

1 **BEFORE THE LAND USE BOARD OF APPEALS**
2 **OF THE STATE OF OREGON**

3 TED M. COOPMAN,
4 *Petitioner,*

5 and

6 PAUL T. CONTE and GARY NANCE,
7 *Intervenors-Petitioner,*

8 vs.

9 CITY OF EUGENE,
10 *Respondent,*

11 and

12 AL JOHNSON,
13 HOME BUILDERS ASSOCIATION OF LANE COUNTY,
14 ELIZA KASHINSKY, JOSHUA KASHINSKY, ANNE BROWN,
15 CHRISTOPHER DEEL, PATTY HINE, ISAAC JUDD,
16 ANGIE R. MARZANO, SIGH O'NARA, BABE O'SULLIVAN,
17 BILL RANDELL, CARLEEN REILLY, SETH SADOFSKY, KEVIN
18 SHANLEY, HEATHER SIELICKI, SUE WOLLING, 1000
19 FRIENDS OF OREGON, BETTER HOUSING TOGETHER, and
20 DEVNW,

21 *Intervenors-Respondent.*

22 LUBA No. 2022-056

23 **INTERVENORS-PETITIONER'S JOINT PETITION**

24 Intervenors-Petitioner, Paul T. Conte and Gary Nance, appeal
25 Eugene Ordinance No. 20667, which amends Eugene Land Use
26 Code and *Metro Plan* to address "Middle Housing" standards.

PARTIES

Intervenor-Respondent

Bill Kloos
Law Office of Bill Kloos PC
375W 4th Ave., Suite 204
Eugene, OR 97401
541.431.3724

Intervenor-Respondent

Al Johnson
2162 Lathen Way
Eugene, OR 97408
541.954.1119

Petitioner

Charles W. Woodward IV
44 W. 35th Ave.
Eugene, OR 97405
541.431.3724

Intervenor-Petitioner

Paul Conte
1461 W. 10th Ave.
Eugene, OR 97402
541.344.2552

Intervenor-Respondent

Andrew Mulkey
1000 Friends of Oregon
133 SW 2nd Ave., Suite 201
Portland, OR 97204
503.497.1000 x138

Lead Intervenor-Respondent

Eliza Kashinsky
190 W. 15th Ave.
Eugene, OR 97401
202.341.8920

Respondent

Lauren A. Sommers
Eugene City Attorney's Office
101 W. 10th Ave. Suite 203
Eugene, OR 97401
541.682.8447

Intervenor-Petitioner

Gary Nance
145 E. 33rd Ave.
Eugene, OR 97405
541.510.4481

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1 **I. STANDING**

2 Intervenors-Petitioner Paul Conte and Gary Nance (“Intervenors”) have
3 standing.

4 Intervenor-Petitioner, Paul Conte, filed a Motion to Intervene on
5 June 26, 2022, within 21 days after the notice of intent to appeal was
6 filed on June 15, 2022. ORS 197.830(7)(a). Paul Conte has standing under
7 ORS 197.830(7)(b)(B) because he appeared before the Eugene City
8 Council by providing written and oral testimony on April 16 and 18,
9 May 17, 2022, and numerous other dates, in opposition to the proposed
10 code amendments which were adopted as Ordinance No. 20667. Record
11 (Rec.) at 1382, 2267, 2743

12 Intervenor-Petitioner, Gary Nance, filed a Motion to Intervene on
13 July 6, 2022, within 21 days after the notice of intent to appeal was filed.
14 Gary Nance, has standing under ORS 197.830(7)(b)(B) because he
15 appeared before the Eugene City Council by providing written
16 testimony on May 11, 2022, in opposition to the proposed code
17 amendments. Rec 1993.

18 **II. STATEMENT OF THE CASE**

19 **A. Nature of the Challenged Decision and the Relief Sought**

20 This is an appeal of the City of Eugene (the “City”) adoption of
21 Ordinance No. 20667, which amended local land use regulations and
22 comprehensive plan policies that apply to housing standards, and which

1 attempted to bring the City’s land use code into conformance with
2 ORS 197.758 Development of Middle Housing and OAR 660-046 Middle
3 Housing in Medium and Large Cities.

4 The City’s attempt notwithstanding, the City failed to comply with
5 the requirements of OAR 660-015-0005 Goal 15: Willamette River
6 Greenway, OAR 660-046-0010(3)(f) Goal 15: Willamette Greenway, and
7 ORS 197.307 (4) (“local government may adopt and apply only clear and
8 objective standards, conditions and procedures regulating the
9 development of housing”).

10 The subject ordinance includes numerous code and plan
11 amendments that allow development of housing within the Willamette
12 River Greenway at a substantially higher intensity than previously
13 allowed by the housing standards. The ordinance also includes
14 numerous standards that apply to housing, but which are not clear and
15 objective.

16 Intervenors seek relief from the Board by remanding the City’s
17 decision so the City can correct the errors and omissions in the code
18 amendments and findings.

19 **B. Summary of Arguments**

20 **1. First assignment of error (three subassignments)**

21 a) Subassignment 1

22 The City **failed to evaluate the intensification** allowed by the
23 Middle Housing Code Amendments (MHCA) in

Ordinance No. 20667, including the *Metro Plan* amendment, to determine whether the intensification of housing development in the Willamette River Greenway would remain compatible with Goal 15.

b) Subassignment 2

The MHCA subjects middle housing in the Willamette River Greenway to standards and criteria that are **not clear and objective**, in violation of the requirements of OAR 660-046-0010(3)(f).

c) Subassignment 3

The ordinance's **findings for conformance with Goal 15** are neither relevant nor demonstrate that the resulting code's and plan's amended housing approval criteria and policies conform to Goal 15.

2. Second assignment of error

Multiple sections of Ordinance No. 20667's amended housing approval criteria are not clear and objective and therefore in violation of the requirements of ORS 197.307(4).

C. Summary of the Material Facts

The following facts provide relevant background to fully understand how Ordinance No. 20667 – and, importantly, Goal 15 findings – evolved during the public process. Of special significance is substantial

1 evidence that the City *intended* to adopt *two* ordinances *concurrently* – the
2 “Middle Housing Code Amendments” and the “Willamette River
3 Greenway Code Amendments.” The purpose, including as stated in the
4 initial drafts of the Goal 15 findings, was to thereby satisfy the
5 requirements of OAR 660-046-0010(3)(f). The City failed to implement
6 that strategy, however, when the City (for unexplained reasons)
7 abandoned the “Willamette River Greenway Code Amendments.” The
8 consequences of this failed strategy are addressed under the First
9 Assignment of Error.

10
11 According to the City: “Draft code recommendations have been
12 developed in response to the public input gathered from October 2020
13 through February 2021.” Rec 7095. The “Public Involvement Plan was
14 adopted August 11, 2020 and Phase 1 of public involvement began in
15 the summer of 2020 * * *.” Rec 5421.

16 **Intervenor Conte raised Willamette River Greenway issue on**
17 **March 22, 2021.**

18 On March 22, 2021, Intervenor Conte advised the City of the
19 requirements for “middle housing” that would potentially be allowed
20 for the first time in some areas of the Willamette River Greenway:

21 “Note that the “Middle Housing” OAR 660-046-001 0(3)(f) requires
22 Willamette Greenway Permit criteria to be ‘clear and objective’ in
23 order for the City to apply Goal 15 compliance to ‘Middle
24 Housing’ approval criteria.

1 “The current Eugene Land Use Code criteria for approval of
2 Willamette Greenway permits are not ‘clear and objective.’ (See
3 below) Without amendments to establish clear and objective
4 standards for proposed ‘middle housing’ development in the
5 Willamette Greenway, it would appear that Eugene would not be
6 in compliance with Goal 15 (F. 3): ‘Greenway Compatibility
7 Review: Cities and counties shall establish provisions by
8 ordinance for the review of intensifications, changes of use or
9 developments to insure their compatibility with the Willamette
10 River Greenway.’”¹ Rec 9499

11 On that same date, Intervenor Conte enumerated the Willamette River
12 Greenway Permit approval criteria and described how these were *not*
13 clear and objective. (Text in square brackets are Intervenor Conte’s
14 comments in the original.)

15 **“Review of EC 9.8815 Willamette Greenway Permit Approval Criteria**
16 **and Standards**

17 “All or some of the following approval criteria under EC 9.8815
18 Willamette Greenway Permit Approval Criteria and Standards are
19 not ‘clear and objective’ and therefore cannot be applied to
20 ‘middle housing.’

21 “(1) To the greatest possible degree, the intensification, change of
22 use, or development will provide the maximum possible
23 landscaped area, open space, or vegetation between the activity
24 and the river. [Definitely not clear and objective]

¹ The City implemented that requirement in EC 9.8815 but with *discretionary* criteria.

1 “(2) To the greatest possible degree, necessary and adequate
2 public access will be provided along the Willamette River by
3 appropriate legal means. [Definitely not clear and objective]

4 “(3) The intensification, change of use, or development will
5 conform with applicable Willamette Greenway policies as set forth
6 in the *Metro Plan*.”

7 “[Policy D.5 ‘New development that locates along river
8 corridors and waterways shall be limited to uses that are
9 compatible with the natural, scenic, and environmental
10 qualities of those water features.’ Page III-D-4. Definitely not
11 clear and objective]

12 “(4) In areas subject to the Willakenzie Area Plan, the
13 intensification, change of Eugene Code use, or development will
14 conform with that plan’s use management considerations.
15 [Dependent on Willakenzie Area Plan policies being clear and
16 objective]

17 “(5) In areas not covered by subsection (4) of this section, the
18 intensification, change of use, or development shall conform with
19 the following applicable standards:

20 “(a) Establishment of adequate setback lines to keep
21 structures separated from the Willamette River to protect,
22 maintain, preserve, and enhance the natural, scenic, historic,
23 and recreational qualities of the Willamette Greenway ...
24 [Definitely not clear and objective]

25 “(b) and (d) [refer to Metropolitan Plan Natural Assets and
26 Constraints Working Paper]

27 “(c) Protection and enhancement of the natural vegetative
28 fringe along the Willamette River to the maximum extent
29 practicable. [Definitely not clear and objective]

30 “(e) and (f) [probably not applicable to residential
31 development] As used in this section, the words “the
32 greatest possible degree” are drawn from Oregon Statewide

1 Planning Goal 15 (F.3.b.) and are intended to require a
2 balancing of factors so that each of the identified Willamette
3 Greenway criteria is met to the greatest extent possible
4 without precluding the requested use.

5 “[Oregon Statewide Planning Goal 15 (F.3.b.): ‘[T]o the
6 greatest possible degree: (1) The intensification, change
7 of use or development will provide the maximum
8 possible landscaped area, open space or vegetation
9 between the activity and the river;’ [Definitely not
10 clear and objective. There is no mention of ‘without
11 precluding the requested use.’] * * *”

12 Rec 9499-9500

13 **History of Willamette River Greenway code and plan amendments.**

14 The City submitted the initial draft Land Use Code and *Metro Plan*
15 amendments (without any findings) to DLCD on September 21, 2021
16 (Rec 9546), and included only two code amendments related to the
17 Willamette River Greenway, both of which simply renumbered sections:

18 “(109) Willamette Greenway permit and any modifications.” Rec 9651

19 **“9.8810 General Requirements.**

20 (1) Willamette Greenway permit applications shall be considered
21 in accordance with the Type III application procedures contained
22 | in EC 9.7000 through EC ~~9.7930~~^{9.7835} Application Procedures
23 unless considered concurrently with a Type IV or Type V
24 application.” Rec 9679

25 These two code amendments were ultimately reflected in the adopted
26 ordinance. Rec 114 and 141.

27 The record shows that no plan amendments directly related to the
28 Willamette River Greenway (e.g., Policy D.5, see *supra*) were considered
29 at any time.

1 **History of Goal 15 Willamette River Greenway code and plan findings**

2 The original version of the code and plan amendments submitted to
3 DLCD had no findings at all.

4 The same version of the code and plan amendments that had been
5 submitted to DLCD (again, without any findings) was provided as
6 Attachment A (Rec 9329) to the Eugene Planning Commission (“EPC”)
7 Agenda Item Summary (“AIS”) for the September 28, 2021, EPC
8 meeting. Rec 9321

9 Another version of the code and plan amendments was undated
10 and provided as part of Attachment A (Rec 8481) to the AIS for the
11 October 12, 2021, EPC meeting. Rec 8472. This version also had no
12 findings.

13 The same version of the code and plan amendments that had been
14 submitted to DLCD was provided as Attachment B (Rec 5283) to the AIS
15 for the October 21, 2021, EPC meeting. Rec 5258. The first version of
16 “Draft Findings” was provided as Attachment D. Rec 5420. The
17 Findings included explicit assurances by the City that “*a separate set of*
18 *proposed land use code amendments that are intended to take effect*
19 *concurrently with the Middle Housing Code Amendments and will provide*
20 clear and objective standards for the regulation development of housing,
21 including middle housing, within the Willamette Greenway.”
22 (Emphasis added.)

1 **“Land Use Code Amendment Findings**

2 “* * *

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

7 “The Middle Housing Code Amendments do not contain any
8 changes to the City’s Willamette River Greenway regulations;
9 therefore, Statewide Planning Goal 15 does not apply. However, in
10 accordance with OAR 660-046-0010(3)(f), the City is preparing a
11 separate set of proposed land use code amendments that are
12 intended to take effect concurrently with the Middle Housing
13 Code Amendments and will provide clear and objective standards
14 for the regulation development of housing, including middle
15 housing, within the Willamette Greenway. The Goal 15
16 requirements for those amendments will be addressed
17 separately.” Rec. 5430

18

1 **“Metro Plan Amendment Findings**

2 “* * *

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

7 “The Metro Plan Amendment does not contain any changes to the
8 City’s Willamette River Greenway regulations or to the Greenway
9 policies in the Metro Plan; therefore, Statewide Planning Goal 15
10 does not apply.

11 “However, in accordance with OAR 660-046-0010(3)(f), the City is
12 preparing a separate set of proposed land use code amendments that are
13 intended to take effect concurrently with the Middle Housing Code
14 Amendments and will provide clear and objective standards for the
15 regulation [sic] development of housing, including middle
16 housing, within the Willamette Greenway. The Goal 15
17 requirements for those amendments will be addressed
18 separately.” (Emphasis added.) Rec 5443

19 “Version 2” of the proposed code and plan amendments was dated
20 December 2, 2021 and provided as Attachment C (Rec 4709) to the EPC
21 AIS for the December 7, 2021 EPC meeting. Rec 4703. *Version 2 had no*
22 *findings at all.*

23 “Version 3” of the proposed code and plan amendments was
24 dated January 7, 2022 and provided as Attachment A (Rec 4401) to the
25 EPC AIS for the EPC January 11, 2022 meeting. *Version 3 had no findings*
26 *at all.*

1 “Version 4” of the proposed code and plan amendments was
2 dated January 20, 2022 and provided as Attachment A.1 (Rec 4164) to
3 the EPC AIS for the EPC January 25, 2022 meeting. Rec 4159. EPC AIS
4 Attachment A.3 provided identical findings to the “Draft Findings” that
5 had been provided as Attachment D to the AIS for the October 21, 2022,
6 EPC meeting.

7 **“Middle Housing Code Amendment Findings**

8 “* * *

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

13 “The Middle Housing Code Amendments do not contain any
14 changes to the City's Willamette River Greenway regulations;
15 therefore, Statewide Planning Goal 15 does not apply. However, *in*
16 *accordance with OAR 660-046-0010(3)(f), the City is preparing a*
17 *separate set of proposed land use code amendments that are intended to*
18 *take effect concurrently with the Middle Housing Code Amendments*
19 *and will provide clear and objective standards for the regulation*
20 *development of housing, including middle housing, within the*
21 *Willamette Greenway. The Goal 15 requirements for those*
22 *amendments will be addressed separately.” (Emphasis added.)*

23 Rec 4314

24 **“Metro Plan Amendment Findings**

25 “* * *

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

1 “The Metro Plan Amendment does not contain any changes to the
2 City's Willamette River Greenway regulations or to the Greenway
3 policies in the Metro Plan; therefore, Statewide Planning Goal 15
4 does not apply.

5 *“However, in accordance with OAR 660-046-0010(3)(f), the City is*
6 *preparing a separate set of proposed land use code amendments that are*
7 *intended to take effect concurrently with the Middle Housing Code*
8 *Amendments and will provide clear and objective standards for the*
9 *regulation development of housing, including middle housing,*
10 *within the Willamette Greenway. The Goal 15 requirements for*
11 *those amendments will be addressed separately.” (Emphasis*
12 *added.) Rec 4351*

13 On April 7, 2022, the City submitted to DLCD (Rec 3088) a revised
14 “draft ordinance” with Exhibit A (Rec 3092) that retained the “Middle
15 Housing Code Amendment Findings” from the January 20, 2022
16 version, but *deleted* the reference to providing “clear and objective
17 standards” in the “Metro Plan Amendment Findings.”

18 **“Middle Housing Code Amendment Findings**

19 ***“* * ****

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

24 “The Middle Housing Code Amendments do not contain any
25 changes to the City's Willamette River Greenway regulations;
26 therefore, Statewide Planning Goal 15 does not apply. However, in
27 accordance with OAR 660-046-0010(3)(f), the City is preparing a
28 separate set of proposed land use code amendments that will
29 provide clear and objective standards for the regulation

1 development of housing, including middle housing, within the
2 Willamette Greenway.” Rec 3231-3232

3 ***Metro Plan Amendment Findings**

4 “* * *

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

9 “The Metro Plan Amendment does not contain any changes to the
10 City’s Willamette River Greenway regulations or to the Greenway
11 policies in the Metro Plan; therefore, Statewide Planning Goal 15
12 does not apply.” Rec 3269 [Notice that the second part has been
13 dropped)

14 The April 18, 2022, City Council Public Hearing Agenda (Rec 2359)
15 included Attachments B “Draft Ordinance” (Rec 2301) and B.b “Exhibit
16 B – Findings” Rec 2430. The “Middle Housing Code Amendment
17 Findings” (Rec 2440-2441) and “Metro Plan Amendment Findings”
18 (Rec 2478) were the same as submitted to DLCD on April 7, 2022. (See
19 *supra.*)

20 The May 11, 2022, City Council Work Session AIS (Rec 1512)
21 included Attachments B “Draft Ordinance” (Rec 1543) and B.b “Exhibit
22 B – Findings” (Rec 1672). The “Middle Housing Code Amendment
23 Findings” (Rec 1682-1683) and “Metro Plan Amendment Findings”
24 (Rec 1720) were the same as submitted to DLCD on April 7, 2022. (See
25 *supra.*)

1 The May 18, 2022, City Council Work Session AIS (Rec 892)
2 included Attachments C “Revised Draft Ordinance” (Rec 899) and C.b
3 “Exhibit B – Findings” (Rec 1026). The “Metro Plan Amendment
4 Findings” (Rec 1076) were the same as submitted to DLCD on April 7,
5 2022. (See *supra*.) However, the staff had *deleted* the reference to
6 providing “clear and objective standards” in the “Middle Housing Code
7 Amendment Findings.”

8 **“Middle Housing Code Amendment Findings**

9 “* * *

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

14 “The Middle Housing Code Amendments do not contain any
15 substantive changes to the City’s Willamette River Greenway
16 regulations; therefore, Statewide Planning Goal 15 does not apply.
17 The only change to the Willamette Greenway regulations is a new
18 citation to a renumbered code section. ~~However, in accordance~~
19 ~~with OAR 660-046-0010(3)(f), the City is preparing a separate set of~~
20 ~~proposed land use code amendments that will provide clear and~~
21 ~~objective standards for the regulation development of housing,~~
22 ~~including middle housing, within the Willamette Greenway.”~~
23 (Underlining in original to indicate additional text. Strikethrough
24 indicates deleted text in the original.) Rec 1037

25 The May 24, 2022, City Council Work Session AIS (Rec 392) included
26 Attachments C “Revised Draft Ordinance” (Rec 399) and C.b “Exhibit B
27 – Findings” (Rec 526). The “Middle Housing Code Amendment
28 Findings” (Rec 537) and “Metro Plan Amendment Findings” (Rec 576)

were the same as included with the May 18, 2022, City Council AIS. (See *supra.*)

All references to “providing clear and objective standards” had been dropped from the “Middle Housing Code Amendment Findings” and “Metro Plan Amendment Findings” in the version of Ordinance No. 20667 that was adopted on May 24, 2022. Rec 218

“Middle Housing Code Amendment Findings

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

“The Middle Housing Code Amendments do not contain any substantive changes to the City’s Willamette River Greenway regulations; therefore, Statewide Planning Goal 15 does not apply. The only change to the Willamette Greenway regulations is a new citation to a renumbered code section.” Rec 348.

“Metro Plan Amendment Findings

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

“The Metro Plan Amendment does not contain any changes to the City’s Willamette River Greenway regulations or to the Greenway policies in the Metro Plan; therefore, Statewide Planning Goal 15 does not apply.” Rec 385-386

1 **The City’s inconsistent findings on Goal 15**

2 As documented *supra*, the City’s first findings (on or about October 21,
3 2021) recognized that OAR 660-046-0010(3)(f), would require the City to
4 adopt “a separate set of proposed land use code amendments * * * to
5 take effect concurrently with the Middle Housing Code Amendments”
6 in order to “provide clear and objective standards for the regulation
7 development of housing, including middle housing, within the
8 Willamette Greenway.” Rec 5430

9 Without explanation, however, all such acknowledgement had
10 been removed by the time the City Council voted to approve the final
11 ordinance.

