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Neither Springfield nor Bend has 60% Maximum Lot Coverage for Middle Housing

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To: Mayor and Council <MayorAndCC@ci.eugene.or.us>

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Mayor and Councilors,

It's so perfectly fitting that you wrapped up this debacle by basing your final ordinance amendment, i.e., on maximum lot coverage, by blatant lies by some councilors.

As the attached excerpts from these two cities' land use code prove -- Neither Springfield nor Bend has 60% Maximum Lot Coverage for all Middle Housing.

Note that Springfield's "lot coverage" also includes all impervious surfaces, including parking areas.

Note that Bend's "lot coverage" also does not have the Eugene code's exceptions for "Any part of a structure without a roof, ... carports, porches, and balconies that are open at least 50 percent of their respective perimeter."

In other words, both of these cities have much stronger protection for reserving permeable ground on which trees can be planted.

And, as is typical, the councilor who fancies himself the "smartest guy in the room" falsely claimed that my analysis of the 75% lot coverage reported that four square miles of "*tree canopy*" would be lost. That is easily shown as false by reading my analysis, which referred to the amount of *ground* that would be lost.

What an embarrassing lot you are Mayor Vinis and Councilors Keating, Zelenka, Syrett, and Yeh.

This story is not over.

Paul Conte

Earth Advantage Accreditations:
* **Sustainable Homes Professional**
* **Accessory Dwelling Unit (ADU) Specialist**

2 attachments

 **Springfield HB 2001 code Lot Coverage (R-1, R-2, R-3).pdf**
597K

 **Bend HB 2001 code Lot Coverage (Residential).pdf**
155K

Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

enclosure two feet higher than the object/use being screened, except heat pumps which are allowed.

(3) All Setbacks. Balconies.

3.2.225 Lot Coverage and Impervious Surface Standards

- (A)** Lot Coverage and the amount of impervious surface may not exceed the standards listed in SDC 3.2.225. Stormwater treatment facilities required under SDC 4.3.110 or other development standards may result in less impervious surface area than these maximums.
- (B)** The following Lot Coverage and Impervious Surface standards apply to all development in Residential Districts. However, Cottage Cluster Housing is not subject to this standard.
 - (1)** On lots or parcels with more than average 15 percent slope or above 670 feet in elevation, as determined in SDC 3.3.500, the impervious surface area must not exceed 35 percent.
 - (2)** On lots or parcels of less than 4,500 square feet in size, the impervious surface area must not exceed 60 percent of the lot or parcel area.
 - (3)** On lots or parcels of 4,500 square feet or larger in size, the lot coverage must not exceed 45 percent of the lot or parcel area.

Table 3.2.225 Lot Coverage and Impervious Surface Standards	R-1	R-2	R-3
Lots or parcels with more than 15% slope or above 670 feet in elevation	35% maximum impervious surface		
Lots or parcels of less than 4,500 square feet in size	60% maximum impervious surface		
Lots or parcels of 4,500 square feet or larger in size	45% maximum lot coverage		

3.2.230 Height

- (A)** The following building height standards are intended to facilitate allowed residential densities while promoting land use compatibility.

Table 3.2.230 Height	R-1	R-2	R-3
All Lots, except where specifically addressed below	35 feet	50 feet	none

- (B)** Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.
- (C)** Within the Hillside Development Overlay District, the maximum Building Height, as defined and calculated in SDC 6.1.110, is 45 feet.

3.2.235 Density

pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

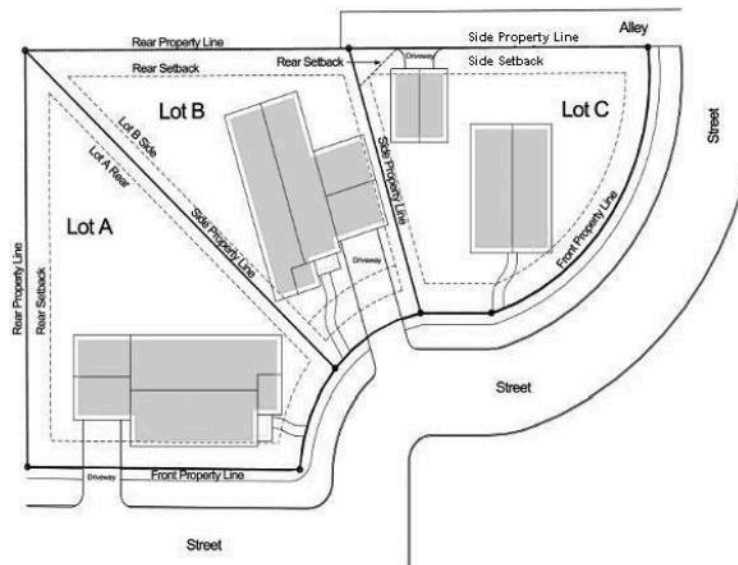
Livable space means the gross space of a dwelling unit(s) utilized for living, sleeping, eating, cooking, and sanitation.

