:
   a. One dwelling unit if the lot area is less than or equal to 4,500
      square feet.
   b. Two dwelling units if the lot area is greater than 4,500 square feet
      and less than or equal to 9,200 square feet.
   c. Three dwelling units if the lot area is greater than 9,200 square
      feet.
   d. Secondary dwellings are not subject to maximum density
      standards.
2. For alley access lots: One dwelling unit regardless of lot size.
### Table 9.3115 S-CN Chase Node Special Area Zone

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>C</th>
<th>HDR/MU</th>
<th>HDR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dwellings (All dwellings, **except secondary dwellings**, shall meet minimum and maximum density requirements for development within the Chase Gardens Plan area.)

### 9.3315 S-E Elmira Road Special Area Zone Development and Lot Standards.
In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in subsections (1) to (3) of this section shall apply to all development in the S-E zone. In cases of conflict, the standards specifically applicable in the S-E zone shall apply.

1. All residential development shall be governed by the general standards applied to the R-1 zone, **except that secondary dwellings are not subject to minimum or maximum density requirements**.

### 9.3626 Special Development Standards for Table 9.3625.

1. **Density.** For purposes of determining the maximum allowable dwellings on a lot:

   (f) **Secondary dwellings are not subject to maximum density requirements.**

### Table 9.3810 S-RN Royal Node Special Area Zone

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>LDR</th>
<th>MDR</th>
<th>RMU</th>
<th>CMU</th>
<th>MSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dwellings. (All dwellings, **except secondary dwellings**, shall meet minimum and maximum density requirements for development within the Royal Specific Plan area. All dwelling types are permitted.)

### 9.3811 Special Use Limitations for Table 9.3810.

1. **Secondary Dwellings.** Secondary dwellings shall conform to all of the following:

   (e) Detached secondary dwellings shall:

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

   *Renumber remainder of section.*
S-W Whiteaker Special Area Zone

9.3911 Special Use Limitations for Table 9.3910.

(1) **Drive-up or Drive-through Facilities.** No drive-up or drive-through facilities are allowed in this zone.

(2) **Residential Density.** There is no minimum density; maximum density is according to the R-4 residential density requirements in Table 9.2750. *Secondary dwellings are not subject to maximum density requirements.*
3. Remove Owner-Occupancy Requirements

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

Dwelling, Secondary. A dwelling unit that is located on the same lot as a primary one-family dwelling that is clearly subordinate to the primary one-family dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot. [Either the secondary dwelling or the primary dwelling must be occupied by the property owner.]

9.2751 Special Development Standards for Table 9.2750.

(17) Secondary Dwellings in R-1.
   (a) General Standards for Attached Secondary Dwellings. Except as provided in subsection (c) below, secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:

   7. Ownership/Occupancy Requirements. Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor’s roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city’s issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter’s registration, driver’s license, homeowner’s insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.

   8. Temporary Leave. Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner’s employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once
every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).

9. Deed Restriction. Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:

a. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.

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

c. The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.

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

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

(c) Area-Specific Secondary Dwelling Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:


12. Temporary Leave. The standards at EC 9.2751(17)(a)8. are applicable.

13. Deed Restriction. The standards at EC 9.2751(17)(a)9. are applicable.

14. Verification. The standards at EC 9.2751(17)(a)10. are applicable.] *

*Renumber remainder of section

(d) Adjustment Review. The standards at [EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For secondary dwellings, these are the only standards that may be adjusted. [With the exception of EC
These standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

9.3811 Special Use Limitations for Table 9.3810.

(1) Secondary Dwellings. Secondary dwellings shall conform to all of the following:
   (a) The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.
   (cb) Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.
   (dc) There shall be at least 1 off-street parking space on the property.
   (ed) The dwelling shall be located on a lot that is not a flag lot.

Detached secondary dwellings shall:
   1. Comply with the residential density limitations in Table 9.3815(3)(n) Royal Node Special Area Zone Development Standards.
   2. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.
   3. The primary entrance to a secondary dwelling shall be defined by a roofed porch.
   4. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.

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

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

(34) Secondary Dwellings. Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.
   (a) Temporary Leave. A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner’s employer, educational facility, volunteer organization or medical provider.

