

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-04

IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 AND CHAPTER 9 OF /UL URBAN LAND EUGENE CODE TO IMPLEMENT ORS 197.312(5), ADOPTING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY (COUNTY FILE NO. 509-PA18-04265)

WHEREAS, on April 8, 1987, the Lane County Board of Commissioners enacted Ordinance No. 18-86 to adopt the City of Eugene land use regulation for application to urbanizable lands within the Eugene Urban Growth Boundary in accordance with an urban transition agreement with the City of Eugene; and

WHEREAS, provisions of that urban transition agreement provides for County adoption and of land use regulations applicable to urbanizable lands within the Eugene Urban Growth Boundary; and

WHEREAS, there is a need to amend the Eugene development codes to implement recent changes to ORS 197.315(5); and

WHEREAS, the Lane County Planning Commission recommended adoption of the proposed changes to the Eugene code to the Board of Commissioners; and

WHEREAS, the Board of County Commissioners conducted a public hearing on this matter on June 26, 2018 and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. The provisions of the Eugene Land Use Code, as adopted by Lane County Ordinance No. 18-86, and amended by Lane County Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02, 3-02, 14-15, and 17-03 are hereby further amended to include amendments specified in the attached Exhibit "B". These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Eugene Urban Growth Area and shall not be codified into Lane Code.

2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THESE SECTIONS

10.600-25

INSERT THESE SECTIONS

10.600-25

Said section is attached hereto as Exhibit "A" and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include reference to this Board of County Commissioners action adopting amendments to the City of

ORDINANCE NO: 18-04

Eugene land use regulations to be applied by the city within the urbanizable lands of their Urban Growth Boundary.

3. Although not a part of this Ordinance, the Board of County Commissioners adopts findings as set forth in Exhibit "C" attached and incorporated by this reference, in support of this action.

4. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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.

6. An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace health and safety, shall take effect immediately.

ENACTED this 26th day of June _____, 2018



Jay Bozievich, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date: 6-26-18

LANE COUNTY OFFICE OF LEGAL COUNSEL

10.600-25

Lane Code

10.600-25

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99; 17-03, 9.7.17)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on the specified urbanizable land within the Eugene Urban Growth Boundary.

(1) To all urbanizable land not addressed in (2), the Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 5-00 as amended in Ordinance No. PA 1234, as further amended by the incorporation of Eugene Ordinance 20546 through enactment of Lane County Ordinance 14-15, and Ordinance No. 18-04.

(2) To the land added to the Eugene Urban Growth Boundary by Ordinance No. PA 1345 as shown on the maps at Exhibit A-4 (“Proposed Metro Plan Designations”) attached to Ordinance No. PA 1345, the provisions of Chapter 9 of the Eugene Code, 1971, in effect on the date Ordinance 17-03 is approved (“Eugene Land Use Code”), as that Land Use Code is amended by the revisions shown in Exhibit A to Ordinance No. 17-03.

(3) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02; 14-15, 1.2.15, 17-03, 9.7.17)*

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

10.600-15 Lane Code 10.600-25

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07, 14-13, 14-15 and 16-05.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09; 7-11, 11.4.2011; 3-12, 10.05.12; 13-05, 11.19.13; 13-07, 04.15.14; 14-13, 11.25.14; 14-15, 1.2.15; 16-05, 1.5.17)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene has the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary as specified in Lane Code 10.600-25. For the purpose of this subsection, the following words and phrases have the following meanings:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99; 17-03, 9.7.17)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on the specified urbanizable land within the Eugene Urban Growth Boundary.

(1) To all urbanizable land not addressed in (2), the Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 5-00 as amended in Ordinance No. PA 1234, as further amended by the incorporation of Eugene Ordinance 20546 through enactment of Lane County Ordinance 14-15, **and Ordinance No. 18-04**.

(2) To the land added to the Eugene Urban Growth Boundary by Ordinance No. PA 1345 as shown on the maps at Exhibit A-4 (“Proposed Metro Plan Designations”) attached to Ordinance No. PA 1345, the provisions of Chapter 9 of the Eugene Code, 1971, in effect on the date Ordinance 17-03 is approved (“Eugene Land Use Code”), as that Land Use Code is amended by the revisions shown in Exhibit A to Ordinance No. 17-03.