Live/work dwelling unit means a structure or portion of a structure that combines a nonresidential use that is allowed in the zone with a residential livable space. A live/work dwelling unit is allowed instead of, or in addition to, a home business as defined by this code.

Lodging, hotel/motel means a building or portion thereof designed for and/or used for occupancy of transient individuals who are lodged with or without meals.

Loft means any floor located above the main floor and open to it on at least one side with a ceiling height less than seven feet and used as a living or sleeping space.

Lot means a unit of land that is created by a subdivision of land.



Lot area means the total surface area (measured in square feet of horizontal area) within the boundary lines of a lot.

Lot, corner means a lot abutting upon two or more streets, other than alleys, at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot line.

Lot coverage means all areas of a lot or parcel covered by buildings (as defined by building footprints) and other structures with surfaces greater than 18 inches above the finished grade, excluding unenclosed covered or uncovered porches, patios, decks, carports, balconies or stoops up to 10 percent of the total lot area. Eaves are not included in lot coverage.

Chapter 2.1

RESIDENTIAL DISTRICTS (UAR, RL, RS, RM-10, RM, RH)

Sections:

- 2.1.100 Purpose, Applicability and Location.**
- 2.1.200 Permitted and Conditional Uses.**
- 2.1.300 Setbacks.**
- 2.1.400 Repealed.**
- 2.1.500 Lot Area and Dimensions.**
- 2.1.600 Residential Density.**
- 2.1.700 Maximum Lot Coverage and Floor Area Ratio.**
- 2.1.800 Building Height.**
- 2.1.900 Architectural Design Standards.**
- 2.1.950 Design Standards (Triplex, Quadruplex and Townhome).**
- 2.1.1000 Multi-Unit Residential Districts (RM, RH).**
- 2.1.1100 Other Design Standards.**

2.1.100 Purpose, Applicability and Location.

A. *Purpose.* Residential Districts are intended to promote the livability, stability, safety and improvement of the City of Bend's neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale which reflects the neighborhood character.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.

B. *Applicability.* This chapter applies to all development in the Urban Area Reserve District (UAR), Low Density Residential District (RL), Standard Density Residential District (RS), Medium-10 Density Residential District (RM-10), Medium Density Residential District (RM), and High Density Residential District (RH). These districts are identified on the City's official Zoning Map. Properties designated within each district that contain additional standards must comply with the provisions of the applicable district, except as may be modified by this section. Properties within a designated Historic District must comply with the provisions of BC Chapter [10.20](#).

neighborhood commercial uses, minus a half-acre of sensitive lands). If the minimum density is 4.0 dwelling units per acre, then a minimum number of 14 units is required on the site.

3. Where a property is within multiple zoning districts, the minimum and maximum number of units is calculated based on the acreage in each Residential Zone that is subject to the density standard as specified above multiplied by the applicable minimum and maximum density standards. Areas with nonresidential zones are excluded from the density calculation.

D. *Density Bonus for Affordable Housing.* See BDC [3.6.200\(C\)](#). [Ord. NS-2434, 2022; Ord. NS-2423, 2021; Ord. NS-2389, 2020; Ord. NS-2318, 2018; Ord. NS-2314, 2018; Ord. NS-2303, 2018; Ord. NS-2271, 2016; Ord. NS-2260, 2016; Ord. NS-2241, 2015; Ord. NS-2016, 2006]

2.1.700 Maximum Lot Coverage and Floor Area Ratio.

A. *Maximum Lot Coverage and Floor Area Ratio.* The following maximum lot coverage and floor area ratio standards apply:

Table 2.1.700. Residential Lot Coverage

Residential Zone	Lot Coverage	FAR
Low Density Residential (RL)	35%	None
Standard Density Residential (RS), and Medium-10 Density Residential (RM-10)	50% for lots or parcels with single-story dwelling unit(s) and single-story accessory structures. 45% for all other lots or parcels.	1.1 for three-story residential uses and accessory structures. None for all other uses.
Medium Density Residential (RM)	50% for lots or parcels with single-story single-unit detached dwelling unit(s) and single-story accessory structures. 45% for all other lots or parcels with single-unit detached dwellings and accessory structures and nonresidential uses. 60% for lots or parcels with townhomes, duplexes, triplexes, quadplexes and multi-unit and accessory structures.	None

Table 2.1.700. Residential Lot Coverage

Residential Zone	Lot Coverage	FAR
High Density Residential (RH)	None	None

B. Exceptions.

1. *Lot Coverage for Affordable Housing.* See BDC [3.6.200\(C\)](#).
2. Development in conformance with the provisions of BDC Chapter [3.8](#), Development Alternatives. [Ord. NS-2423, 2021; Ord. NS-2314, 2018; Ord. NS-2271, 2016; Ord. NS-2241, 2015; Ord. NS-2016, 2006]

2.1.800 Building Height.

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

A. Standard. The following building heights apply to all development within the Residential District:

1. Buildings within the UAR, RL, RS and RM-10 Districts may be no more than 35 feet in height.
2. Buildings within the RM Zone may be no more than 40 feet in height.
3. Buildings within the RH Districts may be no more than 50 feet in height.