12 Simply put, the City failed in their attempt to fulfill their promise
13 to “provide clear and objective standards for the regulation [of]
14 development of * * * middle housing within the Willamette Greenway.”

15 Here is the relevant record.

16 **December 7, 2020.** The Angelo Planning Group, who were contracted by
17 the City, submitted a memo, dated December 7, 2020, titled:
18 “Preliminary List and Summary of Design and Code Concepts (Task 4.1)
19 Eugene Middle Housing Code Amendments.”

20 “The intent is to summarize the City of Eugene's options in
21 developing middle housing code amendments to achieve the
22 following goals:

23 “1. Comply with the requirements of Oregon House Bill 2001 and
24 associated statutes and administrative rules;

1 ** * *

2 “Draft OAR 660-046-0205 allows the City to regulate or limit
3 development of higher middle housing types in the following
4 areas:

- 5 ● Goal-Protected Lands - Cities can limit middle housing
6 development other than duplexes in areas protected or
7 designated pursuant to a statewide planning goal. In
8 Eugene, that includes:

9 ** * *

10 “○ Land within the Willamette River Greenway
11 Boundary.

12 “■ NOTE: The City cannot prohibit middle
13 housing within the Willamette River Greenway
14 Overlay, but can regulate middle housing under
15 the Willamette Greenway permit approval
16 criteria and standards.” Rec 9212, 9214

17 The consultant’s statement that the “City cannot prohibit middle
18 housing within the Willamette River Greenway Overlay” was wrong, as
19 the guidance and explicit provision in C.2.b. of the DLCD Model Code
20 prove otherwise. Rec 6984, 6986

21 **February 1, 2021.** The AIS for the Eugene Planning Commission
22 informed the commissioners of the OAR related to Goal 15, including
23 that “Middle Housing” (other than duplexes) can be prohibited in the
24 Willamette River Greenway.” Rec 9131

25 **“Attachment A MIDDLE HOUSING IN MEDIUM AND LARGE**
26 **CITIES**

27 **“Oregon Administrative Rules, Chapter 660, Division 46 Rec**
28 **9132**

1 “● The City has some limited ability to regulate or limit
2 development of Middle Housing other than duplexes on lands
3 protected by statewide planning goals, * * *.” Rec 9133

4 **“REGULATIONS RELATED TO STATEWIDE PLANNING**
5 **GOALS**

6 “ (OAR 660-046-0010)

7 “The City can apply regulations to Middle Housing that are
8 adopted to comply with the following Statewide Planning Goals:

9 “* * *

10 “Goal 15 (Willamette Greenway) - Eugene may regulate
11 development of Middle Housing in the Greenway as long as the
12 regulations adopted pursuant to Goal 15 comply with ORS
13 197.307.” Rec 9140

14 **“Exhibit A Large Cities Middle Housing Model Code**

15 “* * *

16 “14. ‘Goal Protected Lands’ means lands protected or designated
17 pursuant to any one of the following statewide planning goals:

18 “* * *

19 “● Goal 15 Willamette River Greenway;

20 “* * *

21 **“C. Applicability**

22 “2. Applicability by Development Type and Location.

23 “* * *

24 “b. Exceptions. The standards in this code do not allow
25 the following, unless otherwise permitted by the
26 development code through clear and objective
27 standards, criteria, and procedures:

28 “● On Goal Protected Lands, the creation of triplexes,
29 quadplexes, cottage clusters, or townhouses, or the

1 creation of more than two dwelling units on a single
2 lot or parcel, including accessory dwelling units.”
3 Rec 9146, 9148

4 **May 27, 2021.** In a email message, Terri Harding stated: “Gabe [Flock] is
5 talking to Colin again soon about the greenway code project.” Rec 7118

6 **May 25, 2021.** In an email from Terri Harding distributing a staff
7 agenda, she stated: “Other as time allows (SB 458 land divisions,
8 greenway, etc.” Rec 7116

9 **June 1, 2021.** Terri Harding raised the “greenway” agenda item again on
10 June 1, 2021. Rec 7094

11 In response, a staff member commented: “[W]e can introduce the
12 various components that are required to get this across the finish line.
13 Such as, code changes - Chp 7 and 9, Metro Plan, Greenway, MH Land
14 Division, Family Change, Zone Change” Rec 7117

15 **June 16, 2021.** In an email, Jeff Gepper stated: “I am just following up
16 with the "buckets" I mentioned yesterday for the different components
17 of this project * * * Middle Housing Code Changes *** Willamette
18 Greenway” Rec 7092

19 **July 13, 2021.** In an email, Terri Harding stated: “Greenway code
20 amendments - Jeff/Gabe working with Cameron McCarthy under new
21 contract.” Rec 7109

22 **August 25, 2021.** City staff responded to my repeated Goal 15
23 compliance question:

1 “Regarding the Willamette Greenway, the City is continuing to
2 work with the state and is now working with a consultant on
3 potential options for the Willamette Greenway sections of the
4 Land Use Code and compliance with state law. When we have
5 more information on that process, a recommendation will be
6 presented to the Eugene Planning Commission.” Rec 7111

7 **September 9, 2021.** Terri Harding briefed the Eugene Planning
8 Commission in an email with the subject “Middle Housing and
9 Willamette River Greenway.”

10 “I wanted to let you know about another piece of code language
11 we are working on. The middle housing administrative rules
12 include this section:

13 “(f) Goal 15: Willamette Greenway - Pursuant to OAR 660-015-
14 0005, Medium and Large Cities must review intensifications,
15 changes of use or developments to insure their compatibility with
16 the Willamette River Greenway. Medium and Large Cities may
17 allow and regulate the development of Middle Housing in the
18 Willamette Greenway, provided that applicable regulations
19 adopted pursuant to Goal 15 comply with ORS 197.307.

20 “Essentially, *this means that code requirements applicable to middle*
21 *housing within the Willamette River Greenway must comply with the*
22 *state requirements for clear and objective standards for housing.* City
23 staff have been in communication with DLCD staff about this
24 requirement, and we are currently working through an approach
25 to *updating Eugene’s greenway approval criteria to comply with this*
26 *new middle housing rule.* We anticipate bringing the new proposed
27 greenway standards to you later this year. We are developing
28 informational materials that we will share with the community
29 and the Commission in the coming months. Rec 7093 (Emphasis
30 added.)

1 **September 14, 2021.** Intervenor Conte submitted a Public Records
2 Request for documents related to “Willamette Greenway” and other
3 subjects within the City’s “Middle Housing Code Amendment Project.”
4 Rec 6667

5 Staff produced a total of 44 documents. These documents were
6 represented as exhaustive and even included documents that were
7 outside the scope of the request. However, despite the statement by
8 Terri Haring on September 9, 2021, none of the documents produced by
9 staff revealed that essential amendments related to “middle housing”
10 development in the Willamette River would be proposed for adoption
11 before or simultaneously with the proposed “middle housing” code
12 amendments. Rec 6665

13 **October 21, 2021.** Recall that drafts of the code amendment prior to
14 October 21, 2021, had no findings. After Intervenor Conte had raised the
15 issue of compliance with Goal 15, city staff had apparently begun to take
16 steps to address the requirements.

17 The October 21, 2021 version of a draft ordinance was the first
18 version that included Goal 15 findings. Note that the finding references
19 only “Willamette River Greenway regulations.” There is no finding that
20 the proposed amendments to the residential development standards
21 would not affect the *intensification* of development in the Willamette
22 River Greenway.

1 The Findings included explicit assurances by the City that “a
2 *separate set of proposed land use code amendments that are intended to take*
3 *effect concurrently with the Middle Housing Code Amendments* and will
4 provide clear and objective standards for the regulation development of
5 housing, including middle housing, within the Willamette Greenway.”

6 (Emphasis added.)

7 **November 12, 2021.** In an email to City staff, attorney Bill Kloos (who
8 represents an Intervenor-Respondent) referred to the findings he
9 understood at that time would “pose Clear and Objective Standards for
10 Greenway Housing”:

11 “This draft [ordinance] does not deal with the Greenway and
12 Middle Housing. Findings say *another ordinance is coming soon* to
13 deal with that, and to pose Clear and Objective Standards for
14 Greenway Housing.

15 “See PC 11.16 Packet at 176, 189.” (Emphasis added) Rec 6034

16 **January 11, 2022.** In the EPC AIS for the meeting on January 11, 2022,
17 Terri Harding stated:

18 “House Bill 2001 includes some requirements related to clear and
19 objective standards for housing within the Willamette Greenway.
20 Work is underway to develop code provisions that will comply
21 with these requirements and align with other direction given by
22 the Commission on the middle housing code work. Staff plans to
23 hold community information sessions on the draft code language
24 prior to bringing the draft code to the Commission for a public
25 hearing, likely in March. *These amendments also need to be in place by*
26 *June 30, 2022.*” (Emphasis added.) Rec 4399

1 **January 25, 2022.** In the EPC AIS for the meeting on January 25, 2022,
2 Terri Harding stated:

3 “In addition, House Bill 2001 includes some requirements related
4 to clear and objective standards for housing within the Willamette
5 Greenway. Work is underway to develop code provisions that will
6 comply with these requirements and align with other direction
7 given by the Commission on the middle housing code work. Staff
8 plans to hold community information sessions on the draft
9 Willamette Greenway code language prior to bringing the draft
10 code to the Commission for a public hearing, likely in March.
11 *These amendments also need to be in place by June 30, 2022.”*
12 (Emphasis added.) Rec 4161

13 **January 31, 2022.** The City’s *Eugene Planning Newsletter* informed
14 Eugene citizens:

15 “The new clear and objective Willamette Greenway approval
16 criteria are intended to affirm compatibility with the Greenway
17 based on maximizing open space between the development and
18 the river and ensuring public access to and along the river. **Once**
19 **the new approval criteria and alternative procedure are adopted**
20 **by the City Council and approved by the State, a hearing will no**
21 **longer be required on each individual application.** *The project*
22 *outcome will be code amendments for City Council consideration and*
23 *adoption prior to June 30, 2022.”* (Bold in original, italics added)
24 Rec 4082, 4086

25

February 1, 2022. The AIS for the Eugene Planning Commission
meeting. Rec 9131

“Attachment A MIDDLE HOUSING IN MEDIUM AND LARGE CITIES

“Oregon Administrative Rules, Chapter 660, Division 46 Rec 9132

“● The City has some limited ability to regulate or limit
development of Middle Housing other than duplexes on lands
protected by statewide planning goals, * * *.” Rec 9133

“REGULATIONS RELATED TO STATEWIDE PLANNING GOALS

“ (OAR 660-046-0010)

“The City can apply regulations to Middle Housing that are
adopted to comply with the following Statewide Planning Goals:

“* * *

“Goal 15 (Willamette Greenway) - Eugene may regulate
development of Middle Housing in the Greenway as long as the
regulations adopted pursuant to Goal 15 comply with ORS
197.307.” Rec 9140

“Exhibit A Large Cities Middle Housing Model Code

“* * *

“14. ‘Goal Protected Lands’ means lands protected or designated
pursuant to any one of the following statewide planning goals:

“* * *

“● Goal 15 Willamette River Greenway;

“* * *

“C. Applicability

“2. Applicability by Development Type and Location.

“* * *

1 “b. Exceptions. The standards in this code do not allow the
2 following, unless otherwise permitted by the development code
3 through clear and objective standards, criteria, and procedures:

4 “• On Goal Protected Lands, the creation of triplexes, quadplexes,
5 cottage clusters, or townhouses, or the creation of more than two
6 dwelling units on a single lot or parcel, including accessory
7 dwelling units.” Rec 9146, 9148

8 **February 11, 2022.** Email from Gabe Flock to Mayor and City Council

9 February 11, 2022, subject “Willamette River Greenway Code

10 Amendments”:

11 “We recognize the timeline is ambitious, with the intent to have
12 the amendments in place by June 30th of this year along with
13 related Middle Housing code amendments already underway.
14 While *the impetus for the proposed Greenway code amendments is based*
15 *on a provision in House Bill 2001 for Middle Housing*, we have written
16 the Greenway code amendments to apply clear and objective
17 standards to all housing within the Greenway, moving us closer to
18 a long-standing community goal.

19 “* * *

20 “We recognize there is a high degree of community interest in this
21 proposal and we are excited to share it, as we lead the State in this
22 effort to create the first-ever set of clear and objective standards for
23 housing development within the Greenway that we know of.”

24 Rec 1483 (Emphasis added)

25 **April 7, 2022.** The City submitted to DLCD (Rec 3088) a revised “draft
26 ordinance” with Exhibit A (Rec 3092) that retained the “Middle Housing
27 Code Amendment Findings” reference to providing “clear and objective

standards,” but deleted that reference in the “Metro Plan Amendment Findings.”

April 18, 2022. The **Willamette Riverkeeper** advocacy organization submitted testimony: “Development in floodplains and riparian zones in general, has the potential for many negative downstream impacts. * * * We do not believe that townhouses and multiplexes impact the river in the same way as an ADU or backyard shed, and certainly should require a more rigorous Type III permitting process in the Greenway * * *.”

Rec 2224

May 12, 2022. Gabe Flock sent an email to the Mayor and City Council, subject “Update: Willamette River Greenway Code Amendments”

“Dear Mayor & Councilors,

“Following up to the Planning Commission's initial public hearing held on March 8th for the Willamette Greenway Code Amendments, staff would like to provide you with an update to let you know that the timeline for this project has been delayed. This postponement will mean that the tentatively scheduled Council work session and public hearing on this topic, originally set for April 11th and 18th will be rescheduled.

“The project team is reviewing testimony received to date, and expects to bring the topic back for additional Planning Commission meetings starting in May or June.” Rec 1481

May 16, 2022. City planning staff placed into the record DLCD's two-page “House Bill 2001 Guidance – Goal 15 Willamette Greenway” document. Rec TOC, Item 175

1 “In 2017, the Oregon Legislature passed Senate Bill (SB) 1051. This
2 legislation extended the requirement in ORS 197.307 for clear and
3 objective standards to all housing inside an urban growth
4 boundary. Previous to SB 1051, Greenway compatibility review
5 was except from this requirement. The consequence is that today,
6 many local codes governing residential development along the
7 Willamette River are in conflict with current requirements that
8 regulations and procedures applied to housing development be
9 “clear and objective”. To remedy this conflict, *most cities and*
10 *counties that front the Willamette River will need to amend their*
11 *Greenway compatibility review process in order to allow new and*
12 *redevelopment of housing along the river.*

13 “* * *

14 “OAR Chapter 660, Division 046 doesn’t require cities to amend
15 their Willamette River Greenway codes. However, *amendments are*
16 *needed if a city wants to mesh middle housing and Greenway objectives*
17 *in a manner consistent with ORS 197.307. Subjective Greenway*
18 *compatibility review standards will need to be replaced with objective*
19 *standards that comply with the Goal 15.”* Rec 1398 (Emphasis added.)

20 **May 18, 2022.** With no explanation or alternative approach, staff advised
21 the City Council in the Work Session AIS that the ordinance’s reliance
22 on the promised Willamette River Greenway code amendments for
23 findings of conformance with Goal 15 has been deleted.

24 “CHANGES TO FINDINGS

25 “* * *

26 ● Update findings related to Goal 15 (Willamette River Greenway)
27 to remove language about adoption of clear and objective
28 standards for development of housing within the Greenway
29 because *those clear and objective standards will be addressed in a*
30 *separate, future process.”* (Emphasis added.) Rec 898

1 **May 24, 2022.** City Council adopted Ordinance No. 20667 with no
2 findings to demonstrate conformance with Goal 15. Instead, the
3 ordinance’s only findings are that Goal 15 doesn’t apply. Rec 218

4 **III. STATEMENT OF THE BOARD’S JURISDICTION**

5 The decision is a “land use decision” subject to LUBA’s jurisdiction
6 because it involves a final decision made by a local government that
7 concerns the amendment of the City’s land use regulations and plan
8 policies. ORS 197.015(10)(a)(A)(ii), (iii). LUBA has jurisdiction to review
9 land use decisions. ORS 197.825(1).

10 **IV. ASSIGNMENTS OF ERROR**

11 **A. First Assignment of Error**

12 **Subassignment 1.** The City failed to review the intensification
13 allowed by Ordinance No. 20667’s Middle Housing Code
14 Amendments (MHCA), including the *Metro Plan* amendment, to
15 determine if the intensification of housing development allowed in
16 the Willamette River Greenway would remain compatible with
17 Goal 15.

18 **Subassignment 2.** The MHCA subjects middle housing in the
19 Willamette River Greenway to standards and criteria that are not
20 clear and objective, in violation of the requirements of OAR 660-
21 046-0010(3)(f).

1 **Subassignment 3.** The ordinance’s findings for conformance with
2 Goal 15 are neither relevant nor demonstrate that the resulting
3 amended housing approval criteria and policies conform to
4 Goal 15.

5 **3. Preservation of error**

6 As the challenged decision is a legislative decision, principles of
7 preservation do not apply to it. *Columbia Pacific v. City of Portland*, 76 Or
8 LUBA 15 (2017). Nonetheless, Intervenor Conte raised this issue by
9 written testimony submitted to the Eugene City Council on March 22,
10 2021, and numerous other occasions. Rec. 9499

11 **4. Standard for review by LUBA**

12 This assignment of error requires LUBA to address four questions:

- 13 1. Does Ordinance No. 20667 allow significant intensification of
14 housing development in the Willamette River Greenway?
- 15 2. Did the City review the potential impacts of the ordinance’s
16 allowing substantial intensification of housing development in the
17 Willamette River Greenway?
- 18 3. Does the MHCA apply standards and criteria that are *not* clear
19 and objective to middle housing development in the Willamette
20 River Greenway?
- 21 4. Did the City provide adequate findings to demonstrate that the
22 ordinance conforms to Goal 15?

1 Under ORS 197.835(7)(b), “The board shall reverse or remand an
2 amendment to a land use regulation or the adoption of a new land use
3 regulation if: * * * [t]he comprehensive plan does not contain specific
4 policies or other provisions which provide the basis for the regulation,
5 and the regulation is not in compliance with the statewide planning
6 goals.”

7 ORS 197.835(9)(a) (C) and (D) provide that LUBA shall reverse or
8 remand a land use decision if LUBA finds that the local government
9 “[m]ade a decision not supported by substantial evidence in the whole
10 record;” or “[i]mproperly construed the applicable law.”

11 Pursuant to *Citizens Against Irresponsible Growth v. Metro*, 179 Or
12 App 12, 16 n 6, 38 P3d 956 (2002), although a local government is not
13 required to adopt findings supporting a legislative decision, the record
14 on appeal must be sufficient to demonstrate that “required
15 considerations were indeed considered.” *Deumling v. City of Salem*, 76 Or
16 LUBA 99 (2017).

17 To determine the requirements of a statute, the Board must
18 examine text, context, and legislative history with the goal of discerning
19 the intent of the governing body that enacted the law. *State v. Gaines*, 346
20 Or 160, 171-72, 206 P3d 1042 (2009); *PGE v. Bureau of Labor and*
21 *Industries*, 317 Or 606, 859 P2d 1143 (1993). The Board is required to
22 correctly interpret the legislature’s intent, independently of the parties’
23 arguments. See ORS 197.805 (providing legislative directive that LUBA

“decisions be made consistently with sound principles governing judicial review”); *Weldon v. Bd. of Lie. Pro. Counselors and Therapists*, 353 Or 85, 91, 293 P3d 1023 (2012) (court has the obligation to correctly construe statutes, regardless of parties’ arguments).

5. Argument

Preface

Before describing the City’s multiple failures to comply with requirements related to Goal 15, identifying the two straightforward alternatives the City *could* have taken puts the City’s errors in stark relief.

Alternative 1. “Clone” DLCD Middle Housing Model Code

Chapter 1 Section C.2.b. as follows, which would have prohibited middle housing, except duplexes:

“Exceptions. “The standards in this code do not allow within the Willamette River Greenway the creation of triplexes, quadplexes, cottage clusters, or townhouses, or the creation of more than two dwelling units on a single lot or parcel, including accessory dwelling units.”

This alternative would have provided a “safe harbor” for the City because of DLCD’s *de facto* pre-approval in the Model Code.

Alternative 2. Amend the Eugene Land Use Code for “Willamette River Greenway Permits (*i.e.*, sections EC 9.8800 through EC 9.8825) to apply only clear and objective approval criteria and procedures to middle housing development within the WRG.

1 If done properly, this would have complied directly with OAR 660-046-
2 0010(3)(f).

3 As the record proves, in late 2021, the City had committed to
4 Alternative 2 by initiating the “Willamette River Greenway Code
5 Amendments” process and relying on the adoption of these
6 amendments in findings of conformance with Goal 15.