(3) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02; 14-15, 1.2.15, 17-03, 9.7.17)*

/UL - Urban Transition Area Land Use Code

Definitions

EC 9.0500 Definitions

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site. An accessory dwelling is not an accessory building.

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

Agricultural Zone

Table 9.2010 Agricultural Zone Uses and Permit Requirements	
	AG
Residential Dwellings	
One-Family Dwelling, 1 Per Lot	P
Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot, subject to the standards for accessory dwellings at EC 9.2741(2))	P

Residential Zone

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential Dwellings. (All dwellings, including accessory 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
Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)	P(2)		P(2)	P(2)	P(2)

9.2741 Special Use Limitations for Table 9.2740.

- (2) **Accessory Dwellings.** Accessory dwellings are subject to the standards below.
- (a) Accessory dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.

- (b) In addition to the standards in subsection (a) of this section, detached accessory dwellings shall comply with the following:
1. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.
 2. The primary entrance to an accessory dwelling shall be defined by a roofed porch.
 3. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Maximum Building Height (2), (3), (4), (5)					
Main Building. Includes Accessory Dwellings Within the Main Building.	30 feet	35 feet	35 feet	50 feet	120 feet
Accessory Building.	20 feet	20 feet	25 feet	30 feet	30 feet
Accessory Dwelling Detached from Main Building and located greater than 20 feet from property line.	20 feet	20 feet	25 feet	30 feet	30 feet

Chase Node Special Area Zone

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

Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)			
	C	HDR/MU	HDR
Maximum Building Height (3)			
Accessory Building.		30 feet	30 feet
Accessory Dwellings Detached from Main Building		30 feet	30 feet

Downtown Westside Special Area Zone

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Residential	
Dwellings (All dwellings types are permitted if approved through the Planned Unit Development process.)	
One-Family Dwelling (1 Per Lot)	P
Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)	P

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

- (2) **Residential Standards.** Except as provided in this section or EC 9.3216 Special Development Standards for Table 9.3215, all residential development shall be subject to the standards established for the R-4 zone. Accessory dwellings shall be subject to the standards at EC 9.2741(2).

Elmira Road Special Area Zone

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
Residential	
Dwellings	
One-Family Dwelling (1 Per Lot)	P
Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)	P

Blair Boulevard Historic Commercial Special Area 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) Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot).
 - (c) Duplexes.
 - (d) Triplexes.
 - (e) Four-plexes.
 - (f) Multiple-family dwellings.
 - (g) Home occupations.
 - (h) Bed and breakfast facilities.

Royal Node Special Area Zone

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

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

Whiteaker Special Area Zone

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

9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards. Except as provided in subsections (5) to ([42] 13) of this section, sections 9.6000 to 9.6885 General Standards for All Development in this land use code shall apply within this S-W zone. In the event of a conflict between the general development standards of this land use code and the standards set forth in this section, the specific provisions

of this section shall control.

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

(13) Accessory dwellings shall be subject to the standards established at EC 9.2741(2).

/UL Urbanizable Lands Overlay Zone

9.4640 Annexation and/or Annexation Agreements.

(2) The following uses are exempt from the requirement of annexation or execution of an annexation agreement unless otherwise required by this section:

- (a) Agricultural uses.
- (b) Management, growing, and harvesting of forest products, including Christmas trees, but excluding primary timber processing operations or vehicle equipment maintenance facilities.
- (c) Sale of agricultural products and livestock grown or raised on the premises.
- (d) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.
- (e) One single family home or 1 mobile home per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.
- (f) Home occupations.
- (g) A single temporary dwelling installed with a temporary manufactured dwelling hardship permit.
- (h) Public infrastructure necessary for the area and allowed pursuant to a city-approved legal agreement.
- (i) Pump stations, well heads, non-elevated reservoirs, and other water or sewer facilities.
- (j) Accessory dwelling units.**

Proposed Land Use Code Changes for Ordinance No. 18-04 Urban Transition Area Land Use Code

Language proposed to be added is shown in ***bold italics***.

Language proposed to be deleted is shown in ~~strike-through~~.