B. Exceptions to Maximum Building Height Standard for Affordable Housing. See BDC [3.6.200\(C\)](#). [Ord. NS-2423, 2021; Ord. NS-2314, 2018; Ord. NS-2303, 2018; Ord. NS-2271, 2016; Ord. NS-2241, 2015; Ord. NS-2082, 2007; Ord. NS-2016, 2006]**2.1.900 Architectural Design Standards.**

A. Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles for certain types of residential development.

B. Applicability. This section applies to all of the following types of buildings:

1. Multi-unit residential;
2. Public and institutional buildings in Residential Zones;
3. All other types of permitted/conditional nonresidential use buildings listed in Table 2.1.200 when built in a Residential Zone.

- a. *Exemption.* Neighborhood commercial uses listed in Table 2.1.200.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

Sections:

- 3.6.100 Purpose.**
- 3.6.200 Residential Uses.**
- 3.6.300 Nonresidential Uses.**
- 3.6.400 Temporary Uses.**
- 3.6.500 Short-Term Rentals.**

3.6.100 Purpose.

This chapter supplements the standards contained in this code. It provides standards for certain land uses in order to control the size, scale and compatibility of those uses within all the zoning districts. [Ord. NS-2016, 2006]

3.6.200 Residential Uses.

This section supplements the standards contained in BDC Title [2](#) and provides standards for the following land uses in order to control the size, scale and compatibility of those uses within the applicable zone.

A. *Repealed by Ord. NS-2389.*

B. *Accessory Dwelling Unit (ADU).* An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-unit dwelling unit as the primary use. The ADU may be attached, detached, or within a portion of an existing dwelling unit. The maximum density standards do not apply to ADUs due to their small size and low occupancy. The standards of this section are intended to control the size, scale and number of ADUs on individual properties to promote compatibility with abutting land uses. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

1. *Permitted ADU.* An ADU may only be permitted on a lot or parcel with a single-unit detached dwelling, a townhome, or a manufactured home.
2. *Number of ADUs.* A maximum of one ADU is allowed per lot or parcel.
3. *ADU Floor Area.*
 - a. The maximum floor area is 800 square feet.
 - b. For purposes of measuring the ADU size in this subsection, “floor area” means the area measured in feet included inside the exterior surrounding walls of horizontal space intended to be a floored surface contained within the building or portion thereof, including slab-on-grade and exclusive of vent shafts and

- c. *Lot Coverage Exception.* For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with subsection [\(C\)\(1\)](#) of this section, the entire development may develop with a 50 percent lot coverage.
- d. *Lot Area and Dimensions Exception.* For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with subsection [\(C\)\(1\)](#) of this section, the required lot area and dimensions for the proposed lots or parcels may be reduced up to 20 percent for the entire residential development. For affordable housing developments where less than 50 percent of the dwelling units are deemed affordable in conformance with subsection [\(C\)\(1\)](#) of this section, the required lot area and dimensions for the proposed affordable housing dwelling units' lots or parcels may be reduced up to 20 percent.
- e. *Parking Requirement Reduction.* The parking requirement for affordable dwelling units is one on-site parking space per affordable dwelling unit.

i. Exception:

Parking for special population developments and senior developments is 0.5 parking spaces per affordable dwelling unit.

For purposes of this subsection, senior developments are limited to those 55+ and are recognized by Housing and Urban Development (HUD) or the Low Income Housing Tax Credit (LIHTC) program at Oregon Housing and Community Services as affordable for a term of 30 years or more.

For purposes of this subsection, special population developments provide affordable housing and supportive services to those with intellectual or developmental disabilities or acute health needs.

These developments must be publicly supported affordable for a minimum of 30 years and serving those with intellectual or developmental disabilities in an integrated setting as a primary function.

D. *Townhomes.* Single-unit attached housing (townhome units on individual lots) must comply with the standards in subsections [\(D\)\(1\)](#) through [\(D\)\(4\)](#) of this section.

1. *Building Mass Supplemental Standard.* The number and width of consecutively attached townhome units are not restricted. For purpose of this section, a "townhome" means a dwelling unit, located on its own lot, sharing one or more common walls with one or more dwelling units. As shown in Figure 3.6.200.D.1 the common wall must be fully enclosed and shared for at least 25 percent of the length of each dwelling unit's enclosed elevation, not including uncovered or open, covered porches, patios, decks or stoops. The common wall may be any wall of the dwelling unit, including the wall of an attached garage. As shown on Figure 3.6.200.D.2, townhomes may have detached garages or ADUs that share a common wall between the two lots or parcels.

Figure 3.6.200.D.1.