7 As lead planner, Terri Harding advised Planning Commissioners
8 on September 9, 2021: “[T]his means that code requirements applicable
9 to middle housing within the Willamette River Greenway must comply
10 with the state requirements for clear and objective standards for
11 housing.” Rec 7093

12 Ms. Harding again advised the Planning Commissioners on
13 January 11, 2022: “These amendments also need to be in place by
14 June 25, 2022.” Rec 4161

15 The City’s plans were publicly broadcast in the January 31, 2022,
16 *Eugene Planning Newsletter*: “The new clear and objective Willamette
17 Greenway approval criteria * * * project outcome will be code
18 amendments for City Council consideration and adoption prior to June
19 30, 2022.” Rec 4086

20 As the code amendment process moved ahead from the Planning
21 Commission to the City Council, on February 11, 2022, Gabe Flock
22 advised the Council that “the impetus for the proposed [Willamette
23 River] Greenway code amendments is based on a provision in House

1 Bill 2001 for Middle Housing.” Rec 1483 (See the full history under
2 “Summary of Material Facts,” *supra*.)

3 Inexplicably, when the City cancelled this parallel code
4 amendment process, the City didn’t revert to Alternative 1 – *despite being*
5 *warned of the consequences*. Rec 3419. Eugene neighborhood leaders even
6 submitted an alternative proposal, *based on the DLCD Model Code*, titled
7 “Eugene Middle Housing Standards,” which the City ignored. Rec 3625-
8 3626, 3627, 3633. Had the City heeded the public’s informed testimony,
9 the City could have avoided this error.

10 Subassignment 1.

11 The Middle Housing Code Amendments (“MHCA”) in Ordinance
12 No. 20667 allow far more intensive residential uses throughout the City
13 than were allowed prior to the MHCA. For example, prior to the MHCA
14 the R-1 Low-Density Residential Zone’s maximum density was 14
15 dwellings per net acre, and the minimum lot size was 4,500 square feet.
16 (See Rec 3422, Exhibit B.) The R-1 Zone allowed no more than one or
17 two dwellings per lot, by right. These criteria were consistent with the
18 Eugene comprehensive plan’s “Low Density Residential” designation’s
19 density maximum of 14.28 dwellings per net acre.

20 With adoption of the MHCA, the R-1 Zone no longer has a
21 maximum density for “middle housing” and allows three or more
22 dwellings on lots as small as 2,625 square feet. *Ibid*, Exhibit B. Based on

the new minimum lot sizes, the effective density under the MHCA is now as much as *five times* the prior effective density.² Rec 3421-3422

This large increase in allowable intensity is not geographically limited and is allowed on all R-1 zoned property, including in the Willamette River Greenway.

As shown in the attached City zoning and plan maps, significant areas of the Willamette River Greenway are zoned R-1 Low-Density Residential:

- Exhibit C1. Metro Plan Designation map (west bank of Willamette River)
- Exhibit C2. Willamette River Greenway (west bank)
- Exhibit C3. Zoomed section of Willamette River Greenway Zone (west bank of Willamette River)
- Exhibit C4. R-1 Zone (west bank of Willamette River)
- Exhibit C5. Zoomed section of R-1 Zone (west bank of Willamette River)

² One dwelling on a minimum 4,500 square foot R-1 Zone lot is 9.7 dwellings per net acre. Under the MHCA, a “Duplex Lot” of 1,688 square feet with two detached dwellings can be divided with each dwelling on an 844 square foot lot, which is 51.6 dwellings per net acre. This reflects a more than *five times* an increase in effective maximum density.

1 Thus, adoption of the MHCA unequivocally intensified allowable
2 residential uses in the Willamette River Greenway. Yet the City made no
3 effort to review the degree and nature of the intensification, its likely
4 impacts, and whether the results would remain in conformance with the
5 requirements of Goal 15.

6 The requirement for review and adequate findings are clearly set
7 out in the text of Goal 15, which requires that “[i]ntensification of uses,
8 changes in use or developments may be permitted after this date only
9 when they are consistent with the Willamette Greenway Statute, this
10 goal, the interim goals in ORS 215.515(1) and the statewide planning
11 goals.”

12 That requirement is restated in the middle housing rule adopted
13 by LCDRC; in particular, OAR 660-046-0010(3)(f) requires the following:

14 “(f) Goal 15: Willamette Greenway – Pursuant to OAR 660-
15 015-0005, **Medium and Large Cities must review**
16 **intensifications, changes of use or developments to insure**
17 **their compatibility with the Willamette River Greenway.**
18 Medium and Large Cities may allow and regulate the
19 development of Middle Housing in the Willamette Greenway,
20 provided that applicable regulations adopted pursuant to
21 Goal 15 comply with ORS 197.307.” (Emphasis added.)

22 Under Goal 15 and the OAR rule, intensifications of uses, such as what
23 would be allowed by the MHCA, *requires* review to ensure that
24 intensification of use will remain compatible with the WRG.

1 **Ordinance No. 20677 must be remanded for the City to**
2 **either conduct the required evaluation or prohibit**
3 **middle housing in the Willamette River Greenway.**

4 Subassignment 2. The MHCA subjects middle housing in the Willamette
5 River Greenway to standards and criteria that are not clear and
6 objective, in violation of the requirements of OAR 660-046-0010(3)(f).

7 Moreover, OAR 660-046-0010(3)(f) specifically requires that any
8 WRG regulation of middle housing must comply with ORS 197.307, i.e.,
9 it must be “clear and objective” under ORS 197.307(4). The City allows
10 and regulates residential development, including now “middle
11 housing” in the WRG; but the City’s applicable Willamette River
12 Greenway Permit regulations are not consistent with ORS 197.307(4).

13 The City’s WRG regulations can be found in EC 9.8815. There are
14 numerous problems with the criteria in EC 9.8815; for example, multiple
15 criteria require protection of certain values “to the greatest degree
16 possible.”³ EC 9.8815 explains what that phrase means:

3 For example: “(1) **To the greatest possible degree**, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

“(2) **To the greatest possible degree**, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.” (Emphasis added.)

1 “As used in this section, the words ‘the greatest possible
2 degree’ are drawn from Oregon Statewide Planning Goal 15
3 (F.3.b.) and **are intended to require a balancing of factors so**
4 **that each of the identified Willamette Greenway criteria is**
5 **met to the greatest extent possible** without precluding the
6 requested use.” (Emphasis added.)

7 LUBA has already held that standards that require a city to conduct a
8 “subjective, value-laden analysis designed to balance or mitigate
9 impacts” violates the clear and objective requirement of ORS 197.307(4).
10 *Warren v. Washington County*, 78 Or LUBA 375, 387 (2018), *aff’d*, 296 Or
11 App 595, 439 P3d 581, *rev den*, 365 Or 502 (2019); *Rogue Valley Assoc. of*
12 *Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d*, 158 Or App
13 1, 970 P2d 685, *rev den*, 328 Or 549 (1999)). The City’s WRG regulations
14 are not clear and objective requirements because they also require
15 balancing in a subjective, value-laden manner.

16 In addition, EC 9.8815(3) requires “The intensification, change of
17 use, or development will conform with applicable Willamette Greenway
18 policies as set forth in the Metro Plan.” The Metro Plan is full of
19 subjective value-laden policies such as Greenway Policy D.5:

20 “New development that locates along river corridors and
21 waterways shall be limited to uses that are compatible with
22 the natural, scenic, and environmental qualities of those water
23 features.”

24 Finally, EC 9.8815(5) requires “intensification” within the WRG to
25 conform to a variety of standards, including:

1 “(a) Establishment of adequate setback lines to keep
2 structures separated from the Willamette River to protect,
3 maintain, preserve, and enhance the natural, scenic, historic,
4 and recreational qualities of the Willamette Greenway.
5 Setback lines need not apply to water related or water
6 dependent activities as defined in the Oregon Statewide
7 Planning Goals and Guidelines (OAR 660-15-000 et seq.).

8 “(b) Protection of significant fish and wildlife habitats as
9 identified in the Metropolitan Plan Natural Assets and
10 Constraints Working Paper. Sites subsequently determined to
11 be significant by the Oregon Department of Fish and Wildlife
12 shall also be protected.

13 “(c) Protection and enhancement of the natural vegetative
14 fringe along the Willamette River to the maximum extent
15 practicable.

16 “(d) Preservation of scenic qualities and viewpoints as
17 identified in the Metropolitan Plan Natural Assets and
18 Constraints Working Paper.

19 “(e) Maintenance of public safety and protection of public
20 and private property, especially from vandalism and trespass
21 in both rural and urban areas to the maximum extent
22 practicable.

23 “(f) Compatibility of aggregate extraction with the purposes
24 of the Willamette River Greenway and when economically
25 feasible, applicable sections of state law pertaining to
26 Reclamation of Mining Lands (ORS Chapter 517) and
27 Removal of Material; Filling (ORS Chapter 541) designed to
28 minimize adverse effects to water quality, fish and wildlife,
29 vegetation, bank stabilization, stream flow, visual quality,
30 noise, safety, and to guarantee necessary reclamation.

31 “(g) Compatibility with recreational lands currently devoted
32 to metropolitan recreational needs, used for parks or open
33 space and owned and controlled by a general purpose

1 government and regulation of such lands so that their use will
2 not interfere with adjacent uses.”

3 The MHCA, by allowing middle housing in the WRG, subjects that
4 middle housing to the subjective, value-laden criteria found in EC 9.8815
5 and, therefore, is inconsistent with the middle housing rules and, in
6 particular, OAR 660-046-0010(3)(f).

7 **Ordinance No. 20677 must be remanded for the**
8 **City to either adopt clear and objective criteria for**
9 **middle housing in the Willamette River Greenway**
10 **that conforms to Goal 15 or prohibit middle**
11 **housing in the Willamette River Greenway.**

12 Subassignment 3. The ordinance’s findings for conformance with
13 Goal 15 are neither relevant nor demonstrate that the resulting code’s
14 and plan’s amended housing approval criteria and policies conform to
15 Goal 15.

16 The City’s finding regarding the WRG code amendments provide,
17 in their entirety, as follows:

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

22 *“FINDING: The Middle Housing Code Amendments do not*
23 *contain any substantive changes to the City’s Willamette*
24 *River Greenway regulations; therefore, Statewide Planning*
25 *Goal 15 does not apply. The only change to the Willamette*

1 Greenway regulations is a new citation to a renumbered code
2 section.”

3 The finding for the plan amendment is similar:

4 “Goal 15 - Willamette River Greenway. To protect, conserve,
5 *enhance and maintain the natural, scenic, historical, agricultural,*
6 *economic and recreational qualities of lands along the Willamette*
7 *River as the Willamette River Greenway.*”

8 “FINDING: The Metro Plan Amendment does not contain
9 any changes to the City’s Willamette River Greenway
10 regulations or to the Greenway policies in the Metro Plan;
11 therefore, Statewide Planning Goal 15 does not apply.”

12 These two findings are ridiculously off-point. Intervenors do not
13 challenge the inconsequential amendment to the City’s Willamette River
14 Greenway regulations. Intervenors challenge the unreviewed,
15 substantial increase in allowable housing development intensity allowed
16 by amendments to the residential development code. In fact, all that the
17 City’s “findings” do is confirm that the City made no attempt to amend
18 the Willamette River Greenway Permit criteria and *Metro Plan* Greenway
19 policies to ensure conformance with Goal 15 and OAR 660-046-
20 0010(3)(f), while allowing substantial intensification of use in the WRG.

21 In addition to the clearly stated requirements in the ORS and
22 OAR, the City was fully aware that DLCD had issued a “guidance”
23 document confirming exactly what was necessary to allow middle
24 housing in the Willamette River Greenway:

1 “[M]ost cities and counties that front the Willamette River will
2 need to amend their Greenway compatibility review process in
3 order to allow new and redevelopment of housing along the river.

4 “* * *

5 “[A]mendments are needed if a city wants to mesh middle
6 housing and Greenway objectives in a manner consistent with
7 ORS 197.307. Subjective Greenway compatibility review standards
8 will need to be replaced with objective standards that comply with
9 the Goal 15.” Rec 1398

10 While the City’s fruitless “Willamette River Greenway Code
11 Amendments” process was based on the Goal 15, Section F.3 provision
12 that enables a local jurisdiction to adopt a design plan and
13 administrative review procedure for the review of housing development
14 in the Willamette River Greenway without a hearing for each individual
15 application (Rec 4161), *the City never adopted such a design plan.*

16 It’s frankly perplexing that the City Attorney would expect LUBA
17 to accept the City’s only claim, *i.e.*, that “Goal 15 does not apply” to such
18 an extensive deregulation of Eugene’s residential zoning standards
19 which allow substantial intensification of housing development in the
20 Willamette River Greenway, when the ORS and OAR requirements are
21 so clear and DLCD had provided the City with confirming guidance.

22 **The ordinance must be remanded for the City to ensure**
23 **the code and plan amendments conform to Goal 15 and**
24 **OAR 660-046-0010(3)(f) and to provide *credible and***

1 *probative* findings that the resulting housing approval
2 criteria and plan policies are in conformance.

3 **Conclusion for the First Assignment of Error:** The record provides
4 incontrovertible evidence to determine the correct answers to the four
5 threshold questions:

6 1. Does Ordinance No. 20667 allow significant intensification of
7 housing development in the Willamette River Greenway?

8 **YES.**

9 2. Did the City review the potential impacts of the ordinance's
10 allowing substantial intensification of housing development in the
11 Willamette River Greenway?

12 **NO.**

13 3. Does the MHCA apply standards and criteria that are *not* clear
14 and objective to middle housing development in the Willamette
15 River Greenway?

16 **YES.**

17 4. Did the City provide adequate findings to demonstrate that the
18 ordinance is consistent with Goal 15?

19 **NO.**

20 **B. Second Assignment of Error**

21 Multiple sections of Ordinance No. 20667's amended housing approval
22 criteria are not clear and objective and therefore in violation of the
23 requirements of ORS 197.307(4).

1 **Preservation of error**

2 The challenged decision is a legislative decision and does not require
3 preservation of errors.

4 **Standard for review by LUBA**

5 The standard for review is the same as stated for the First Assignment of
6 Error.

7 **Argument**

8 As explained under the First Assignment of Error, ORS 197.307(4)
9 requires standards applicable to housing be clear and objective. A
10 standard must be “clear enough for an applicant to know what he must
11 show during the application process.” *West Main Townhomes v. City of*
12 *Medford*, 233 Or App 41, 48, 225 P3d 56 (2009), modified and adh'd to on
13 recons, 234 Or App 343, 228 P3d 607 (2010). Moreover, ORS 197.831
14 makes it clear that the burden is on the City to demonstrate that the
15 approval standards can only be applied in a clear and objective manner.

16 The amended code sections *infra* are not clear and objective, most
17 obviously because they are not “clear enough for an applicant to know
18 what he must show during the application process.”

19 **1. “EC 9.2741 Special Use Limitations for Table 9.2740.**

20 “(4) Middle Housing Special Use Limitations.

21 “(b) Lot Area Reduction for Small Dwelling Units. When the
22 average size of all dwelling units in a duplex, triplex,
23 fourplex, or cottage cluster is less than 900 square feet as
24 calculated using the formula in subparagraph (c), the lot

1 area thresholds listed in
2 subparagraphs (a)1. through (a)4. shall be reduced by 25
3 percent (for example, a triplex with units of an average size
4 that is less than 900 square feet would be allowed on a lot
5 with an area of 2,625 square feet).

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

10 “AS = (X1+ X2 + X3 ...+ X N) divided by N

11 “Where:

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

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

18 “X# = Dwelling unit size. The size of one dwelling unit that
19 is a part of a duplex, triplex, fourplex, townhouse project, or
20 cottage cluster. Dwelling unit size is the total square footage
21 of a dwelling, which is measured by adding together the
22 square foot area of each full story or level in a dwelling. The
23 square foot area must be measured at the exterior perimeter
24 walls of each story of the dwelling, not including eaves, and
25 is defined as all square footage inside of a dwelling,
26 including, but not limited to, living rooms, kitchen,
27 bedrooms, bathrooms, hallways, entries, closets, utility
28 rooms, stairways, and bathrooms. For townhouses and
29 attached duplexes, triplexes, and fourplexes, the exterior
30 perimeter walls of a dwelling shall be measured from the
31 midpoint of any common wall for that portion of the
32 structure that shares a common wall with another unit in the
33 townhouse project, duplex, triplex, or fourplex. The

1 following are not included in the calculation of dwelling unit
2 size: attached or detached garages; outdoor living areas and
3 structures, including, but not limited to uncovered porches,
4 uncovered decks, patios, porches, exterior stairways, decks,
5 carports, and covered areas enclosed by no more than 50%
6 on all sides; and crawlspaces, attics, and other areas that do
7 not constitute a full story of the building.” Rec 231-233, 415-
8 416⁴

9 The “Dwelling unit size” is not clear regarding whether or not the
10 base of any portion of an exterior or common wall lies within the
11 “total square footage of a dwelling.

12 a) Neither “full story,” “story,” nor “level” are defined, and all of
13 these terms are subject to varying interpretations. The criteria
14 by which a basement would be considered a “full story” or
15 “level” is not clear.

16 Many older houses in Eugene are, in the vernacular,
17 “one-and-a-half story” and have living space “under the roof.”
18 The floor area within the perimeter of such spaces is smaller
19 than the first story floor area, and the typical “knee walls” are
20 not exterior⁵ but limit the floor area nonetheless.

⁴ Record references for code excerpts provide the page(s) in the adopted ordinance followed by the page(s) with markup.

⁵ The roof provides the exterior envelope of the room(s).

b) It is unclear what, if any, amount of the base of an “exterior perimeter wall” is included in “square foot area.” A “perimeter” describes the measurement of a *two-dimensional plane*,⁶ not a one-dimensional point or a three-dimensional volume; thus, measuring the “perimeter * * * from the midpoint of any common wall” makes no geometric sense at all.

Furthermore, the “perimeter” of *exterior* walls would be the *outside* of the walls, and the calculation states that is from whence “[t]he square foot area must be measured at.” Inconsistently, however, the same sentence states square foot area “is defined as all square footage *inside* of a dwelling.” (Emphasis added.) This contorted definition doesn’t say “inside the *walls* of a dwelling,” so the interpretation could be either that or “within the volume of the dwelling.” The latter interpretation is at least suggested because “not including eaves” is included in the same

⁶ “Perimeter”

1 a (1) : the boundary of a closed plane figure

<the *perimeter* of a circle>

(2) : the measure of the boundary of a closed plane figure *specifically* : the sum of the lengths of the line segments forming a polygon

Merriam-Webster’s Unabridged Dictionary, Merriam-Webster, <https://unabridged.merriam-webster.com/unabridged/perimeter>. Accessed 5 Nov. 2022.

1 operative sentence. That exclusion would serve no legislative purpose if
2 the intent was “inside the *walls* of a dwelling,”

3 It might seem reasonable to assume that these incorrect uses of
4 geometric terms are nonetheless intended to mean “floor area,” as that
5 term is defined in EC 9.0500:

6 “*Floor Area*. The floor area of a building, except areas used
7 exclusively for the service of the building, such as: mechanical
8 equipment spaces and shafts; elevators; stairways, escalators and
9 ramps; rest rooms; loading docks or ramp. * * * In all other zones
10 [than /TD Transit Oriented Development Overlay Zone], basement
11 areas shall be excluded from the FAR calculation.”

12 However, this definition itself is circular, defining “floor area” as “floor
13 area,” and therefore not clear and objective. In any case, however the
14 definition of “floor area” were interpreted, its text is inconsistent with
15 the EC 9.2741(4)(c) measurement of “square foot area.”

16 Despite the City’s apparent attempt to make the calculation of “X#”
17 seem mathematically objective, it is anything but. The well-worn phrase
18 “garbage in, garbage out” applies. Without a clear and objective
19 definition of “total square footage,” an applicant cannot “know what he
20 must show during the application process” to demonstrate that “average
21 size of all dwelling units * * * is less than 900 square feet.” This standard
22 is neither clear nor objective and therefore conflicts with ORS 197.307(4).

23 The problems in this section are also reflected in the following
24 amended code:

2. “EC 9.2751(18) Alley Access Lots in R-1.

“(a) General Standards.

“3. Building Size. The total square footage of all dwellings located on an alley access lot shall not exceed 25 percent of the total lot area or 1,200 square feet, whichever is greater. Total square footage is measured at the exterior perimeter walls and is defined as all square footage inside of a dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.” Rec 239-240, 423

“(b) Area – Specific Alley Access Lot Standards in R-1.

“1. Building Size. The total square footage of all dwellings located on an alley access lot shall not exceed 1,000 square feet, measured at the exterior perimeter walls. For alley access lots, total square footage of all dwellings is defined as all square footage inside of a dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. Rec 241, 424-425

EC 9.2751(18)(a)(3) and EC 9.2751(18)(b)1. Have the same ambiguities as EC 9.2741(4)(c).

3. “EC 9.5550(6) Alley Access Lots in R-1.

“(a) Standards for Cottage Clusters.

“5. *Maximum Dwelling Size*. The maximum average dwelling size permitted for a cottage cluster is 1,400 square feet. Community buildings shall be included in the maximum average size calculation for a cottage cluster. For the purposes of this subparagraph, “Average size” means the average square footage of all dwelling units and any community building in the cottage cluster as calculated using the formula at EC 9.2741(4)(c). Rec 270, 458

1 “(d) Community Buildings.

2 “2. The community building shall have a maximum floor
3 area of 1,200 sf. In addition, building shall count towards the
4 maximum average dwelling size calculation of the cottage
5 cluster, pursuant to subsection 9.5550(6)(a)5. Rec 271, 460

6 EC 9.5550(6)(a)5 refers directly to EC 9.2741(4)(c), and EC 9.5550(6)(d)2
7 refers to EC 9.5550(6)(a)5, which in turn refers to EC 9.2741(4)(c), which
8 explicitly includes *only* “square footage inside of a dwelling. These code
9 sections are internally inconsistent.