Definitions

- Change terminology from secondary dwelling to accessory dwelling.
- Clarify that an accessory dwelling is not an accessory building.
- Align the definition of accessory dwelling with the definition provided in SB 1051.

EC 9.0500 Definitions

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site. ***An accessory dwelling is not an accessory building.***

Dwelling, ~~Secondary Accessory~~. ~~A dwelling unit that is located on the same parcel 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.~~ ***An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.***

Agricultural Zone

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

Table 9.2010 Agricultural Zone Uses and Permit Requirements	
	AG
Residential	
Dwellings	
One-Family Dwelling, 1 Per Lot	P
<i>Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot, subject to the standards for accessory dwellings at EC 9.2741(2))</i>	<i>P</i>

Residential Zone

- Add accessory dwellings as a permitted use in the R-2, R-3 and R-4 zones, subject to the existing standards for accessory dwellings that also apply in the R-1 zone.
- Clarify that the existing standards for accessory dwellings that currently apply in the R-1 zone would apply to accessory dwellings in R-2, R-3 and R-4.

- Remove some of the existing standards for accessory dwellings that are not related to siting or design.
- Add clarifying language for consistency with Senate Bill 1051.

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential					
Dwellings. (All dwellings, including secondary accessory 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 Accessory 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 Accessory Dwellings.** ~~Secondary Accessory~~ dwellings ~~are only permitted in R-1 and~~ are subject to the standards below.
- (a) ~~Secondary Accessory~~ dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.
 - ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
 - ~~3. There shall be at least 1 off-street parking space on the property.~~
 - ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- (b) In addition to the standards in subsection (a) of this section, detached ~~secondary accessory~~ dwellings shall comply with the following:
- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
 - ~~2.1.~~ If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.
 - ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
 - ~~2.4.~~ The primary entrance to an ~~secondary accessory~~ dwelling shall be defined by a roofed porch.
 - ~~3.5.~~ 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 (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk~~

that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Maximum Building Height (2), (3), (4), (5)					
Main Building. Includes Secondary Accessory Dwellings Within the Main Building.	30 feet	35 feet	35 feet	50 feet	120 feet
Accessory Building. Includes Secondary Dwelling Unit Detached from Main Dwelling	20 feet	20 feet	25 feet	30 feet	30 feet
Accessory Dwelling Detached from Main Building and located greater than 20 feet from property line.	20 feet	20 feet	25 feet	30 feet	30 feet

Chase Node Special Area Zone

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

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

Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)			
	C	HDR/MU	HDR
Maximum Building Height (3)			
Accessory Building. Includes Secondary Dwellings Detached from Main Building		30' feet	30' feet
Accessory Dwellings Detached from Main Building		30 feet	30 feet

Downtown Westside Special Area Zone

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

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Residential	
Dwellings (All dwellings types are permitted if approved through the Planned Unit Development process.)	
One-Family Dwelling (1 Per Lot)	P
Secondary Accessory Dwelling (1 Per Detached One-Family Dwelling Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P

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

- (2) **Residential Standards.** Except as provided in this section or EC 9.3216 Special Development Standards for Table 9.3215, all residential development shall be subject to the standards established for the R-4 zone. **Accessory dwellings shall be subject to the standards at EC 9.2741(2).**

Elmira Road Special Area Zone

- Add accessory 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 accessory 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	
	S-E
Residential	
Dwellings	
One-Family Dwelling (1 Per Lot)	P
Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)	P

Blair Boulevard Historic Commercial Special Area Zone

- Add accessory dwellings as a permitted use.
- Because all development in this zone is subject to the historic alteration requirements,

those requirements will apply to accessory 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) Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)**
 - ~~(bc)~~ Duplexes.
 - ~~(ed)~~ Triplexes.
 - ~~(de)~~ Four-plexes.
 - ~~(ef)~~ Multiple-family dwellings.
 - ~~(fg)~~ Home occupations.
 - ~~(gh)~~ Bed and breakfast facilities.

Royal Node Special Area Zone

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

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

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

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

Whiteaker Special Area Zone

- Clarify that accessory dwelling are not accessory uses or buildings.
- Add clarifying language for consistency with Senate Bill 1051.
- Clarify that the standards that currently apply to accessory dwellings in this zone would continue to apply.

