



**COUNCIL ORDINANCE NO. 20595**

**COUNCIL BILL 5185**

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

**ADOPTED: June 11, 2018**

**SIGNED: June 13, 2018**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Clark**

**EFFECTIVE: July 1, 2018**



ORDINANCE NO. 20595

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

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

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

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

**Dwelling, Accessory.** An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

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

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reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 4.** Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective on July 1, 2018. An effective date of less than 30 days is necessary to conform to State Law. If a lesser majority votes affirmatively, the effective date shall be as provided at Section 32(1) of the Eugene Charter of 2002.

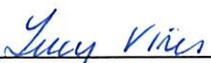
Passed by the City Council this

11<sup>th</sup> day of June, 2018

  
\_\_\_\_\_  
Deputy City Recorder

Approved by the Mayor this

13 day of June, 2018

  
\_\_\_\_\_  
Mayor

## Exhibit A

### Findings

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

##### Overview

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

##### Findings

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

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

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

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

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

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*decisions and actions.*

Eugene's land use code specifies the procedure and criteria that were used in considering this amendment. The record shows that there is an adequate factual basis for the amendment. 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 this amendment 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 this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 2.

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

The amendment is 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 amendment is 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.*

*ORAR 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 amendment does 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*

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*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 amendment does 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 amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendment does 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 amendment does 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 amendment does not impact the supply of industrial or commercial lands. Therefore, the amendment is 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 amendment does not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendment does not otherwise diminish the amount of lands available for residential use.

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

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

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

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

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

***Metro Plan***

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

***Envision Eugene Comprehensive Plan***

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

***Applicable Refinement Plans***

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

Based on the above finding, this criterion is met.

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

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