10 **4. “EC 9.2741(4)(d) Lot Area Reduction for Income-Qualified**
11 **Middle Housing.**

12 “When at least 50 percent of the dwelling units in a duplex,
13 triplex, fourplex, or cottage cluster meet the definition of income-
14 qualified middle housing, the lot area thresholds listed in
15 subparagraphs (a)1. through (a)4. shall be reduced by 25 percent.
16 In calculating the number of income-qualified middle housing
17 units for purposes of this subparagraph, fractional dwelling units
18 shall be rounded down to the nearest whole number (for example,
19 50 percent of the units in a triplex equals 1.5 units, so at least 1 unit
20 must be income-qualified to for the triplex to qualify for the lot
21 area reduction pursuant to this subparagraph).” Rec 233, 416

22 The definition of “Income-Qualified Middle Housing” is ambiguous:

23 **“EC 9.0500 Income-Qualified Middle Housing.** A unit in a
24 duplex, triplex, fourplex, townhouse or cottage cluster exclusively
25 for low-income individuals and/or families, sponsored by a public
26 agency, a non-profit housing sponsor, a developer, a combination
27 of the foregoing, or other alternatives as provided for in the
28 Oregon Revised Statutes or Federal Statutes, to undertake,
29 construct, or operate housing for households that are low-income.
30 For purposes of this definition, low-income means having income
31 at or below 80 percent of the area median income.”

1 “Area Median Income” is not defined and can have different meanings.
2 Most fundamentally, the “area” could plausibly be any of the following:
3 Eugene city limits, Eugene’s Urban Growth Boundary, The HUD
4 Eugene-Springfield Metropolitan Area, or one of numerous other
5 definitions.

6 Furthermore, there are two, different numerical values even for
7 HUD’s “AMI” term:

8 “HUD estimates Median Family Income (MFI) annually for each
9 metropolitan area and non-metropolitan county. The metropolitan
10 area definitions are the same ones HUD uses for Fair Market Rents
11 (except where statute requires a different configuration). HUD
12 calculates Income Limits as a function of the area's Median Family
13 Income (MFI). The basis for HUD’s median family incomes is data
14 from the American Community Survey, table B19113 - MEDIAN
15 FAMILY INCOME IN THE PAST 12 MONTHS. The term Area
16 Median Income is the term used more generally in the industry. If
17 the term Area Median Income (AMI) is used in an unqualified
18 manor [*sic*], this reference is synonymous with HUD's MFI.
19 However, if the term AMI is qualified in some way - generally
20 percentages of AMI, or AMI adjusted for family size, then this is a
21 reference to HUD's income limits, which are calculated as
22 percentages of median incomes and include adjustments for
23 families of different sizes.” Source: HUD. 2018. “FY 2018 Income
24 Limits Frequently Asked Questions.”
25 <https://www.huduser.gov/portal/datasets/il/il18/FAQs-18r.pdf>

26 The resulting qualification for the code’s criterion “80 percent of the area
27 median income” is not tied to HUD’s disambiguation (or any other
28 disambiguating standard) and therefore is uncertain. It might seem that

1 because the code contains a “percentage of AMI,” that the latter HUD
2 meaning would be the proper, unambiguous interpretation.

3 However, the code’s reference to State programs complicates the
4 matter. For example, the Oregon Housing and Community Services
5 Department defines “Low-income household” based on “median
6 income,” which implies “MFI.”

7 “Chapter 813 Oregon Housing and Community Services
8 Department

9 OAR 813-202-0005 Definitions

10 “(7) ‘Low-income household’ means a household with
11 income that is at or below 60% of the state median income.”

12 The statutes also appear to equate AMI with MFI, which is a different
13 interpretation than HUD’s.

14 **ORS 456.270 Definitions for ORS 456.270 to 456.295.** As used in
15 ORS 456.270 to 456.295:

16 (2) “Area median income” means the median income for the
17 metropolitan statistical area in which the affordable housing
18 is located, as determined by the Housing and Community
19 Services Department, adjusted for household size.

20 Thus, if an applicant is proposing to provide housing under provisions
21 of ORS, they would not know for certain which of the following would
22 be the criterion their proposal must meet:

- 23 • At or below 60% of HUD’s Median Family Income, or
- 24 • At or below 80% of HUD’s Median Family Income, or
- 25 • At or below 80% of HUD’s AMI base on percentages of median
26 incomes and including adjustments for families of different sizes?

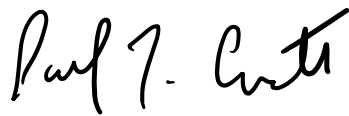
1 In addition, while the lot area reduction is permanent, the duration for
2 providing the required low-income unit(s) is not specified. Is it one
3 month, ten years, sixty years, or a permanent requirement?

4 **Ordinance No. 20667 must be remanded for the City to address the**
5 **above criteria that do not comply with ORS 197.307(4).**

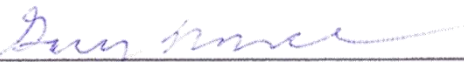
6 **V. CONCLUSION**

7 For the reasons stated above, LUBA must remand the City's decision.

8 Dated: November 7, 2022

9 

10 Paul T. Conte, Intervenor-Petitioner

11 

12 Gary Nance, Intervenor-Petitioner

CERTIFICATE OF COMPLIANCE
WITH BRIEF LENGTH AND TYPE SIZE REQUIREMENTS

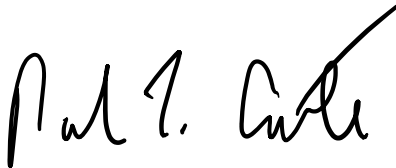
Brief Length

I certify that (1) this brief complies with the word-count limitation of 11,000 words in OAR 661-010-0030(2)(b) and (2) the word count of this brief as described in OAR 661-010-0030(2)(b) is 10,977 words (10,768 in the body, plus 209 in footnotes) according to the MS Word document statistics.

Type Size

I certify that the size of the “Palatino Linotype” proportional type in this brief is not smaller than 14 point for both the text of the brief and footnotes as required by OAR 661-010-0030(2)(e).

Dated: November 7, 2022

A handwritten signature in black ink, appearing to read "Paul T. Conte", written over a horizontal line.

Paul T. Conte, Intervenor-Petitioner

EXHIBIT A. ORDINANCE NO. 20667

ORDINANCE NO. 20667

AN ORDINANCE CONCERNING MIDDLE HOUSING; MAKING A TEXT AMENDMENT TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN; REPLACING VARIATIONS OF THE TERMS “ONE FAMILY” AND “SINGLE FAMILY” WITH “SINGLE-UNIT,” REPLACING VARIATIONS OF THE TERM “TWO FAMILY” WITH “DUPLEX,” REPLACING VARIATIONS OF THE TERM “THREE FAMILY” WITH “TRIPLEX,” REPLACING VARIATIONS OF THE TERM “FOUR FAMILY” WITH “FOURPLEX,” AND REPLACING VARIATIONS OF THE TERMS “MULTIPLE FAMILY” AND “MULTI-FAMILY” WITH “MULTI-UNIT” OR “MULTIPLE-UNIT” THROUGHOUT THE EUGENE CODE; AMENDING SECTIONS 9.0500, 9.2160, 9.2161, 9.2700, 9.2720, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.2770, 9.2775, 9.2777, 9.2780, 9.3050, 9.3065, 9.3100, 9.3115, 9.3116, 9.3125, 9.3145, 9.3210, 9.3215, 9.3220, 9.3221, 9.3300, 9.3310, 9.3510, 9.3625, 9.3630, 9.3800, 9.3810, 9.3811, 9.3815, 9.3822, 9.3910, 9.3915, 9.6105, 9.6410, 9.6420, 9.6650, 9.6703, 9.6730, 9.6740, 9.6745, 9.6775, 9.6792, 9.6793, 9.6795, 9.6885, 9.7000, 9.7015, 9.7020, 9.7025, 9.7030, 9.7055, 9.7230, 9.7600, 9.8005, 9.8030, 9.8085, 9.8205, 9.8210, 9.8215, 9.8220, 9.8325, 9.8423, 9.8505, 9.8510, 9.8515, 9.8520, 9.8705, 9.8710, 9.8810, 9.8865, AND 9.9500 OF THE EUGENE CODE, 1971; DELETING SECTIONS 9.2705, 9.2735, AND 9.2737 OF THAT CODE; ADDING SECTIONS 9.5550, 9.7640, 9.7641, 9.7642, 9.7643, 9.7644, 9.7900, 9.7905, 9.7910, 9.7915, 9.7920, 9.7925, 9.8191, 9.8192, 9.8193, 9.8194, 9.8195, 9.8196, 9.8197, 9.8198, AND 9.8199 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1.

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

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

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

9.0500 Definitions.

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

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

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

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

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

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

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

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

Dwelling, Fourplex. Four dwellings on a single lot or parcel in any configuration. The dwelling type referred to as a fourplex in this land use code is the same dwelling type as the dwelling type referred to as a quadplex as used in the Metro Plan, ORS 197.758, and Chapter 660, division 46 of the Oregon Administrative Rules.

Dwelling, Multiple-Units (Multi-Unit). One or more buildings on a single lot or parcel containing 5 or more dwellings in any configuration. The dwellings may be detached or share common walls, common roofs, or common foundations. Multiple-unit dwellings include condominium and apartment units without regard to ownership status. Cottage clusters are not multiple-unit dwellings.

Dwelling, Single-Unit. One detached dwelling on a single lot or parcel. A dwelling unit that is part of a duplex, triplex, fourplex, or cottage cluster, whether attached or detached, is not a single-unit dwelling.

Dwelling, Townhouse. A dwelling that is part of a townhouse project of two or more attached dwellings where each dwelling is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling.

Dwelling, Triplex. Three dwellings on a lot or parcel in any configuration.

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

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

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

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

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

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

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

Manufactured Home/Dwelling Park. Any place where 4 or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any

person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than 1 manufactured dwelling per lot if the subdivision was approved by the city. “Manufactured dwelling park” also does not include a development permitted as a fourplex or a cottage cluster.

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

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

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

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

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

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

9.2160 Commercial Zone – Land Use and Permit Requirements.

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

(P) Permitted.

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

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

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

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

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

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
* * *				
Residential				
Dwellings				
Single-Unit Dwelling	P(6)	P(6)	P(7)	
Townhouse (See EC 9.5550)	S(6)	S		S
Duplex	P(6)	P(6)	P(7)	P
Triplex (See EC 9.5550)	S(6)	S	S	S
Fourplex (See EC 9.5550)	S(6)	S	S	S
Multiple Unit (See EC 9.5500)	S(6)	S	S	S
* * *				

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

9.2161 Special Use Limitations for Table 9.2160.

* * *

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

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

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

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments		
	C-1	C-2
Commercial Uses Requirements in Mixed-Use Residential Developments		
Minimum Percent of Building Street Frontage in Commercial Use. Building street frontage shall be measured along the length of the building at the ground level within the maximum front yard setback. As used herein, “commercial” includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages.	80%	60%
Minimum Percent of Ground Floor Area in Commercial Use.	80%	20%

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

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

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

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

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

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

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

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

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

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

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

9.2740 Residential Zone Land Use and Permit Requirements.

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

- (P) Permitted if use complies with special setbacks shown in Table 9.2640. If the use does not meet the special setbacks in Table 9.2640, the use may be approved through the conditional use permit process. Shall require zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to an approved final planned unit development.
- (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

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

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1		R-2	R-3	R-4
Accessory Uses					
Accessory Uses. Examples include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P		P	P	P
Agricultural, Resource Production and Extraction					
Community and Allotment Garden	P		P	P	P
Display and Sale of Agricultural Products Grown on the Site	P				
Urban Animal Keeping, including pastureland (See EC 9.5250)	S		S	S	S
Horticultural Use. Examples include field crops, orchards, berries, and nursery or flower stock.	P				
Education, Cultural, Religious, Social and Fraternal					
Church, Synagogue, and Temple, including associated residential structures for religious personnel. (All religious uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)	C		C	C	C

Table 9.2740 Residential Zone Land Uses and Permit Requirements

	R-1		R-2	R-3	R-4
Club and Lodge of State or National Organization (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)					C
Community and Neighborhood Center	C		C	C	P
School, Elementary through High School	C		C	SR	SR
University or College	C		C	SR	SR
Entertainment and Recreation					
Athletic Facility and Sports Club	C		C	C	C
Athletic Field, Outdoor	C		C	C	C
Equestrian Academy and Stable (See also Table 9.1240)	PUD				
Equestrian Trail (See also Table 9.1240)	PUD				
Golf Course, with or without country club (See also Table 9.1240)	PUD				
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Kiosk, Gazebo, Pergola, Arbor Trail, paved and non paved Arboretum, outdoors Athletic Areas, outdoors, unlighted Natural Area or Environmental Restoration Ornamental Fountain, Art Work	S(7)		S(7)	S(7)	S(7)

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

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1		R-2	R-3	R-4
Nursing Home (See also Table 9.1240)				C	C
Residential Treatment Center	C		C	C	C
Motor Vehicle Related Uses					
Transit, Neighborhood Improvement	P		P	P	P
Transit Park and Ride, Major or Minor, Only when Shared Parking Arrangement with Other Permitted Use	P			P	P
Transit Park and Ride, Major or Minor					C
Transit Station, Major				C	C
Transit Station, Minor			SR	P	P
Residential					
Dwellings. (All dwellings are subject to the Residential Zone Development Standards at EC 9.2750 unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
Single-Unit Dwelling, except as provided at EC 9.2741(7) for Churches, Synagogues and Temples)	P(2)		P(2)	P(2)	P(2)
Accessory Dwelling	P(3)		P(3)	P(3)	P(3)
Townhouse (See EC 9.5550)	S(4)		S(4)	S(4)	S(4)
Duplex	P(2)(4)		P(2)(4)	P(2)(4)	P(2)(4)
Triplex (See EC 9.5550)	S(4)		S(4)	S(4)	S(4)
Fourplex (See EC 9.5550)	S(4)		S(4)	S(4)	S(4)
Cottage Cluster (See EC 9.5550)	S(4)		S(4)	S(4)	S(4)
Multiple-Unit Dwellings (See EC 9.5500)	PUD		S	S	S
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S or SR		S or SR		

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1		R-2	R-3	R-4
Controlled Income and Rent Housing where density is above that normally permitted in the zoning yet not to exceed 150%. (Shall comply with multiple-unit standards in EC 9.5500 or be approved as a PUD.)	S or PUD see Map 9.2740		S or PUD see Map 9.2740	S or PUD see Map 9.2740	
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)					
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)(All Assisted Care uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code.)	P		P	P	P
Assisted Care (6 or more people living in facility) (All Assisted Care uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)	C		C	C	C
Day Care (4 to 16 people served) (See EC 9.5200)	S		S	S	S
Day Care (17 or more people served)	C		C	C	C
Rooms for Rent Situations					
Boarding and Rooming House				C	P
Campus Living Organization, including Fraternities and Sororities				C	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1		R-2	R-3	R-4
Single Room Occupancy (SRO) (All SRO uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)			C	P	P
University and College Dormitory				P	P
Utilities and Communication					
Amateur Radio Antenna Structure (See EC 9.5050)	S		S	S	S
Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P		P	P	P
Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P		P	P	P
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P		P	P	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1		R-2	R-3	R-4
Telecommunication Tower or Facility (See EC 9.5750)	S		S	S	S
Water Reservoir, elevated above ground level	SR		SR	SR	SR
Other Commercial Services					
C-1 Neighborhood Commercial Zone Permitted Uses – Uses listed as P (Permitted) or SR (subject to site review) in C-1 and which are not listed elsewhere in this Table 9.2740	PUD (5)		PUD (5) or C(6)	PUD (5) or C(6)	PUD (5) or C(6)
Cemetery, includes crematoria, columbaria, and mausoleums	C				
Home Occupation (See EC 9.5350)	S		S	S	S
Model Home Sales Office (See EC 9.5450)	S		S	S	S
Temporary Activity (See EC 9.5800)	S		S	S	S
Wildlife Care Center (See EC 9.5850)	S				

Section 11. Subsections (2) through (10) of Section 9.2741 of the Eugene Code, 1971, are amended to provide as follows:

9.2741 Special Use Limitations for Table 9.2740.

* * *

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

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

(4) *Middle Housing Special Use Limitations.*

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

1. A duplex shall be permitted on:

- A. Any lot or parcel where a single-unit dwelling is permitted; and
 - B. Any lot or parcel with a lot area that is at least 2,250 square feet.
2. A triplex shall be permitted on any lot or parcel with a lot area that is at least 3,500 square feet.
 3. A fourplex shall be permitted on any lot or parcel with a lot area that is at least 4,500 square feet.
 4. A cottage cluster shall be permitted on any lot or parcel with a lot area that is at least 4,500 square feet.
 5. Individual units of middle housing are permitted on middle housing lots created pursuant to a middle housing land division.

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

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

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

Where:

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

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

X# = Dwelling unit size. The size of one dwelling unit that is a part of a duplex, triplex, fourplex, townhouse project, or cottage cluster. Dwelling unit size is the total square footage of a dwelling, which is measured by adding together the square foot area of each full story or level in a dwelling. The square foot area must be measured at the exterior perimeter walls of each story of the dwelling, not including eaves, and is defined as all square footage inside of a dwelling, including, but not limited to, living rooms, kitchen, bedrooms, bathrooms, hallways, entries, closets, utility rooms, stairways, and bathrooms. For townhouses and attached duplexes, triplexes, and fourplexes, the exterior perimeter walls of a dwelling shall be measured from the midpoint of any common wall for that portion of the structure that shares a common wall with another unit in the townhouse project, duplex, triplex, or fourplex. The following are not included in the calculation of dwelling unit size: attached or detached

garages; outdoor living areas and structures, including, but not limited to uncovered porches, uncovered decks, patios, porches, exterior stairways, decks, carports, and covered areas enclosed by no more than 50% on all sides; and crawlspaces, attics, and other areas that do not constitute a full story of the building.

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

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

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

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

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

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

(c) Buildings within the maximum front yard setback shall be oriented toward the street.

(d) Maximum front yard setback shall be no greater than the predominant front yard original setback line in the immediate vicinity.

(e) No off-street parking shall be located between the front facade of any building and the primary adjacent street. This standard applies to new buildings and to completely rebuilt projects constructed after August 1, 2001.

(f) In new development, 60% of the site frontage abutting a street shall be occupied by a building within the maximum setback or by an enhanced pedestrian space. No more than 20% of the 60% may be an enhanced pedestrian space.

(g) Building Entrances:

1. All building sides that face an adjacent public street shall feature at least one customer entrance.
2. Building sides facing two public streets may feature one entrance at the corner.
3. Each commercial tenant of the building, unless an accessory to the primary tenant, shall be accessed through individual storefront entrances facing the street.

(h) Ground floor walls shall contain display windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows meeting the criteria of display windows shall have sills at 30 inches or less above grade.

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

(8) 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 special development standards at EC 9.5500 and 9.5550, provided all of the following are met:

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

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

9.2750 Residential Zone Development Standards.

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

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

Table 9.2750 Residential Zone Development Standards					
(See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1		R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum		13 units	20 units	20 units
Maximum Net Density per Acre	14 units		28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Main Building. Does not include main building on Alley Access Lot in R-1	30 feet		35 feet	50 feet	120 feet
Main Building on Alley Access Lot in R-1	See (18)		–	–	–
Accessory Building.	See (16)		25 feet	30 feet	30 feet
Accessory Dwelling	See (17)		See (17)	See (17)	See (17)
Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)					
Front Yard Setback (excluding garages and carports)	10 feet		10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (12)	18 feet		18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings		5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet		15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag	10 feet		–	–	–

Table 9.2750 Residential Zone Development Standards					
(See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1		R-2	R-3	R-4
Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))					
Interior Yard Setback for Accessory Buildings in R-1	See (16)		–	–	–
Interior Yard Setback for Accessory Dwellings	See (17)		See (17)	See (17)	See (17)
Interior Yard Setback for Alley Access Lots in R-1	See (18)		–	–	–
Area-Specific Interior Yard Setback	–		–	See (8)	See (8)
Maximum Lot Coverage (17), (18)					
All Lots, except where specifically addressed below	50% of Lot		50% of Lot	–	–
Lots with Accessory Dwellings (Area-Specific)	See (17)(c)		–	–	–
Alley Access Lots in R-1	See (18)		–	–	–
Townhouse Lots	75% of Lot		75% of Lot	75% of Lot	75% of Lot
Cottage Clusters	-		-	-	-
Lots with Duplexes, Triplexes, or Fourplexes	60% of Lot		75% of Lot	-	-
Open Space					
Minimum Total Open Space	–		20% of dev. site	20% of dev. site	20% of dev. site
Middle Housing Minimum Total Open Space	-		10% of dev. site	10% of dev. site	10% of dev. site
Fences (14)					
Maximum Height Within Interior Yard Setbacks	6 feet		6 feet	6 feet	6 feet

Table 9.2750 Residential Zone Development Standards					
(See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1		R-2	R-3	R-4
Maximum Height within Front Yard Setbacks	42 inches		42 inches	42 inches	42 inches
Deer Fencing	See EC 9.2751(14)(c)		–	–	–
Driveways and Parking Areas (15)					
General Standards	–		–	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)		–	–	–
Accessory Buildings in R-1 (16)					
General Standards	See (16)(a)		–	–	–
Area-Specific	See (16)(b)		–	–	–
Accessory Dwellings (17)					
General Standards	See (17)(a) and (b)		See (17)(a) and (b)	See (17)(a) and (b)	See (17)(a) and (b)
Area-Specific	See (17)(c)		–	–	–
Alley Access Lots (18)					
General Standards	See (18)(a)		–	–	–
Area-Specific	See (18)(b)		–	–	–
Maximum Bedroom Count (19)					
Area-Specific	See (19)		–	–	–

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

(18)(a)9., (18)(a)10., (18)(a)11.a., (18)(a)13., (18)(a)14., and (18)(b)1.; adding subsection (18)(d), and amending subsection (19) to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(1) *Density.*

* * *

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

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

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

3. *Density Increase for Small Townhouses.* When the average size of all townhouses in a townhouse project is less than 900 square feet, the maximum townhouse density listed in subparagraph 2. of this subsection (b) shall be increased by 5 units per acre (for example, a townhouse project in the R-1 zone with an average size of units that is less than 900 square feet would be allowed up to 30 units per acre). For the purposes of this subparagraph, "Average size" means the average square footage of all townhouses in a townhouse project using the formula at EC 9.2741(4)(c).