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

9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards. Except as provided in subsections (5) to ([42] **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 ([42] **13**) of this section, all residential development shall be subject to the standards established for the C-2 zone.

(13) Accessory dwellings shall be subject to the standards established at EC 9.2741(2).

/UL Urbanizable Lands Overlay Zone

- Exempts accessory dwellings from annexing or annexation agreements.

9.4640 Annexation and/or Annexation Agreements.

- (2) The following uses are exempt from the requirement of annexation or execution of an annexation agreement unless otherwise required by this section:
- (a) Agricultural uses.
 - (b) Management, growing, and harvesting of forest products, including Christmas trees, but excluding primary timber processing operations or vehicle equipment maintenance facilities.
 - (c) Sale of agricultural products and livestock grown or raised on the premises.
 - (d) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.
 - (e) One single family home or 1 mobile home per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.
 - (f) Home occupations.
 - (g) A single temporary dwelling installed with a temporary manufactured dwelling hardship permit.
 - (h) Public infrastructure necessary for the area and allowed pursuant to a city-approved legal agreement.
 - (i) Pump stations, well heads, non-elevated reservoirs, and other water or sewer facilities.
 - (j) Accessory dwelling units.**

Exhibit C – Ordinance No. 18-04

Findings of Facts and Conclusions

Overview

ORS 197.312(5)

(5)(a) 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.

(b) As used in this subsection, “accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

The current urbanizing area zoning lists accessory dwellings as a permitted use in the R-1 Zone, with the requirement that the property must first be annexed. Because annexation requires a property to be contiguous with the Eugene city limits, this means that there are urbanizable lands that are not currently able to have an accessory dwelling as they are not contiguous to the city limits. This additional provision has had a severe chilling effect and as a result the city has not received a single in request for accessory dwellings in the urbanizing areas.

Proposed Land Use Code Amendments

The proposed changes address where accessory dwellings are allowed in the urbanizable lands, and increase the number of areas where accessory dwellings are permitted. Many of the existing development standards for height, setbacks, building size, etc., are proposed to remain in place.

As a result of the proposed amendments, accessory dwellings will also be allowed as permitted uses in the following zones¹ (in addition to the zones noted above):

- 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

There are small amounts of AG and R-2 zoned properties in the urbanizing area. The proposed amendments will add accessory dwelling units as permitted uses in those zones.

In addition, the proposed amendment includes language to exempt accessory dwellings from annexation. The proposed amendments also remove the requirement that one of the dwellings be owner occupied and remove the requirement for off-street parking on the property.

These changes are necessary to comply with SB 1051 and ORS 197.315(5). The Board and residents should note that the extensive development standards (height, setbacks, building size, etc.) that

¹ Although there are no areas of urbanizable land zoned R-3, R-4, S-E, S-JW or S-HB, including them in these code amendments helps to bring the land use code that applies to urbanizable lands closer in conformance with the city code.

apply to accessory dwellings within city limits were most recently changed in 2014. These changes were not made to the land use code standards that apply to urbanizable land.

Findings

The proposed amendments are subject to the applicable criteria identified in Lane Code 10.315-20, and Eugene Code 9.8065.

Lane Code 10.315-20 Procedures for Zoning, Rezoning and Amendments to Requirements:

Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. (*cont. below*)

Finding 1. The proposed amendments constitute a change in the requirements of Lane Code Chapter. The general purposes of Lane Code Chapter 10 are provided in LC10.015. They are:

(1) To encourage the most appropriate use of land and resources throughout the County.

Finding 2. This proposal will increase the inventory of housing available within urbanizing areas making more efficient use of this land and therefore lessening the demand for additional housing outside of the urban growth boundary.

(2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.

Finding 3. In general, transportation, water, sewerage, schools, parks, and other public facilities are more readily available in urbanizing areas. Increasing housing within these areas rather than in more remote rural areas will provide more efficient access to them.

(3) To avoid undue concentration of population.

Finding 4. The proposal will increase the supply and broaden the range of housing types available within the urbanizing area of the City of Eugene, which may enable some out-migration of residents concentrated within these cities.