*Renumber remainder of the section.
4. Allow Affordable Housing associated with Churches, Synagogues and Temples (Places of Worship) as Permitted Use

<table>
<thead>
<tr>
<th>Table 9.2740 Residential Zone Land Uses and Permit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong> <strong>Dwellings.</strong> (All dwellings, including secondary dwellings, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)</td>
</tr>
<tr>
<td><strong>One-Family Dwelling (1 Per Lot in R-1, except as provided at EC 9.2741(10) for Churches, Synagogues and Temples)</strong></td>
</tr>
<tr>
<td><strong>Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)</strong></td>
</tr>
<tr>
<td><strong>Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)</strong></td>
</tr>
<tr>
<td><strong>Duplex (Two-Family Attached on Same Lot)</strong></td>
</tr>
<tr>
<td><strong>Tri-plex (Three-Family Attached on Same Lot) See EC 9.5500</strong></td>
</tr>
<tr>
<td><strong>Four-plex (Four-Family Attached on Same Lot) See EC 9.5500</strong></td>
</tr>
<tr>
<td><strong>Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500</strong></td>
</tr>
<tr>
<td><strong>Manufactured Home Park. Shall comply with EC 9.5400 or site review.</strong></td>
</tr>
<tr>
<td><strong>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 standards in EC 9.5500 or be approved as a PUD.)</strong></td>
</tr>
</tbody>
</table>

**Option 1. Allow for two dwellings exclusively for low-income housing as a permitted use**

**9.2741 Special Use Limitations for Table 9.2740.**

**9.2741(10) In addition to any residential structures for religious personnel, Churches, Synagogues and Temples in R-1 are permitted to have up to two dwellings per lot that are not subject to the multiple-family standards at EC 9.5500, provided all of the following are met:**

(a) Each dwelling is used exclusively for low-income individuals and/or families where all units are subsidized. For the purposes of this section, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

(b) Each dwelling is limited to 800 square feet in area and 18 feet in height.
(c) The development site does not exceed the maximum net density per acre in EC 9.2750.

Option 2. Allow for dwellings exclusively for low-income housing as a permitted use with density controlling the number of dwellings.

9.2741 Special Use Limitations for Table 9.2740.

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

(a) Each dwelling is used exclusively for low-income individuals and/or families where all units are subsidized. For the purposes of this section, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

(b) Each dwelling is limited to 800 square feet in area and 18 feet in height.

(c) The development site does not exceed the maximum net density per acre in EC 9.2750.
Preliminary Findings

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

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

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

As a result of the proposed amendment, secondary dwellings will also be allowed as permitted uses in the following zones:
- AG Agricultural
- R-2 Medium Density Residential
- R-3 Limited High-Density Residential
- R-4 High Density Residential
- S-Elmira Road Special Area Zone
- S-JW Jefferson Westside Special Area Zone
- S-HB Blair Boulevard Historic Commercial Special Area Zone

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

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

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

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

---

1 By adding secondary dwellings as an allowed use in the R-2 Medium Density Residential zone, secondary dwellings become an allowed use in the S-JW Jefferson Westside Special Area Zone. This is because the S-JW zone generally relies on the R-2 zone for allowed uses. No changes to the S-JW zone are proposed.
The City has acknowledged provisions for community involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The code amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the City’s acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on January 30, 2018. A public hearing was scheduled before the Planning Commission on March 6, 2018. A public hearing is scheduled before the City Council for April 16, 2018. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, community groups and individuals who requested notice. In addition, notice of the public hearing was also published in the Register Guard. Information concerning the amendments, including the dates of the public hearings were posted on the City of Eugene website.

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

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

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

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

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

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

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

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

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

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:
(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

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

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

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

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

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

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City’s provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.
Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

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

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

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

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

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

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

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

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

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

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

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

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

Goal 13 - Energy Conservation. To conserve energy.

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

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

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

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

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

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

Findings - 5
There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

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

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

Residential Land Use and Housing Element

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

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

A.17 *Provide opportunities for a full range of choice in housing type, density, size, cost and location.*

A.18 *Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.*

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

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

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

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
Findings addressing relevant provisions of applicable refinement plans are provided below.

**Jefferson Far West Refinement Plan (1983)**
The following residential policies in the Land Use Element of the plan lend general support for the amendment:

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

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

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

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

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

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

Within all three of these low density residential subareas of the plan, the City is directed to encourage infilling. Consistent with this policy direction, the amendment is intended to encourage compatible infill housing.
River Road-Santa Clara Urban Facilities Plan (1987)
The following policies from the Residential Land Use section are relevant:

1.0 Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.

2.0 Provide a diversity of housing types in the area. Available techniques include encouraging reinvestment and rehabilitation of existing housing stock and the use of development standards that provide for clustering or planned unit development.

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

Willakenzie Area Plan (1992)
Although there are no policies in this refinement plan that directly address the amendment or constitute mandatory approval criteria, the following land use policies lends general support for the amendment:

Residential Policies
1. Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.

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

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

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

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

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