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

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

* * *

(3) *Building Height.*

* * *

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

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

* * *

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

* * *

(15) *Driveways and Parking Areas.*

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

* * *

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

(c) *R-3 and R-4 Zones.* Except for middle housing, development subject to the Multi-Unit Development Standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.

* * *

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

* * *

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

* * *

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

(a) *General Standards.*

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

* * *

3. *Building Size.* The total square footage of all dwellings located on an alley access lot shall not exceed 25 percent of the total lot area or 1,200 square feet, whichever is greater. Total square footage is measured at the exterior perimeter walls and is defined as all square footage inside of a dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

4. *Lot Coverage.* Alley access lots shall meet the lot coverage requirements for R-1.

5. *Building Height/Interior Setback.*

a. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, except for middle housing, at a point that is 15 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 25 feet. For middle housing on an alley access lots, the standards for maximum building height and setbacks at EC 9.2750 shall apply.

* * *

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

8. *Primary Entrance.* The primary entry to at least one dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.

9. *Pedestrian Access.* Dwellings shall be served by a minimum three foot wide hard-surfaced (concrete, asphalt, or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.

10. *Parking Spaces.* The minimum number of required off-street parking spaces is as provided in Table 9.6410 Required Off-Street Motor Vehicle Parking. There shall be a maximum of 2 parking spaces on the lot.

11. *Parking and Driveway.*

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

* * *

13. *Trash and Recycling.* Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.

14. *Accessory Buildings.*

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

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

(b) *Area – Specific Alley Access Lot Standards in R-1.* Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)(3) Building Size, the following applies:

1. *Building Size.* The total square footage of all dwellings located on an alley access lot shall not exceed 1,000 square feet, measured at the exterior perimeter walls. For alley access lots, total square footage of all dwellings is defined as all square footage inside of a dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

* * *

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

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

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

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

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

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

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

9.2760 Residential Zone Lot Standards.

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

Table 9.2760 Residential Zone Lot Standards					
(See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1		R-2	R-3	R-4
Lot Area Minimum (1)					
Lots, except Townhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Cottage Cluster Lots, and Middle Housing Lots	4,500 square feet		4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD		2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Townhouse Lots	-		-	-	-
Duplex Lots (3)	2,250 square feet		2,250 square feet	2,250 square feet	2,250 square feet
Triplex Lots (3)	3,500 square feet		3,500 square feet	3,500 square feet	3,500 square feet
Fourplex Lots (3)	4,500 square feet		4,500 square feet	4,500 square feet	4,500 square feet
Residential Flag Lot (4)	6,000 square feet		6,000 square feet	6,000 square feet	6,000 square feet
Cottage Cluster Lots (3)	4,500 square feet		4,500 square feet	4,500 square feet	4,500 square feet
Middle Housing Lots (8)	-		-	-	-
Lot Frontage Minimum (1)					
Interior Lot (6)	50 feet		35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot (6)	50 feet		35 feet (9)	35 feet (9)	35 feet (9)

Table 9.2760 Residential Zone Lot Standards					
(See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1		R-2	R-3	R-4
Curved Lot (6)	35 feet		35 feet (9)	35 feet (9)	35 feet(9)
Cul-de-sac Bulb Lot	35 feet		20 feet	20 feet	20 feet
Residential Flag Lot (4)					
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Townhouse Lot	-		-	-	-
Lot Width Minimum (1)					
Interior Lot (6)(7)	50 feet		35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot (6)	50 feet		35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet		35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet		20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet		—	—	
Townhouse Lot	10 feet		10 feet	10 feet	10 feet
Lot Area Maximum (5)					
(New subdivisions and partitions only)	13,500 square feet				

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

9.2761 Special Standards for Table 9.2760.

* * *

(3) Minimum Lot Area for Middle Housing

(a) A duplex may be developed on:

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

- (b) A triplex may be developed on any lot or parcel with a lot area that is at least 3,500 square feet.
- (c) A fourplex may be developed on any lot or parcel with a lot area that is at least 4,500 square feet.
- (d) A cottage cluster may be developed on any lot or parcel with a lot area that is at least 4,500 square feet.
- (e) *Lot Area Reduction for Small Middle Housing Units.* When the average size of proposed dwelling units in a duplex, triplex, fourplex, or cottage cluster is less than 900 square feet, the lot area minimum shall be reduced by 25 percent (for example, a 3,500 square foot lot created for development of a triplex with an average size of units less than 900 square feet would be allowed to reduce the minimum lot area requirement to 2,625 square feet).

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

- (f) *Lot Area Reduction for Income-Qualified Middle Housing.* When at least 50 percent of the dwelling units in a duplex, triplex, fourplex, or cottage cluster meet the definition of income-qualified middle housing, the lot area minimum shall be reduced by 25 percent. In calculating the number of income-qualified middle housing units for this subparagraph, fractional dwelling units shall be rounded down to the nearest whole number (for example, 50 percent of the units in a triplex equals 1.5 units, so at least 1 unit must be income-qualified to for the triplex to qualify for the lot area reduction pursuant to this subparagraph).
- (g) For developments that qualify for the Lot Area Reductions in both subparagraphs (e) and (f) above, the total lot area reduction shall not exceed 25 percent.

(4) *Flag Lots.*

- (a) No variances to residential flag lot standards are allowed.
- (b) With the exception of flag lots created for the purpose of siting middle housing, the creation of new flag lots is prohibited in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
- (d) *Middle Housing on Flag Lots.* When development of a duplex, triplex, fourplex or cottage cluster, is proposed on a flag lot the lot area minimum for the flag lot shall be 4,500 square feet, excluding the pole portion of the lot.

* * *

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

* * *

(8) Middle Housing Lots. Middle Housing lots shall comply with EC 9.2777 Middle Housing Lot Standards.

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

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

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

* * *

(3) *Development Standards.*

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

* * *

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

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

* * *

(3) *Land Division Regulations.*

(a) *Flag Lot Area.* The required minimum lot area for the flag lot, excluding the pole portion of the lot, is 6,000 square feet. Where a duplex, triplex, fourplex, or cottage cluster is proposed, the minimum lot area for a flag lot is 4,500 square feet, excluding the pole portion of the lot.

* * *

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

9.2777 Middle Housing Lot Standards.

- (1) There are no frontage, width, or lot area standards for middle housing lots.
- (2) A middle housing lot may not contain more than one unit of middle housing. A middle housing lot that includes a common area, but does not include a dwelling, is permitted.
- (3) A middle housing lot may not be divided.

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

9.2780 Purpose of Solar Standards.

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

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

9.3050 Purpose of S-C Chambers Special Area Zone.

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

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

* * *

Section 21. The introductory paragraph of subsection (2), and the introductory paragraph of subsection (3) of Section 9.3065 of the Eugene Code, 1971, are amended to provide as follows:

9.3065 S-C Chambers Special Area Zone – Development Standards.

- (2) *Development Standards Applicable in the S-C/R-1 Subarea.* Except as provided in this subsection, the development standards applicable in the S-C/R-1 Subarea shall be those set forth in EC 9.2750 to EC 9.2777 for the R-1 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC

9.6000 through 9.6885. The development standards in EC 9.3065 (2)(a) – (c) do not apply to middle housing in the S-C/R-1 Subarea. Middle housing in the S-C/R-1 Subarea is subject to the development standards established for the R-1 zone in EC 9.2750 to 9.2751, the Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for All Development in EC 9.6000 through EC 9.6885.

* * *

(3) *Development Standards Applicable in S-C/R-2 Subarea.* Except as provided in this subsection, the development standards applicable in the S-C/R-2 subarea shall be those set out in EC 9.2750 to 9.2777 for the R-2 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885. The development standards in EC 9.3065 (3)(a) – (j) do not apply to middle housing in the S-C/R-2 Subarea. Middle housing in the S-C/R-2 Subarea is subject to the development standards established for the R-2 zone in EC 9.2750 to 9.2751, the Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for All Development in EC 9.6000 through EC 9.6885.

* * *

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

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

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

* * *

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

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

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

* * *

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

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

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

(P) Permitted, subject to zone verification.

(C) Subject to an approved conditional use permit.

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

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

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

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
* * *			
Residential			
Dwellings			
Single-Unit Dwelling		P	P
Accessory Dwelling (1 Per Single-Unit Dwelling on Same Lot)		P	P
Controlled Income and Rent Housing where density is above that normally required in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-unit standards in EC 9.5500.)		S	S
Townhouse (See 9.5550)	S	S	S
Duplex		P	P
Triplex (See EC 9.5550)		S	S
Fourplex (See EC 9.5550)		S	S
Cottage Cluster (See EC 9.5550)		S	S
Multiple Unit (See 9.5500)	S	S	S
Manufactured Home Park (See 9.5400)			P(3)
* * *			

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

9.3116 Special Use Limitation for Table 9.3115.

* * *

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

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

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

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

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

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

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

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

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

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

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

(1)

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

(b) *Middle Housing Standards.* The development standards in EC 9.3125 to 9.3126 do not apply to middle housing in the S-CN special area zone. Middle housing in the S-CN special area zone is subject to the development standards established for the R-4 zone in EC 9.2750 to 9.2751, the Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for All Development in EC 9.6000 through EC 9.6885.

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

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

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

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

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

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

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

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

(P) Permitted, subject to zone verification.

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

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

(#) The numbers in () in the table are uses that have special use limitations described in EC 9.3211.

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

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
* * *	
Residential	
Dwellings (All dwellings types are permitted if approved through the Planned Unit Development process.)	
Single-Unit Dwelling (1 Per Lot)	P
Accessory Dwelling (1 Per Single-Unit Dwelling on Same Lot)	P
Townhouse (See EC 9.5550)	S
Duplex	P
Triplex (See EC 9.5550)	S
Fourplex (See EC 9.5550)	S
Cottage Cluster (See EC 9.5550)	S
Multiple-Unit Dwellings (See EC 9.5500)	S
* * *	

Section 28. Subsection (1) of Section 9.3215 of the Eugene Code, 1971, is amended to provide as follows:

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

(1)

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

(b) *Middle Housing Standards.* All middle housing development in the S-DW special area zone shall be exempt from the development standards in EC 9.3215 to 9.3216. Middle housing in the S-DW special area zone is subject to the development standards established for the R-4 zone in EC 9.2750 to 9.2751, the Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for All Development in EC 9.6000 through EC 9.6885.

* * *

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

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

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

Table 9.3220 S-DW Downtown Westside Special Area Zone Lot Standards	
	S-DW
Area Minimum	
All Lots except Small Lots and Residential Flag Lots (1)	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD
Flag Lot (3)	6,000 square feet
Frontage Minimum	
Interior Lot (1)	20 feet
Corner Lot (1)	20 feet
Curved Lot (1)	20 feet

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

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

9.3221 Special Standards for Table 9.3220.

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

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

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

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

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

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

(1) Allow use of existing non-residential structures on property and the development of complementary structures for video, audio, and film production related purposes.

(2) Ensure that non-residential uses of property are compatible with adjacent residential areas, both on and off the development site to which the S-E zone is applied.

(3) Ensure that portions of the area zoned S-E Elmira Road are kept available for residential development.

(4) Ensure that development within the S-E zone is developed in a manner compatible with the surrounding neighborhood.

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

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

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

(P) Permitted, subject to zone verification.

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

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

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

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

(#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.3311.

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

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
* * *	
Residential	
Dwellings	
Single-Unit Dwelling (1 Per Lot)	P
Townhouse (See EC 9.5550)	S

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
Duplex	P
Triplex (See EC 9.5550)	S
Fourplex (See EC 9.5550)	S
Cottage Cluster (See EC 9.5550)	S
Multiple Unit Dwellings (See EC 9.5500)	PUD
* * *	

Section 33. Subsection (1) of Section 9.3510 of the Eugene Code, 1971, is amended to provide as follows:

9.3510 S-HB Blair Boulevard Historic Commercial Special Area Zone Uses.

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

(1) *Areas Designated for Low and Medium Density Residential.* Allowable uses are:

- (a) Single-Unit dwellings.
- (b) Accessory Dwellings (1 Per Detached Single-Unit Dwelling on Same Lot)
- (c) Duplexes.
- (d) Triplexes.
- (e) Fourplexes.
- (f) Townhouses.
- (g) Cottage Clusters.
- (h) Multiple-Unit dwellings.
- (i) Home occupations.
- (j) Bed and breakfast facilities.

* * *

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

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

(1) *Application of Standards and Adjustment.*

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

(b) *Development Standards for Accessory Dwellings.* The development standards applicable to accessory dwellings in the S-JW zone shall be those set out in EC 9.2751(17)(c) and the General Standards for all Development in EC 9.600 through 9.6885.

(c) *Middle Housing Standards.* The development standards in EC 9.3625, 9.3626, and 9.3640 do not apply to middle housing development in the S-JW special area zone. Middle housing development in the S-JW special area zone is subject to the development standards established for the R-2 zone in EC 9.2750 to 9.2751, the Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for All Development in EC 9.6000 through EC 9.6885.

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

* * *

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

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

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

* * *

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

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

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

* * *

- (14) Residential garages shall be provided access from alleys whenever possible to improve the visual character of the street, improve pedestrian qualities along the street, and to promote construction of small-lot single-unit dwellings with reduced lot widths;
- (15) Multi-unit developments shall retain visual and physical links to adjacent public parks and natural areas and preserve unique natural features found on the site;
- (16) Multi-unit developments shall front onto public and private streets with building entrances visible from the street;
- (17) Setbacks and building designs for multi-unit developments shall insure privacy for and promote compatibility with abutting lower intensity uses;
- (18) Vehicle parking lots or areas shall not be located between buildings and the public street;
- (19) Large parking areas shall be separated into smaller lots to minimize their visual impact;
- (20) Vehicle access points for multi-unit, commercial, and mixed-use developments shall connect to local or collector streets, via alleys whenever possible, rather than arterial streets;

* * *

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

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

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

- (P) Permitted, subject to zone verification.
- (C) Subject to an approved conditional use permit.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

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

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

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

Table 9.3810 S-RN Royal Node Special Area Zone					
Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
* * *					
Residential					
Dwellings. (All dwellings shall meet minimum and maximum density requirements for development within the Royal Specific Plan area. All dwelling types are permitted.)					
Single-Unit Dwelling (1 Per Lot)	P	P	P		
Accessory Dwelling (1 Per Single-Unit Dwelling on Same Lot)	P(1)	P(1)	P(1)		
Townhouse (See EC 9.5550)	S	S	S	S	S
Duplex	P	P	P		
Triplex (See EC 9.5550)	S	S	S	S	
Fourplex (See EC 9.5550)	S	S	S		
Cottage Cluster (See EC 9.5550)	S	S	S		

Table 9.3810 S-RN Royal Node Special Area Zone					
Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Multiple-Unit Dwellings (See EC 9.5500.)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S – SR (4)	S – SR (4)			
Controlled Income and Rent Housing where density is above that normally permitted in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-unit standards in EC 9.5500.)	S (9)	S (9)			

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

9.3811 Special Use Limitations for Table 9.3810.

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

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

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

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

* * *

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

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

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

(1)

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

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

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

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

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

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

Section 40. The first paragraph (excluding Table 9.3822) of Section 9.3822 of the

Eugene Code, 1971, is amended to provide as follows:

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

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

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

* * *

Section 41. The “Residential” “Dwellings” section in Table 9.3910 of Section 9.3910 of the Eugene Code, 1971, is amended to provide as follows:

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

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

(P) Permitted, subject to zone verification.

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

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

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

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

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

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

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
* * *	
Residential	
Dwellings	
Single-Unit Dwelling	P(2)
Accessory Dwelling (1 Per Single-Unit Dwelling on Same Lot)	P
Townhouse (See EC 9.5550)	S(2)
Duplex	S(2)
Triplex (See EC 9.5550)	S(2)

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
Fourplex (See EC 9.5550)	S(2)
Cottage Cluster (See EC 9.5550)	S(2)
Multiple Unit Dwellings (See EC 9.5500)	S(2)
* * *	

Section 42. Subsection (8) of Section 9.3915 of the Eugene Code, 1971, is amended to provide as follows:

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

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

* * *

(8)

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

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

* * *

Section 43. The heading titled “Special Development Standards for Certain Uses” and Section 9.5550 of the Eugene Code, 1971, are added to provide as follows. Figure 9.5550(4)(a)2., Figure 9.5550(4)(b)2-3., Figure 9.5550(4)(b)4., Figure 9.5550(4)(b)5.c.(2), Figure 9.5550(4)(c)1.b.(1), Figure 9.5550(4)(c)1.b.(2), Figure 9.5550(4)(c)1.b.(3), Figure 9.5550(4)(c)1.c., Figure 9.5550(4)(c)2., Figure 9.5550(5)(b), Figure 9.5550(5)(c)2., Figure

9.5550(5)(c)3.b., Figure 9.5550(5)(c)3.c., Figure 9.5550(6)(b)-(c), and Figure 9.5550(6)(f) attached to this Ordinance at Exhibit A are added.

Special Development Standards for Certain Uses

9.5550 Middle Housing Development Standards.

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

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

(2) *Applicability of Middle Housing Development Standards.*

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

- 1. The development of all new middle housing, excluding duplexes; and
- 2. The development of middle housing, excluding duplexes, on a site with an existing dwelling or dwellings; and
- 3. The development of middle housing, excluding duplexes, created by adding building area to an existing dwelling or dwellings.

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

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

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

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

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

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

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

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

1. The garage or off-street parking area is separated from the front lot line by a dwelling or a lot/parcel; or
2. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (**see Figure 9.5550(4)(a)2. Triplex/Fourplex Width of Garages and Parking Areas**).

(b) *Driveways.*

1. In lieu of the access connection standards in EC 7.410, triplexes and fourplexes shall comply with subparagraphs 2-5 of this subsection. Triplexes and fourplexes shall comply with the access connection standards in EC 7.420 through 7.445.
2. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (**see Figure 9.5550(4)(b)2-3. Triplex/Fourplex Driveway Approach Width and Separation on Local Street**). For lots or parcels with more than one frontage, see subsection 5.
3. Driveway approaches may be separated when located on a local street if they comply with the access connection spacing standards in EC 7.420 (**see Figure 9.5550(4)(b)2-3. Triplex/Fourplex Driveway Approach Width and Separation on Local Street**).
4. For lots or parcels abutting an alley that meets the paving width standards of EC 9.6870, access must be taken from the alley (**see Figure 9.5550(4)(b)4. Triplex/Fourplex Alley Access**).
5. Lots or parcels with more than one frontage must comply with the following:
 - a. Lots or parcels with frontages on major collectors and/or arterial streets must meet the access connection standards applicable to major collectors and/or arterials located in EC 7.420(2).
 - b. A lot or parcel with frontage on two or more streets of different street classifications shall comply with EC 7.420(1)(c).

- c. Lots or parcels with frontages only on local streets may have either:
 - (1) Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - (2) One maximum 16-foot-wide driveway approach per frontage (**see Figure 9.5550(4)(b)5.c.2 Triplex/Fourplex Driveway Approach Options for Multiple Local Street Frontages**).

(c) Entry Orientation and Windows.

1. *Entry Orientation.*

- a. At least one main entrance for each triplex or fourplex structure must meet the standards in subparagraphs b. or c. below. Any detached structure where more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.
- b. The main entrance must either:
 - (1) Face the street (**see Figure 9.5550(4)(c)1.b.(1) Middle Housing Main Entrance Facing the Street**);
 - (2) Be located at an angle of up to 45 degrees from the street (**see Figure 9.5550(4)(c)1.b.(2) Middle Housing Main Entrance at 45° Angle from the Street**); or
 - (3) Open onto a porch with one entrance facing the street (**see Figure 9.5550(4)(c)1.b.(3) Middle Housing Main Entrance Opening onto a Porch**).
- c. In lieu of meeting the standards in subparagraph b. above, main entrances for triplexes and fourplexes may instead face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (**see Figure 9.5550(4)(c)1.c. Middle Housing Main Entrance Facing Common Open Space**).
- d. *Criteria for Adjustment.* Adjustments to the standards in EC 9.5550(4)(c)1. may be made, consistent with the criteria in EC 9.8030(37)(a) Entry Orientation.

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

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

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

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

1. Minimum. A townhouse project must contain at least two attached units.
2. Maximum. In the R-1 zone, the maximum number of townhouse units that may be attached is 10. In all other zones, there is no maximum number of townhouses that may be attached.

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

1. A roof dormer a minimum of 4 feet in width, or
2. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
3. A bay window that extends from the facade a minimum of 2 feet, or
4. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
5. An entryway that is recessed a minimum of 3 feet, or
6. A covered entryway with a minimum depth of 4 feet, or
7. A porch meeting the standards of subsection 9.5550(5)(d)1.b.3.