(4) To secure safety from fire, panic, flood, and other dangers.

Finding 5. The amendments do not affect the County's or City's restrictions on development in areas subject to natural disasters and hazards.

(5) To prevent the overcrowding of land.

Finding 6. The proposal will increase the supply and broaden the range of housing types available within the urbanizing area of the City of Eugene, which may alleviate overcrowding of land in other parts of the county.

(6) To provide adequate light and air.

Finding 7. This proposal will have no impact on the availability of light or air.

(7) To lessen congestion in the streets, roads, and highways.

Finding 8. Providing increased housing availability within the urbanizing areas may reduce the need for and/or distance of vehicle trips within rural Lane County because services are generally closer and more readily accessible within UGGs.

(8) To provide an environment of character in harmony with existing and proposed neighboring use of land.

Finding 9. This proposal will enable only one Accessory Dwelling Unit per single family dwelling. The 800 square foot maximum floor area of these units as well as their intended residential use will not be out of character within urbanizing areas.

(9) To preserve and enhance the quality of Lane County's environment.

Finding 10. Increased access to housing within urbanizing areas will reduce the need for housing on rural resource land and in other environmentally sensitive areas.

Lane Code 10.315-20 Procedures for Zoning, Rezoning and Amendments to Requirements:

(cont. from above)

Zonings and rezonings shall be consistent with the specific purposes of the Zone District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission.

Finding 11. The proposed amendments will not have the effect of zoning or rezoning any property. Further, the entirety of Lane County has been acknowledged for compliance with the Statewide Planning Goals. Therefore, this criterion is not applicable.

Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners...

Finding 12. The proposed code amendments will be adopted by ordinance when enacted by the Board.

Finding 13. Based on the analysis above, the proposal is consistent with the procedures to amend the requirements of Lane Code Chapter 10, the general purposes of the code, and are intended to implement mandatory changes resulting from state law.

Section 9.8065 of the land use code that applies to urbanizable lands 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.*

Finding 1. The County 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 County's acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on March 27, 2018. A public hearing was scheduled before the Lane County Planning Commission on May 1, 2018. A public hearing will be scheduled before the Lane County Board of Commissioners following the Planning Commission's public hearing. 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.

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.*

Finding 2. The land use code that applies to urbanizable lands 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 County engages in an exchange, or invites such an exchange, between the County and any affected governmental unit and when the County uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the County engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, notice of the proposed action and opportunity to comment was provided to the Oregon Department of Land Conservation and Development, as well as to the City of Eugene 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.*

Finding 3. 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.*

Finding 4. 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.*

Finding 5. These amendments do not create or amend the adopted list of Goal 5 resources, do not amend a land use code provision adopted 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.*

Finding 6. Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the County'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.*

Finding 7. 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 County'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.

Finding 8. 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 County'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.

Finding 9. 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.

Finding 10. 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.

Finding 11. The amendments do not affect the 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.*

Finding 12. 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 accessory 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.

Finding 13. 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.*

Finding 14. The amendments do not affect the County'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.*

Finding 15. 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.

Finding 16. 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.*

Finding 17. The intent of the amendment is to create more opportunities for accessory dwellings in areas designed for residential use, consistent with this policy. The standards currently in place for accessory 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.*

Finding 18. Consistent with these policies, the amendment provides for more opportunities for smaller housing types within existing and future residential neighborhoods.

Envision Eugene Comprehensive Plan

Finding 19. The Envision Eugene Comprehensive Plan does not contain any policies relevant to this amendment.

Applicable Refinement Plans

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

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Eugene Downtown Plan (2004)
- Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- Fairmount/U of O Special Area Study (1982)
- Jefferson Far West Refinement Plan (1983)
- Laurel Hill Neighborhood Plan (1982)
- 19th and Agate Special Area Study (1988)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- West University Refinement Plan (1982)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)

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

Finding 20. 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 accessory dwellings (a smaller type of single family housing) in additional areas within these neighborhoods, specifically the AG and R-2 zones.

Finding 21. 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 accessory 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.*

Finding 22. The amendments do not establish a special area zone. Therefore, this criterion does not apply.