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

1. EC 7.420 and 7.445 and subparagraphs 2-4 of this subsection.
2. Garages on the front façade of a townhouse, off-street parking areas within the front yard setback, and driveways in front of a townhouse are allowed only if they meet the following standards in this subsection 2 (**see Figure 9.5550(5)(c)2. Townhouses with Parking in Front Yard**).
 - a. Each townhouse lot has a street frontage of at least 15 feet on a local street.
 - b. A maximum of 1 driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
 - c. Outdoor on-site parking and maneuvering areas do not exceed a total width of 12 feet on any lot.
 - d. The garage width does not exceed 12 feet.
3. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection 2 of this section.

- a. Off-street parking areas shall be accessed on the back façade of the townhouse or located in the rear yard of the townhouse. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
 - b. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. **(See Figure 9.5550(5)(c)3.b. Townhouses on Corner Lot with Shared Access.)**
 - c. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area between the front building façade and front lot line of any of the townhouses. **(See Figure 9.5550(5)(c)3.c. Townhouses with Consolidated Access.)**
 - d. Townhouse projects shall include access easements recorded with Lane County Deeds and Records for vehicular access and emergency access for any consolidated access or shared driveways.
4. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsections 2 and 3 of this section.
5. *Criteria for Adjustment.* Except for those standards that cannot be adjusted, adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(d) Townhouse Driveway Access and Parking.

(d) Entry Orientation and Windows.

1. *Entry Orientation.*

- a. The main entrance of each townhouse dwelling with frontage on a public street must meet the standards in subparagraphs b and c below.
- b. The main entrance must either:
 - (1) Face the street **(see Figure 9.5550(4)(c)1.b.(1) Middle Housing Main Entrance Facing the Street)**;
 - (2) Be located at an angle of up to 45 degrees from the street **(see Figure 9.5550(4)(c)1.b.(2) Middle Housing Main Entrance at 45° Angle from the Street)**; or
 - (3) Open onto a porch with one entrance facing the street **(see Figure 9.5550(4)(c)1.b.(3) Middle Housing Main Entrance Opening onto a Porch)**.
- c. In lieu of meeting a or b. above, main entrances for townhouses may instead face a common open space, private street, or driveway.
- d. *Criteria for Adjustment.* Except for those standards that cannot be adjusted, adjustments to the standards in EC 9.5550(5)(d)1. may be made, consistent with the criteria in EC 9.8030(37)(a) Entry Orientation.

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

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

(a) *General Standards.*

1. *Number of Dwellings.*

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

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

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

2. *Setbacks.*

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

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

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

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

a. Any part of a structure without a roof.

b. Roof eaves.

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

d. Detached garages or accessory buildings.

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

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

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

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

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

1. Each cottage within a cluster must either abut the common courtyard or must be connected to it by a pedestrian path. This standard may not be adjusted.
2. A minimum of 50 percent of cottages within a cluster must:
 - a. Have a main entrance facing the common courtyard;
 - b. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
3. As long as the standard in subsection 2 is met, the main entrances of cottages within 20 feet of a property line abutting a street may face the street.
4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is connected to the common courtyard.
5. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(f) Cottage Cluster Orientation Standards.

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

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

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

1. Each cottage cluster is permitted one community building.
2. The community building shall have a maximum floor area of 1,200 sf. In addition, the community building shall count towards the maximum average dwelling size calculation of the cottage cluster, pursuant to subsection 9.5550(6)(a)5.
3. If a community building meets the definition of a dwelling unit, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
4. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(h) Community Building Standards.

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

1. A pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - a. The common courtyard;

- b. Shared parking areas;
 - c. Community buildings;
 - d. Sidewalks; and
 - e. Public rights-of-way abutting the site.
2. The pedestrian path must be hard-surfaced (concrete, asphalt, or pavers) and a minimum of 3 feet wide.

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

1. *Clustered parking.* Off-street parking may be arranged in parking clusters, subject to the following standards:
 - a. Cottage cluster projects are permitted parking clusters of not more than 10 contiguous spaces.
 - b. Parking clusters must be separated from other parking spaces or parking clusters by at least 4 feet of landscaping.
 - c. Clustered parking areas may be covered.
 - d. Clustered parking areas must meet the standards in EC 9.6420; however, where the standards in EC 9.6420 conflict with the clustered parking standards in this subsection 1, the clustered parking standards in this subsection 1 control.
2. *Parking location and access.*
 - a. Off-street parking areas with 5 or more spaces shall not be located within 10 feet from any property line that abuts a street;
 - b. No off-street parking space or vehicle maneuvering area is permitted between a property line that abuts a street and the front façade of cottages located closest to that property line.
 - c. No off-street parking space is permitted within 10 feet of any property line external to the cottage cluster or cottage cluster project, except property lines abutting an alley. Driveways and drive aisles are permitted within 10 feet of property lines external to the cottage cluster or cottage cluster project.
 - d. Driveways must meet the access connection standards in EC 7.410 and 7.420.
3. *Screening.* Screening that is at least three feet tall, consisting of landscaping, fencing, or walls shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. *Garages and carports.*

- a. Garages and carports (whether shared or individual) must not abut more than 25 percent of a common courtyard's perimeter.
- b. Individual detached garages must not exceed 400 square feet in floor area.
- c. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

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

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

- 1. The existing dwelling may be nonconforming with respect to the requirements of this section EC 9.5550(6).
- 2. The existing dwelling may be altered or expanded up to a maximum height of 25 feet or a maximum building footprint of 900 square feet. Existing dwellings that exceed the maximum height and/or footprint standards may not be expanded.
- 3. The existing dwelling shall be excluded from the calculation of maximum average dwelling size of a cottage cluster, per 9.5550(6)(a)5.
- 4. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 9.5550(6)(b)2.

Section 44. The “Residential” section in Table 9.6105(5) of subsection (5) of Section

9.6105 of the Eugene Code, 1971, is amended to provide as follows:

9.6105 Bicycle Parking Standards.

* * *

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

Table 9.6105(5) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless – 0 – is indicated.)	Type and % of Bicycle Parking
* * *		
Residential		
Single-Unit Dwelling	– 0 –	NA
Secondary Dwelling (Either attached or detached from primary dwelling on same lot)	– 0 –	NA
Middle Housing	– 0 –	NA
Multiple Unit Dwelling (5 or more dwellings on same lot)	1 per dwelling.	100% long term
Manufactured Home Park	– 0 –	NA
Controlled Income and Rent Housing where density is above that usually permitted in the zoning yet not to exceed 150%	1 per dwelling.	100% long term
* * *		

Section 45. Figure 9.6410(6)(b) attached to this Ordinance at Exhibit A is added, the “Residential” “Dwelling” section in Table 9.6410 and the introductory paragraph of subsection (5) of Section 9.6410 of the Eugene Code, 1971, are amended, and subsection (6) of Section 9.6410 is added to provide as follows:

9.6410 Motor Vehicle Parking Standards.

* * *

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
* * *	
Residential	
Dwelling	
Single-Unit Dwelling	1 per dwelling.
Single-Unit Dwelling – Flag Lot	2 per dwelling.
Secondary Dwelling (Either attached or detached from primary single-unit dwelling on same lot)	0
Townhouse (see (6) below)	1 per dwelling.
Duplex (see (6) below)	1 per dwelling.
Triplex (see (6) below)	Lots under 3,000 square feet: 1 space per triplex. Lots 3,000 square feet to 4,999 square feet: 2 spaces per triplex. Lots 5,000 square feet and over: 3 spaces per triplex.
Fourplex (see (6) below)	Lots 3,000 square feet to 4,999 square feet: 2 spaces per fourplex. Lots 5,000 square feet to 6,999 square feet: 3 spaces per fourplex. Lots 7,000 square feet and over: 4 spaces per fourplex.
Cottage Cluster (see (6) below)	1 per dwelling
Multiple-Unit Dwellings not specifically addressed elsewhere in this Table.	1 per dwelling
Multiple-Unit Dwellings in the R-3 and R-4 zones within the boundaries of the City recognized West	1 space for each studio, 1 bedroom or 2 bedroom dwelling

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
University Neighbors and South University Neighborhood Association	1.5 spaces for each 3 bedroom dwelling* *.5 spaces required for each additional bedroom beyond a 3 bedroom dwelling. Fractions of .5 or more are rounded up to the next whole number. Rounding shall occur after the total number of minimum spaces is calculated for the multi-family development. One tandem space shall be counted as two parking spaces. Tandem spaces shall not be allowed for studio or 1- or 2-bedroom dwellings.
Multiple-Unit Subsidized Low-Income Housing in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Unit Subsidized Low-Income Senior Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Unit Subsidized Low-Income Disabled Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Unit Subsidized Low-Income Senior Housing Partial in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Unit Subsidized Low-Income Specialized Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Manufactured Home Park	1 per dwelling.
Controlled Income and Rent Housing (CIR) where density is above that usually permitted in the zoning, yet not to exceed 150%	1 per dwelling.
* * *	

* * *

(5) Special Standards for Table 9.6410. For Multiple-Unit Subsidized Low-Income Housing, Subsidized Low-Income Senior Housing, Subsidized Low-Income Senior Housing Partial, and Subsidized Low-Income Specialized Housing, the following standards apply:

* * *

(6) *Special Standards for Middle Housing.*

(a) *On-Street Parking Credit.*

1. A credit for on-street parking shall be granted as provided in subsection 2 of this section.
2. If on-street parking spaces meet all the standards in subparagraphs a – d below, they may be counted toward the minimum off-street parking requirement for a middle housing development.
 - a. Any length of an on-street parking space is abutting the middle housing development site. If two middle housing development sites abut a space, both sites may count the space toward their respective requirements.
 - b. The space is in a location where on-street parking is permitted by the City of Eugene.
 - c. The space must be a minimum of 22 feet long.
 - d. The space must not obstruct a required Vision Clearance Area.
3. The portion of a street abutting a middle housing development site is not eligible for on-street parking credits if:
 - a. The portion of the street abutting a middle housing development does not meet the paving width standards in EC 9.6870 and is not a City of Eugene right-of-way or maintained by the City of Eugene; or
 - b. The portion of the street abutting a middle housing development is subject to metered or timed parking restrictions imposed by the City of Eugene, other than residential parking permit programs.

(b) *Proximity to Transit.* No off-street parking spaces are required for middle housing dwelling units on lots located within ¼ mile walking distance from an EmX station, as shown on the overview map and map tiles that together comprise Figure 9.6410(6)(b), Middle Housing Parking Incentive – Proximity to Transit.

(c) *Reduced Parking for Income-Qualified Middle Housing.* When at least 50 percent of the dwelling units in a duplex, triplex, fourplex, townhouse project, or cottage cluster qualify as income-qualified middle housing, the minimum off-street parking requirement shall be reduced by one space per income-qualified unit. In calculating the number of income-qualified middle housing units, fractional dwelling units shall be rounded down to the nearest whole number (for example, 50 percent of the units in a triplex equals 1.5 units, so

at least 1 unit must be income-qualified to for the triplex to qualify for the parking reduction pursuant to this subparagraph).

(d) *Conversions.* No additional off-street parking spaces shall be required for middle housing conversion.

Section 46. Subsections (3)(a)1. and (5)(a) of Section 9.6420 of the Eugene Code, 1971, are amended to provide as follows:

9.6420 Parking Area Standards.

* * *

(3) *Landscape Standards.*

(a) *Applicability of Parking Area Landscape Standards.*

1. *General Provisions.* Subject to any exceptions therein, the standards in subparagraphs (b) – (e) apply to all parking areas, including carports, that provide for 3 or more spaces except for the following:

- a. A parking area for a single-unit dwelling, accessory dwelling, or middle housing.
- b. A structured parking area. See subsection (3)(f).
- c. A legal non-conforming parking area. See subsection (3)(a)(2).

(5) *Loading and Service Drives.*

(a) When 3 or more parking spaces or 1 or more loading spaces are provided on a development site, except those provided in conjunction with a single-unit dwelling or middle housing on a single lot and those located along alleys, they all shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide safety for traffic ingress and egress, and safety of pedestrian and vehicular traffic on the site. In no case shall two-way and one-way driveways be less than 20 feet wide and 12 feet wide respectively. Up to 2 existing parking spaces serving an existing one – or two-family residence are not included in the total number of spaces at the time of redevelopment, if the existing spaces are in a different location than new parking spaces and the one – and two-family residences will remain on the development site.

* * *

Section 47. Subsection (4)(a) of Section 9.6650 of the Eugene Code, 1971, is amended to provide as follows:

9.6650 Residential Sign Standards.

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

(a) *Freestanding Signs.*

1. Located on property used for residences other than single-unit dwellings or duplexes shall be no more than 12 square feet for 1 face and 24 square feet for 2 or more faces.
2. Located on non-residentially used property or classified as a permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
3. Classified as temporary subdivision or planned unit development sales signs shall be no more than 64 square feet in area for 1 or more faces.

Section 48. Subsection (2) of Section 9.6703 of the Eugene Code, 1971, is amended to provide as follows:

9.6703 Driveways and Internal Circulation.

* * *

(2) If five or more lots will share one access connection, the driveway shall be designed and constructed as a private street in accordance with EC 9.6875.

Section 49. The introductory paragraph of subsection (2)(c) of Section 9.6730 of the Eugene Code, 1971, is amended to provide as follows:

9.6730 Pedestrian Circulation On-Site.

* * *

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

* * *

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

* * *

Section 50. The introductory paragraph of Section 9.6740 of the Eugene Code, 1971, is amended to provide as follows:

9.6740 Recycling and Garbage Screening.

Except for single-unit dwellings, accessory dwelling units and middle housing, outdoor storage areas and refuse collection areas within or adjacent to vehicular use areas shall be screened on all sides so that materials stored within these areas are obscured from streets, accessways, or adjacent properties.

* * *

Section 51. Subsection (7)(a)1. of Section 9.6745 of the Eugene Code, 1971, is amended to provide as follows:

9.6745 Setbacks – Intrusions Permitted.

* * *

(7) Parking Spaces in Required Setbacks.

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

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

* * *

Section 52. Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

9.6775 Underground Utilities.

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

- (a) Temporary uses on a development site.
- (b) New utility connections to structures or buildings with legally established above ground utility service.
- (c) Accessory dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.

(d) Dwellings on lots that can be served from an existing above ground utility-owned structure without required addition of above ground utility owned structures.

(2) *Underground Utility Standards.* All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

Section 53. Subsections (2)(e)5. and (2)(e)6., and (3)(b)1. of Section 9.6792 of the Eugene Code, 1971, are amended to provide as follows:

9.6792 Stormwater Quality.

* * *

(2) *Applicability and Exemptions.*

* * *

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

* * *

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

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

* * *

(3) *Standards.*

* * *

(b) For land use applications proposing the construction of a public street, stormwater quality facilities to treat the stormwater runoff from the proposed public street shall be

selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, mechanical treatment.

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

* * *

Section 54. Subsection (2)(c)2. of Section 9.6793 of the Eugene Code, 1971, is amended to provide as follows:

9.6793 Stormwater – Flow Control (Headwaters).

* * *

(2) Applicability and Exemptions.

* * *

- (c) The standards in EC 9.6793(3) do not apply to:

* * *

2. A development permit application for any of the following:

- a. Development of a lot or parcel included in a land use application that was determined by the city to comply with the standards in EC 9.6793(3). For such a development permit, the approved land use plan shall control.
- b. Development of a lot or parcel that was not included in a land use application that was determined by the city to comply with the standards in EC 9.6793(3) and:
 - (1) Will result in less than 1,000 square feet of new or replaced impervious surface within a 12 month period; or
 - (2) Is to construct or alter a single-unit dwelling or duplex; or
 - (3) Is for the replacement of more than 1,000 square feet of impervious surface for purposes of maintenance or repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site.

Section 55. Subsections (2)(c) and (2)(f)(3) of Section 9.6795 of the Eugene Code, 1971, is amended to provide as follows:

9.6795 Stormwater – Source Controls.

* * *

(2) *Applicability and Exemptions.* Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards set forth in EC 9.6795(3), apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in EC 9.6795(2)(a) – (h).

* * *

(c) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for single-unit dwellings and duplexes and areas used for the temporary storage of wood pallets or cardboard.

* * *

(f) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:

1. Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for example cranes and sail boats.
2. Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.
3. Single-unit dwelling and duplex sites.

Development that is intended for the storage of 10 or more fleet vehicles shall include a designated vehicle washing area.

Section 56. Subsection (1)(a) and (1)(b) of Section 9.6885 of the Eugene Code, 1971, is amended to provide as follows:

9.6885 Tree Preservation and Removal Standards.

(1) *Exemptions from Standards.* The standards in this section do not apply to activities regulated under EC 9.4900 through 9.4980, or an application for development activity that includes or will result in:

(a) *Residential Lots Under 20,000 Square Feet.* Removal of significant trees from a parcel of property not subject to the provisions of subsection (c) of this section with an area of less than 20,000 square feet when:

1. Such parcel is occupied by a single-unit dwelling, accessory dwelling, or middle housing;
2. An application to construct a single-unit dwelling, accessory dwelling, or middle housing on such lot is being reviewed by the city. However, no significant trees may be removed prior to the approval of the development permit; or
3. The city has entered into an agreement authorizing the start of construction for a single-unit dwelling, accessory dwelling, or middle housing.

(b) *Lots 20,000 Square Feet or Larger.* Removal of up to 5 significant trees within a period of 12 consecutive months from a parcel of property not subject to the provisions of subsection (c) of this section consisting of 20,000 or more square feet of area;

* * *

Section 57. Section 9.7000 of the Eugene Code, 1971, is amended to provide as follows:

9.7000 Introduction.

Review of an application to annex property, divide land, develop or use property, or amend this land use code, the comprehensive plan, or a refinement plan, shall be processed as provided in sections 9.7000 through 9.7925.

Section 58. Section 9.7015 of the Eugene Code, 1971, is amended to provide as follows:

9.7015 Application Completeness Review.

Except as provided in EC 9.7905, the city shall review an application, other than an application for a final plat for a middle housing land division, partition, or subdivision, and, within 30 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:

- (1) Upon receipt of all of the missing information requested by the city; or

(2) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or

(3) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided.

On the 181st day after being first submitted, the application will be void if the applicant has been notified of the missing information and has not complied with (1), (2), or (3) of this section.

Section 59. Section 9.7020 of the Eugene Code, 1971, is amended to provide as follows:

9.7020 Extension of Time Limit Restrictions.

(1) Except as provided in subsection (2) of this section, upon the written request of the applicant submitted to the planning director, any applicable time limits may be extended for a specified period of time, but in no case may the total of all extensions exceed 245 days.

(2) Prior to expiration of the time period identified in EC 9.7915, the city council may, at a regularly scheduled meeting, extend the time period for the planning director's decision on an Expedited Land Division application or Middle Housing Land Division application to a date certain that is no more than 120 days from the date the application was deemed complete pursuant to EC 9.7905. The city council's decision to extend the time period in EC 9.7915 must be based on a finding that an unexpected or extraordinary increase in applications makes a decision within the time period identified in EC 9.7915 impracticable. The city shall mail notice of the meeting at which the city council will consider extending the time for the planning director's decision on an Expedited Land Division application or Middle Housing Land Division application to the applicant at least ten days in advance of the meeting. The city council's decision under this subsection (2) is not a land use decision or a limited land use decision.

Section 60. Subsection (1) of Section 9.7025 of the Eugene Code, 1971, is amended to provide as follows:

9.7025 Performance Agreements.

(1) *Applicability.* The city shall require execution of a performance agreement by the applicant for all of the following types of applications:

- (a) Conditional use permit and any modifications.
- (b) Design review.
- (c) Historic property alteration and any modifications.
- (d) Middle Housing Land Divisions described in EC 9.8192(3).
- (e) Planned unit development, final plan and any modifications.

- (f) Site review and any modifications.
- (g) Subdivisions final plat and any modifications.
- (h) Standards review and any modifications.

Section 61. Section 9.7030 of the Eugene Code, 1971, is amended to provide as follows:

9.7030 Recordation of Certain City Decisions.

After a decision becomes final at the local level, the city shall record at Lane County Deeds and Records a notice of a decision concerning property that is the subject of the following types of applications:

- (1) Conditional use permit and any modifications.
- (2) Design Review.
- (3) Historic landmark, designation.
- (4) Historic property, alteration.
- (5) Middle Housing Land Division.
- (6) Planned unit development, final plan and any modifications.
- (7) Property line adjustment.
- (8) Site review and any modifications.
- (9) Variances.
- (10) Willamette Greenway permit and any modifications.
- (11) Zone change.
- (12) Vacations.

Section 62. Section 9.7055 of the Eugene Code, 1971, is amended to provide as follows:

9.7055 Applications and Review Authorities.

Table 9.7055 Applications and Review Authorities, lists applications and the typical review authorities for the decision and the appeal of the decision. To accommodate a request for

concurrent review, the city may instead review multiple applications according to the highest applicable type:

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Adjustment Review						
– Minor	II	D	A			
– Major	II	D			A	
Annexations (See EC 9.7800)						D
Cluster Subdivision	II	D	A			
Code Amendment	V				R	D
Conditional Use Permit	III		D		A	
Conditional Use Permit, Modification	II	D	A			
Design Review	II	D	A			
Design Review, Modification	II	D	A			
Envision Eugene Comprehensive Plan Amendment	IV or V				R	D
Expedited Land Division	N/A (See 9.7900)	D	A			
Extra-Territorial Extension of Water or Sewer Service						D
Hazardous Materials Review	II	D	A			
Historic Landmark (Local):						

Table 9.7055 Applications and Review Authorities**R = Recommendation, D = Decision Maker, A = Appeal Review Authority**

Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
– Designation	III			D	A	
– Removal of Designation	I	D				
Historic Property:						
– Alteration	II	D		A		
– Demolition	II	D		A		
– Moving	II	D		A		
Metro Plan Amendment	N/A (See EC 9.7700)				R	D
Middle Housing Land Division						
- Tentative Plan	N/A (See 9.7900)	D	A			
- Final Plat	I	D				
Partition:						
– Tentative Plan	II	D	A			
– Final Plat	I	D				
Planned Unit Development:						
– PUD Tentative Plan	III		D		A	
– PUD Final Plan	II	D	A			
– PUD Modification	II	D	A			
Property Line Adjustment	I	D				

Table 9.7055 Applications and Review Authorities**R = Recommendation, D = Decision Maker, A = Appeal Review Authority**

Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Refinement Plan Amendment	IV or V				R	D
Site Review	II	D	A			
Site Review, Modification	II	D	A			
Standards Review	II	D	A			
Street Name Change	IV				R	D
Subdivision:						
– Tentative Plan	II	D	A			
– Final Plat	I	D				
Temporary Manufactured Dwelling Hardship Permit	I	D				
Temporary Manufactured Dwelling Hardship Permit, Renewal	I	D				
Traffic Impact Analysis Review	II	D	A			
Vacations:						
– Unimproved Easement	I	D				
– Undeveloped Plat						D
– Unimproved Public Right – of-	II	D	A			

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
way, Improved Public Easements						
– Vacation and Re-dedication of Unimproved Public Right-of-way	II	D	A			
– Vacation of Improved Public Right-of-way, and vacation of any public way acquired with public funds						D
Variance	II	D	A			
/WQ Water Quality Overlay Zone – Map or Zone Error (See EC 9.4786	II	D	A			
/WR Water Resources Conservation Overlay Zone – Map or Zone Error (See EC 9.4960)	I or II	D	A			
Willamette Greenway Permit	III		D		A	
Willamette Greenway Permit, Modification	II	D	A			
Zone Change	III		D		A	

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Zone Change, concurrent with a refinement plan, land use code, Envision Eugene Comprehensive Plan or Metro Plan amendment shall follow applicable procedure for each type of amendment.						

Section 63. Table 9.7230 of Section 9.7230 of the Eugene Code, 1971, is amended and subsection (10) is added to provide as follows:

9.7230 Expiration.

(1) The planning director's approval of an application shall expire in 12 months, 18 months, or 36 months from the effective date of approval, depending upon the type of land use application as specified in Table 9.7230 Expiration of Type II Application Approvals, or as provided in subsections (2) through (9) of this section. If an application approval has expired according to any of the conditions stated in subsections (2) through (9), the original application approval is revoked and a new application must be filed.

Table 9.7230 Expiration of Type II Application Approvals			
Application	12 months	18 months	36 months
Adjustment Review		X	
Conditional Use Permit, Modification		X	
Design Review			X
Design Review, Modification			X
Historic Property, Alteration		X	

Table 9.7230 Expiration of Type II Application Approvals			
Application	12 months	18 months	36 months
Middle Housing Land Division, Tentative Plan			X
Partition:			
– Tentative Plan		X	
Planned Unit Development, Final			X
Planned Unit Development, Modification			X
Site Review		X	
Site Review, Modification		X	
Standards Review		X	
Standards Review, Modification		X	
Subdivision:			
– Tentative Plan			X
Traffic Impact Analysis Review		X	
Variance		X	

* * *

(10) Approval of a Middle Housing Land Division tentative plan shall be effective for 36 months after the effective date of approval. Within that time, any conditions of approval shall be fulfilled and the final plat, as approved by the city, shall be recorded by the applicant at Lane County Deeds and Records.

Section 64. Section 9.7600 of the Eugene Code, 1971, is amended to provide as follows:

9.7600 General Overview of Appeal Procedures.

The appeal procedures in EC 9.7605 through EC 9.7635 apply to appeals of interpretations of this land use code made according to EC 9.0040(1) and to appeals to all Type II land use applications. The appeal procedures in EC 9.7640 through EC 9.7644 apply to appeals of decisions made pursuant to EC 9.7915. The appeal of the planning director's decision provides for a review of an administrative decision by a higher review authority specified in this land use code. The planning director's decision may be affirmed, reversed, or modified.

Section 65. Section 9.7640 of the Eugene Code, 1971, is added to provide as follows:

9.7640 Filing of Appeal of Planning Director's Decision on Expedited Land Division or Middle Housing Land Division Application.

(1) Within 14 days of the date of the mailing of notice of the planning director's decision on an Expedited Land Division application or a Middle Housing Land Division application, the decision may be appealed to the hearings official by:

(a) The applicant.

(b) Any group or individual who submitted written comments during the 14-day comment period identified in the notice mailed pursuant to EC 9.7910.

(2) The appeal shall be submitted on a form approved by the city manager, be accompanied by a deposit for costs established by the city manager pursuant to EC 2.020 City Manager – Authority to Set Fees and Charges and be received by the city no later than 5:00 p.m. on the 14th day after the notice of decision is mailed. The record from the planning director's proceeding shall be forwarded to the hearings official. New evidence shall be accepted.

(3) The appeal shall include a statement of issues on appeal. The appeal statement shall explain specifically how:

(a) The Planning Director's decision violates the substantive provisions of land use regulations applicable to the application;

(b) The Planning Director's decision is unconstitutional;

(c) The application is not eligible for review under the procedures at EC 9.7900 through 9.7925; or

(d) The parties' substantive rights have been substantially prejudiced by an error in procedure made by the city.

Section 66. Section 9.7641 of the Eugene Code, 1971, is added to provide as follows:

9.7641 Notice of Appeal Procedure.

(1) Within seven days of the date an appeal pursuant to EC 9.7640 is filed, city staff, on behalf of the hearings official, shall mail written notice of the appeal to all of the following:

(a) Applicant.

(b) Owner of the subject property.

(c) The Planning Director.

(d) Appellant.

(e) Any person or organization entitled to notice under EC 9.7910 that provided written comments prior to the close of the public comment period identified in the notice mailed pursuant to EC 9.7910.

(f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.

(2) The notice shall include all of the following:

(a) The street address or other easily understood geographical reference to the subject property.

(b) The applicable criteria for the decision, listed by commonly used citation.

(c) The nature of the application and the proposed use or uses which could be authorized.

(d) An explanation of the requirements for submission of testimony and appeal procedures.

(e) A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and that copies can be obtained at cost.

(f) The name and telephone number of a city contact person.

(g) A statement that a person or organization that provided written comments to the planning director prior to the close of the public comment period identified in EC 9.7910, but did not file an appeal within the time set by EC 9.7640, may participate in the appeal only with respect to the issues raised in the written comments submitted to the planning director by that person or organization.

Section 67. Section 9.7642 of the Eugene Code, 1971, is added to provide as follows:

9.7642 Appeal Procedure.

(1) Only written evidence and argument will be accepted.

(2) The hearings official may use any appeal procedure that is consistent with the interests of the parties and will ensure a fair opportunity to present information and argument.

(3) The hearings official shall provide the city an opportunity to explain the planning director's decision, but the hearings official is not limited to reviewing the planning director's decision and may consider information not presented to the planning director.

(4) A person or organization that provided written comments to the planning director prior to the close of the public comment period identified in EC 9.7910, but did not file an appeal within the time set by EC 9.7640, may participate in the appeal only with respect to the issues raised in the written comments submitted to the planning director by that person or organization.

Section 68. Section 9.7643 of the Eugene Code, 1971, is added to provide as follows:

9.7643 Decision.

- (1) The hearings official shall issue a written decision on an appeal of an Expedited Land Division application or a Middle Housing Land Division application within 42 days of the date the appeal is received by the city.
- (2) Except as provided in subsection (5) the hearings official shall affirm, reverse, or modify the decision of the planning director. Before reversing or modifying the planning director's decision, the hearings official shall make findings and conclusions clearly stating how the planning director failed to properly evaluate the application or make a decision consistent with applicable criteria. The hearings official shall seek to identify means by which the application can satisfy the applicable approval criteria.
- (3) The decision of the hearings official is final.
- (4) The hearings official's decision is not a land use decision or limited land use decision.
- (5) If the hearings official finds that the application does not qualify as an Expedited Land Division application or a Middle Housing Land Division application, the hearings official shall remand the application to the appropriate initial decisionmaker for consideration as a land use application or limited land use application.
- (6) The hearings official's decision may not reduce the density of an Expedited Land Division application.
- (7) The hearings official shall assess the costs of the appeal as follows:
 - (a) If the hearings official's decision materially improves the appellant's position in comparison to the planning director's decision, the hearings official shall order the city to refund the deposit for costs required by EC 9.7640(2) to the appellant.
 - (b) If the hearings official's decision does not materially improve the appellant's position in comparison to the planning director's decision, the hearings official shall order the appellant to pay to the city the costs of the appeal that exceed deposit required by EC 9.7640(2), up to a maximum of \$500.
- (8) As used in subsection (7), "costs of the appeal" include the compensation paid the hearings official and other costs incurred by the city, but not the costs incurred by other parties.

Section 69. Section 9.7644 of the Eugene Code, 1971, is added to provide as follows:

9.7644 Notice of Decision.

- (1) Within 5 days after the date of the hearings official's decision on the appeal of an Expedited Land Division application or a Middle Housing Land Division application, notice of the decision shall be mailed to all of the following:

- (a) Applicant.
 - (b) Appellant.
 - (c) Any person who provided oral or written testimony in a timely manner during the appeal.
 - (d) Any person who requested notice of the appeal decision.
- (2) The notice shall:
- (a) Summarize the decision of the hearings official.
 - (b) Explain the appeal rights.
- (3) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

Section 70. The following heading and Section 9.7900 of the Eugene Code, 1971, are added to provide as follows:

Expedited Land Division/Middle Housing Land Division Application Procedures

9.7900 General Overview of Expedited Land Division/Middle Housing Land Division Application Procedures.

The Expedited Land Division/Middle Housing Land Division review process provides for review by the planning director of an application based on provisions specified in this land use code. The application process includes notice to nearby occupants and property owners to allow for public comments prior to the planning director's decision.

Section 71. Section 9.7905 of the Eugene Code, 1971, is added to provide as follows:

9.7905 Expedited Land Division/Middle Housing Land Division Application Completeness.

(1) The city shall review an application for an Expedited Land Division or Middle Housing Land Division, and, within 21 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:

- (a) Upon receipt of all of the missing information requested by the city; or

(b) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or

(c) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided.

(2) If the application was complete when first submitted or the applicant submits the missing information identified by the city within 180 days of the date the application was first submitted, approval or denial of the application will be based on the standards and criteria that were applicable at the time the application was first submitted.

Section 72. Section 9.7910 of the Eugene Code, 1971, is added to provide as follows:

9.7910 Notice of Application.

(1) Within 10 days of the city's determination that an application is complete, but at least 20 days before the planning director makes a decision, written notice of the application shall be mailed to all of the following, using information from the most recent property tax assessment roll:

(a) Applicant.

(b) Owners and occupants of the subject property.

(c) Owners and occupants of properties located within 100 feet of the perimeter of the subject property.

(d) Neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.

(e) Community organizations that have submitted written requests for notification.

(f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.

(2) The notice shall include all of the following:

(a) The street address or other easily understood geographical reference to the subject property.

(b) The applicable criteria for the decision, listed by commonly used citation.

(c) The place, date, and time that comments are due.

(d) A statement that copies of all evidence relied upon by the applicant are available for review and can be obtained at cost.

(e) A statement that issues that may provide the basis for an appeal to the hearings official must be raised in writing prior to the end of the comment period and with sufficient specificity to enable the hearings official to respond to the issue.

- (f) The name and phone number of a city contact person.
 - (g) A brief summary of the local decision-making process for the decision being made.
- (3) The notice shall allow a 14-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the city within that 14-day period.
- (4) Responsibility and procedures for mailing and posting the notices described in this section may be established by administrative rule of the city manager adopted pursuant to section 2.019 of this code.

Section 73. Section 9.7915 of the Eugene Code, 1971, is added to provide as follows:

9.7915 Decision.

Within 58 days of the city's determination that an application is complete, the planning director shall approve, conditionally approve, or deny an Expedited Land Division or Middle Housing Land Division application. The decision shall: include a brief statement that explains the criteria and standards considered relevant to the decision; state the facts relied upon in rendering the decision; and explain the justification for the decision based upon the criteria, standards and facts set forth. The planning director's decision on an application for an Expedited Land Division or Middle Housing Land Division is not a land use decision or limited land use decision.

Section 74. Section 9.7920 of the Eugene Code, 1971, is added to provide as follows

9.7920 Notice of Decision.

- (1) Within 5 days after the planning director renders a decision, notice of the decision shall be mailed to the following:
- (a) Applicant.
 - (b) Owner and occupants of the subject property.
 - (c) Owners and occupants of properties located within 100 feet of the perimeter of the subject property.
 - (d) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
 - (e) Community organizations that have submitted written requests for notification.
 - (f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.
 - (g) Any group or individual who submitted written comments during the comment period.
 - (h) Those groups or individuals who requested notice of the decision.

- (2) The notice shall include all of the following:
- (a) A description of the nature of the decision of the planning director.
 - (b) An explanation of the nature of the application and the proposed use or uses which could be authorized.
 - (c) The street address or other easily understood geographical reference to the subject property.
 - (d) The name of a city representative to contact and the telephone number where additional information may be obtained.
 - (e) A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
 - (f) A statement that the applicant and any person or organization that submitted written comments during the comment period may appeal as provided in EC 9.7640.
 - (g) A statement that the planning director's decision will not become final until the period for filing a local appeal has expired.
 - (h) An explanation that a person who is mailed written notice of the planning director's decision cannot appeal directly to LUBA.
- (3) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.
- (4) Unless appealed according to the procedures in EC 9.7640 Filing of Appeal of Planning Director's Decision on Expedited Land Division or Middle Housing Land Division Application, the planning director's decision is effective on the 15th day after notice of the decision is mailed.

Section 75. Section 9.7925 of the Eugene Code, 1971, is added to provide as follows:

9.7925 Approved Site Plans.

The applicant shall provide the city with 4 copies of site plans that meet the conditions of approval of the planning director's decision.

Section 76. Subsection (1) of Section 9.8005 of the Eugene Code, 1971, is amended to provide as follows:

9.8005 Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.

(1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through 9.3980, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through 9.7925, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.

Section 77. Subsection (37) of Section 9.8030 of the Eugene Code, 1971, is added to provide as follows:

9.8030 Adjustment Review – Approval Criteria.

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

* * *

(37) *Middle Housing Standards Adjustment.* Where EC 9.5550 provides that standards applicable to triplexes, fourplexes, townhouses, or cottage clusters may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following, as applicable:

(a) *Entry Orientation.* The requirements set forth in EC 9.5550(4)(c) and 9.5550(5)(d)1. may be adjusted if the overall proposal creates building orientations and entrances that achieve all of the following:

1. Enhances public safety for residents and visitors; and
2. Provides opportunities for community interaction; and
3. Ensures that the main entrance is visible or clearly identifiable from the street or from common open spaces by its orientation or articulation; and
4. Ensures that residents, visitors, and emergency personnel can easily find the main entrance, and so establish how to enter the residence.

(b) *Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes.* The requirements set forth in EC 9.5550(4)(a) and (b) may be adjusted if the proposal achieves the following:

1. Supports a pedestrian-friendly street environment by minimizing the visual and safety impacts of garages, parking areas, and vehicle circulation areas.
2. Consistency with EC 9.8030(28).

(c) *Townhouse Unit Features.* The requirements set forth in EC 9.5550(5)(b) may be adjusted if the proposed building design utilizes architectural masses, features or details to distinguish elements of the building, such as entryways, windows, garages, and other elements.

(d) *Townhouse Driveway Access and Parking.* The requirements set forth in EC 9.5550(5)(c) may be adjusted if the proposal supports a pedestrian-friendly street environment by minimizing the visual and safety impacts of garages, parking areas, and vehicle circulation areas.

(e) *General Standards for Cottage Clusters.* The requirements set forth in EC 9.5550(6)(a) may be adjusted if the proposal overall achieves an equivalent or higher quality design by including the following:

1. Higher quality design elements, such as durable, high quality materials, architectural detail and craftsmanship, sustainable building design features, enhanced landscaping, or user amenities;
2. An enhanced sense of openness and community for residents by including elements such as abundant and highly functional common open space that is easily accessible and viewable from individual units through abundant windows and porches;
3. Amenities or design that enhance the livability, walkability, and safety of the residents and community, such as enhanced lighting features or easily accessible connectivity to neighborhood amenities;
4. Design that promotes compatibility with adjacent properties and the neighborhood through the scale of buildings and of the overall development pattern, through design elements that may include privacy screening, enhanced landscape buffers, or frontage improvements and amenities that are supportive of an active, walkable, and neighborly streetscape;
5. Enhanced design elements for cottage clusters over 8 units, such as design elements that enhance the common courtyard and open space and provide connectivity and access to shared amenities consistent with the intent of openness and community for residents. A single cottage cluster shall contain a maximum of 12 cottages;
6. An Accessory building must not exceed 600 square feet in floor area and shall comply with standards in EC 9.2751(16)

(f) *Cottage Cluster Orientation Standards.* The requirements set forth in EC 9.5550(6)(b) may be adjusted if the overall proposal achieves all of the following:

1. Provides a sense of community within a cottage cluster by including design features such as porches, outdoor living areas, and other features that incorporate transparency and openness to encourage passive observation and neighborly interactions, and
2. Each dwelling has pedestrian access to a common courtyard.

3. Dwellings within 20 feet of a front property line that abuts a street shall provide a pedestrian-friendly frontage that includes design features such as street facing porches, abundant windows, gateway elements, and other architectural features.

(g) *Common Courtyard Design Standards.* The requirements set forth in EC 9.5550(6)(c) may be adjusted if the requested adjustment will allow the project to achieve an equivalent or higher quality design of open space than would result from strict adherence to the standards through:

a. Enhanced spaces that contribute positively to the site, streetscape, and adjoining properties by including design elements such as high-quality materials, outdoor seating, enhanced pedestrian space, pedestrian-scaled lighting, canopy trees and other landscape materials and other user amenities; and

b. An overall design that promotes safety and security for residents and visitors.

(h) *Community Building Standards.* The requirements set forth in EC 9.5550(6)(d) may be adjusted if the community building is compatible in scale with dwellings in the cottage cluster, including, but not limited to, building height and building size.

(i) *Cottage Cluster Parking Design Standards.* The requirements set forth in EC 9.5550(6)(f) may be adjusted if the proposal achieves all of the following:

1. Supports a pedestrian-friendly street environment; and
2. Supports livability for cottage cluster residents by minimizing the impacts of parking areas and garages.
3. Consistency with EC 9.8030(28).

Section 78. Section 9.8085 of the Eugene Code, 1971, is amended to provide as follows:

9.8085 Conditional Use Permit Application Requirements.

Conditional use applications shall be processed in accordance with the application procedures contained in EC 9.7000 through 9.7925, Application Procedures. When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of that conditional use permit. If the proposal includes needed housing, as defined by state law, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria – General instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria – Needed Housing.

Section 79. The following heading and Section 9.8191 of the Eugene Code, 1971, are added to provide as follows:

Middle Housing Land Division, Tentative Plan

9.8191 Purpose of Middle Housing Land Division, Tentative Plan.

Sections 9.8191 through 9.8199 govern the approval of middle housing land divisions. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect public health and safety, enable development to occur consistent with applicable provisions of the comprehensive plan, enable home ownership, and comply with state laws requiring the allowance of land divisions to create small lots for individual units of middle housing.

Section 80. Section 9.8192 of the Eugene Code, 1971, is added to provide as follows:

9.8192 Applicability of Middle Housing Land Division, Tentative Plan Applications.

- (1) Except as provided in subsection (2), Middle housing land divisions are subject to the application procedures in EC 9.7900 through EC 9.7925.
- (2) An applicant may elect to have a Middle Housing Land Division application reviewed concurrently with a subdivision or partition application. If the applicant elects concurrent review, the procedures that will apply to review and appeal of the Middle Housing Land Division application are the procedures applicable to review and appeal of the subdivision or partition application. EC 9.7640 through 9.7644 and EC 9.7900 through 9.7925 do not apply to Middle Housing applications reviewed concurrently with subdivision or partition applications. All other provisions of this code continue to apply to each application, including but not limited to approval criteria.
- (3) The creation of middle housing lots through a middle housing land division is permitted:
 - (a) On a lot or *parcel* prior to the development of middle housing, consistent with the approval criteria in subsections (1) and (3)-(9), of EC 9.8194.
 - (b) On a lot or parcel developed with middle housing, consistent with the approval criteria in *subsections* (2) and (3)-(9), of EC 9.8194.

Section 81. Section 9.8193 of the Eugene Code, 1971, is added to provide as follows:

9.8193 Middle Housing Land Division, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to middle housing land division tentative plan applications:

- (1) The tentative plan included in the middle housing land division application must be prepared by an Oregon licensed land surveyor.

- (2) The application must include a preliminary title report.
- (3) The application must identify all contiguous property under the same ownership as the property to be divided.
- (4) The application must be signed by the owner of the property to be divided.
- (5) The property to be divided must be a legal lot.

Section 82. Section 9.8194 of the Eugene Code, 1971, is added to provide as follows:

9.8194 Middle Housing Land Division, Tentative Plan Approval Criteria.

The planning director shall approve, conditionally approve, or deny the middle housing land division tentative plan application based on compliance with the following criteria:

- (1) If the property to be divided is not yet developed with middle housing:
 - (a) The *application* proposes development of middle housing on the lot or parcel to be divided; and
 - (b) The lot or parcel to be divided is developable with middle housing consistent with the following:
 1. EC 9.2750;
 2. EC 9.2751;
 3. EC 9.2760;
 4. EC 9.2761;
 5. EC 9.2775; and
 6. EC 9.5550.
- (2) If the property to be divided is developed with middle housing:
 - (a) The middle housing complies with EC 9.5550; or
 - (b) The certificate of occupancy for the middle housing was issued before June 30, 2022, and *the* middle housing complied with applicable land use requirements at the time the certificate of occupancy was issued.
- (3) The proposed middle housing land division complies with all of the following:
 - (a) EC 9.2777, Middle *Housing* Lot standards;

- (b) EC 9.6505, *Improvements*, Specifications for any street frontage improvements required for middle housing lots that abut a street;
 - (c) EC 9.6805, *Dedication* of Public Ways; and
 - (d) All other *applicable* development standards for features explicitly included in the application.
- (4) The following easements are shown on the tentative plan:
- (a) Easements *necessary* for locating, accessing, replacing, and servicing all utilities;
 - (b) Easements for *pedestrian* access from each dwelling unit to a street;
 - (c) Easements *necessary* for any common areas or shared building elements;
 - (d) Easements *necessary* for any shared driveways or parking.
- (5) Separate utilities are provided for each dwelling unit.
- (6) The middle housing land division results in one dwelling unit on each middle housing lot, except lots, parcels or tracts that include a common area. Lots, parcels or tracts that include a common area, but do not include a dwelling unit, are permitted.
- (7) The application demonstrates that buildings or structures on the middle housing lots created by the middle housing land division will comply with applicable building code provisions related to new property lines; and, notwithstanding the creation of new lots or parcels, that structures or buildings located on the middle housing lots will comply with the Oregon Residential Specialty Code.
- (8) The following notes are included on the tentative plan:
- (a) The middle housing lots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.
 - (b) The middle housing developed on the middle housing lots shown on the tentative plan shall *remain* middle housing and shall not be considered to be any other housing type as a result of the middle housing land division.
- (9) The proposed middle housing land division will not cause any existing improvements on the middle housing lots to be inconsistent with applicable standards in this land use code.

Section 83. The following heading and Section 9.8195 of the Eugene Code, 1971, are added to provide as follows:

Middle Housing Land Division, Final Plat

9.8195 Purpose of Middle Housing Land Division, Final Plat.

The middle housing land division process includes both a tentative plan and final plat procedure. Sections 9.8195 through 9.8199 provide the regulations for processing middle housing land division final plat applications to ensure that tentative plan approval conditions have been met.

Section 84. Section 9.8196 of the Eugene Code, 1971, is added to provide as follows:

9.8196 Applicability of Middle Housing Land Division, Final Plat Applications.

A middle housing land division final plat application may not be submitted unless the subject property has received tentative plan approval and any required approval conditions have been met.

Section 85. Section 9.8197 of the Eugene Code, 1971, is added to provide as follows:

9.8197 Middle Housing Land Division, Final Plat – Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, final plat applications shall:

- (1) Be signed by the owner of the property.
- (2) Contain a proposed final plat stamped and signed by an Oregon licensed land surveyor, complying with state and local platting and surveying requirements.
- (3) Contain documentation addressing all conditions of tentative plan approval and state and local platting requirements.

Section 86. Section 9.8198 of the Eugene Code, 1971, is added to provide as follows:

9.8198 Middle Housing Land Division, Final Plat – Approval Criteria.

The planning director shall approve or deny the final plat for the middle housing land division. Approval shall be based on compliance with the following criteria, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

- (1) The city surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.
- (2) Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.
- (3) Public improvements as required by this land use code or as a condition of tentative plan approval are completed, or:

- (a) A performance bond or suitable substitute as agreed upon by the city and applicant has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
 - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the partition and the petition has been accepted by the city engineer.
- (4) Public assessments, liens, and fees with respect to the middle housing land division have been paid, or:
- (a) A segregation of assessments and liens has been applied for and granted by the city, or
 - (b) An adequate guarantee in a form acceptable to the city manager has been provided assuring the liens, assessments and fees will be paid prior to recording the final plat.
- (5) All conditions of tentative middle housing land division approval have been met and the final plat substantially conforms to the provisions of the approved tentative middle housing land division.

Section 87. Section 9.8199 of the Eugene Code, 1971, is added to provide as follows:

9.8199 Middle Housing Land Division, Final Plat – Recordation.

- (1) The city surveyor and planning director shall note their approval of the middle housing land division on the final plat along with the effective date of approval, which constitutes the city's acceptance of any dedications to the public contained therein. After approval, the city shall forward the final plat for the middle housing land division to Lane County for signature by the county assessor and recording.
- (2) A notice of middle housing land division shall be recorded for each middle housing lot with the Lane County Deeds and Records that states:
- (#) The middle housing lot may not be further divided.
 - (#) No more than one unit of middle housing may be developed on each middle housing lot.
 - (#) The dwelling developed on the middle housing lot is a unit of middle housing and is not a single attached or detached dwelling, or any other housing type.

Section 88. Section 9.8205 of the Eugene Code, 1971, is amended to provide as follows:

9.8205 Applicability of Partition, Tentative Plan Applications.

Requests to create 2 or 3 parcels shall be subject to the partition provisions of this land use code and shall follow a Type II application procedure, except that partition applications that meet the approval criteria in EC 9.8215(7) or EC 9.8220(7) may be processed pursuant to the expedited land division procedures in EC 9.7900 through EC.97925. A partition application that also involves a PUD request may not be submitted until a decision on the tentative PUD approval is final. (Refer to EC 9.8305 Applicability.) No development permit shall be issued by the city prior to approval of the tentative partition application.

Section 89. Subsection (5) of Section 9.8210 of the Eugene Code, 1971, is added to provide as follows:

9.8210 Partition, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

* * *

(5) The written statement submitted with the partition application shall clearly state whether the applicant believes that the proposal qualifies for the expedited land division procedures in EC 9.7900 through EC.97925, and whether the applicant is electing to use the expedited land division procedures in EC 9.7900 through EC.97925.

Section 90. Subsection (7) of Section 9.8215 of the Eugene Code, 1971, is added to provide as follows:

9.8215 Partition, Tentative Plan Approval Criteria – General.

The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

* * *

(7) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

- (a) The proposed partition only includes land zoned for residential uses;
- (b) The parcels created will only be developed for residential use, including recreational or open space accessory to residential use;

(c) The parcels created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and

(d) Existing and future dwellings located on the property that is the subject of the partition application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 91. Subsection (7) of Section 9.8220 of the Eugene Code, 1971, is added to provide as follows:

9.8220 Partition, Tentative Plan Approval Criteria – Needed Housing.

The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria:

* * *

(7) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

(a) The partition only includes land zoned for residential uses;

(b) The parcels created will only be developed for residential use, including recreational or open space accessory to residential use;

(c) The parcels created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and

(d) Existing and future dwellings located on the property that is the subject of the partition application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 92. Subsection (12)(a) of Section 9.8325 of the Eugene Code, 2971, is amended to provide as follows:

9.8325 Tentative Planned Unit Development Approval Criteria – Needed Housing.

The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:

(12) For any PUD located within or partially within the boundaries of the South Hills Study, the following additional approval criteria apply:

- (a) No development shall occur on land above an elevation of 901 feet except that either middle housing or one single-unit dwelling may be built on any lot in existence as of August 1, 2001.

Section 93. Section 9.8423 of the Eugene Code, 1971, is amended to provide as follows:

9.8423 General Requirements.

Applications for refinement plan amendments shall be submitted on a form approved by the city manager and reviewed under a Type IV process for site specific amendments or otherwise, a Type V process according to EC 9.7000 through 9.7925 Application Procedures.

Section 94. Section 9.8505 of the Eugene Code, 1971, is amended to provide as follows:

9.8505 Applicability of Subdivision, Tentative Plan Applications.

Requests to create four or more lots shall be subject to the subdivision provisions of this land use code and shall follow a Type II application process, except that subdivision applications that meet the approval criteria in EC 9.8515(13) or EC 9.8520(11) may be processed pursuant to the expedited land division procedures in EC 9.7900 through EC.97925. A subdivision application that also involves a PUD request may not be submitted until a decision on the tentative PUD approval is final. (Refer to EC 9.8305 Applicability.) No development permit shall be issued by the city prior to approval of the subdivision tentative plan application.

Section 95. Subsection (6) of Section 9.8510 of the Eugene Code, 1971, is added to provide as follows:

9.8510 Subdivision, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative subdivision plan applications:

* * *

(6) The written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the expedited land division procedures in EC 9.7900 through EC 9.9725 and how the applicant believes that the proposal qualifies for the expedited land division procedures in EC 9.7900 through EC.97925.

Section 96. Subsection (13) of Section 9.8515 of the Eugene Code, 1971, is added to provide as follows:

9.8515 Subdivision, Tentative Plan Approval Criteria – General.

The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:

* * *

(13) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

- (a) The subdivision only includes land zoned for residential uses;
- (b) The lots created will only be developed for residential use, including recreational or open space accessory to residential use;
- (c) The lots created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and
- (d) Existing and future dwellings located on the property that is the subject of the subdivision application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 97. Subsection (11) of Section 9.8520 of the Eugene Code, 1971, is added to provide as follows:

9.8520 Subdivision, Tentative Plan Approval Criteria – Needed Housing.

The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:

* * *

(11) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

- (a) The subdivision only includes land zoned for residential uses;
- (b) The lots created will only be developed for residential use, including recreational or open space accessory to residential use;
- (c) The lots created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and
- (d) Existing and future dwellings located on the property that is the subject of the subdivision application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

Section 98. Subsection (3) of Section 9.8705 of the Eugene Code, 1971, is amended to provide as follows:

9.8705 Applicability of Vacation Procedures.

* * *

(3) Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC 9.7000 through 9.7925 Application Procedures.

Section 99. Subsections (1) and (2) of Section 9.8710 of the Eugene Code, 1971, are amended to provide as follows:

9.8710 Vacations, Application Requirements.

(1) Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC 9.7000 through 9.7925 and the approval criteria contained in EC 9.8715. In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.

(2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC 9.7000 through 9.7925 and the approval criteria contained in EC 9.8720. In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.

Section 100. Subsection (1) of Section 9.8810 of the Eugene Code, 1971, is amended to provide as follows:

9.8810 General Requirements.

(1) Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC 9.7000 through EC 9.7925 Application Procedures unless considered concurrently with a Type IV or Type V application.

Section 101. Subsection (4) of Section 9.8865 of the Eugene Code, 1971, is amended to provide as follows:

9.8865 Zone Change Approval Criteria.

Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

* * *

(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

- (a) EC 9.2150 Commercial Zone Siting Requirements.
- (b) EC 9.2430 Employment and Industrial Zone Siting Requirements.
- (c) EC 9.2510 Natural Resource Zone Siting Requirements.
- (d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.
- (e) EC 9.2681 Public Land Zone Siting Requirements.
- (f) EC 9.3055 S-C Chambers Special Area Zone Siting Requirements.
- (g) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.
- (h) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.
- (i) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
- (j) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
- (k) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.
- (l) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
- (m) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
- (n) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
- (o) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.

- (p) EC 9.4160 /CL Clear Lake Overlay Zone Siting Requirements.
- (q) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
- (r) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
- (s) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).
- (t) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).
- (u) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
- (v) An uncodified ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

Section 102. Section 9.9500 of the Eugene Code, 1971 is amended to provide as follows:

9.9500 Adopted Plan Policies.

The adopted plan policies set forth in the sections beginning at EC 9.9500 shall be used when applicable for purposes of evaluating applicable adopted plan policies pertaining to subdivisions, partitions, and site review. However, in accordance with Metro Plan Policy A.9, a maximum residential density established by an adopted plan policy set forth in EC 9.9500 through EC 9.9710 may not be applied to an application proposing middle housing. For purposes of this section, a maximum residential density includes but is not limited to, a minimum lot size requirement, a limit on the number of dwelling units per acre, or another similar regulation that has the effect of limiting residential density.

* * *

Section 103. Policy A.9 of the Metropolitan Residential Land Use and Housing Element of the Eugene-Springfield Metropolitan Area Plan is amended as follows:

A. Metropolitan Residential Land Use and Housing Element

Residential Density

Policies

A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

The maximum residential densities established in this policy A.9, do not apply to the following housing types located within the City of Eugene: duplexes, triplexes, quadplexes, cottage clusters, and townhouses. A maximum residential density established by a refinement plan policy (whether through a limit on the number of dwelling units per acre, a minimum lot size requirement, a limit on total number of dwelling units in an area, or by any other similar regulation that has the effect of limiting density), may not be applied to the development of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. The City of Eugene may incorporate maximum residential density requirements applicable to duplexes, triplexes, quadplexes, cottage clusters, and townhouses into the Eugene Code (including limits on the number of dwelling units per acre and minimum lot size requirements), as long as those requirements comply with Oregon state law. If an adopted refinement plan policy is inconsistent with this policy, this policy will prevail.

Section 104. The findings set forth in Exhibit B attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 105. 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.

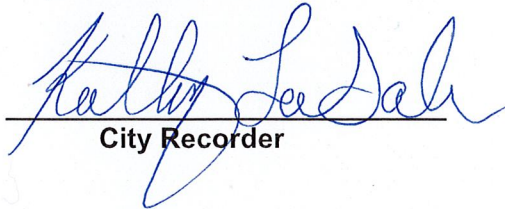
Section 106. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is

remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Section 107. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on June 30, 2022, whichever is later.

Passed by the City Council this

24th day of May, 2022



City Recorder

Approved by the Mayor this

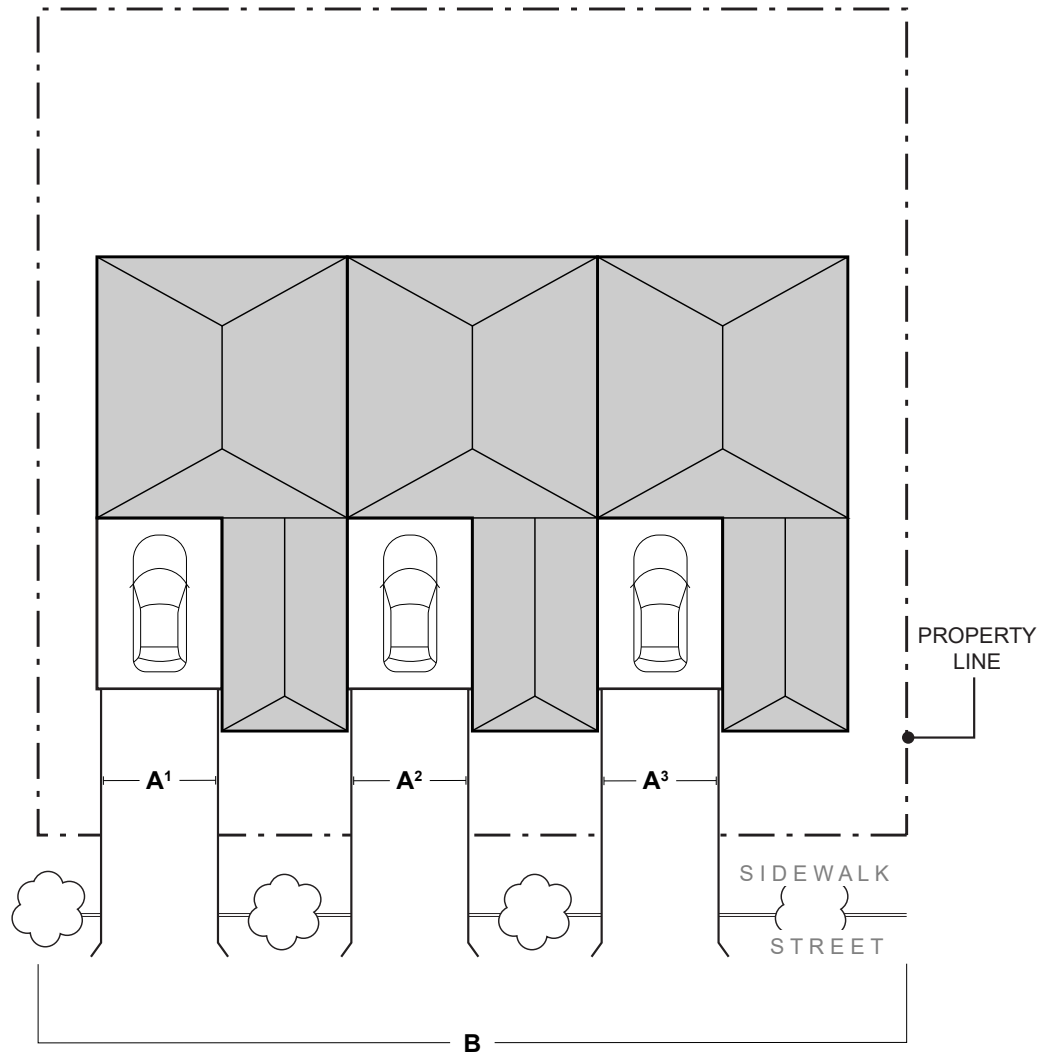
25 day of May, 2022



Mayor

Figure
9.5550(4)(a)2.

**Triplex/Fourplex Width of
Garages and Parking Areas**

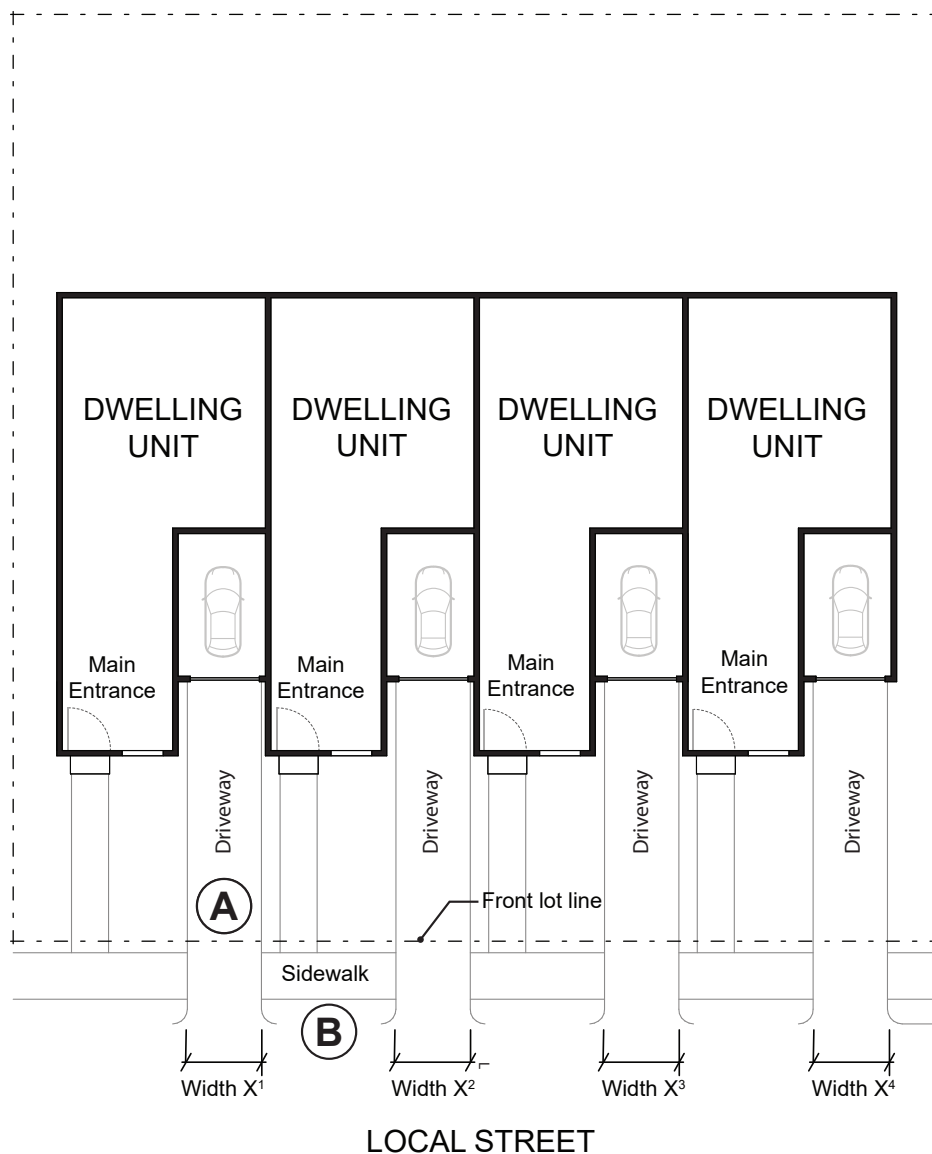


- Ⓐ Garage and on-site parking and maneuvering areas
- Ⓑ Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

Figure
9.5550(4)(b)2-3.

**Triplex/Fourplex Driveway Approach
Width and Separation on Local Street**



- (A)** $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,
- (B)** Driveway approaches may be separated when located on a local street

Figure
9.5550(4)(b)4.

Triplex/Fourplex
Alley Access

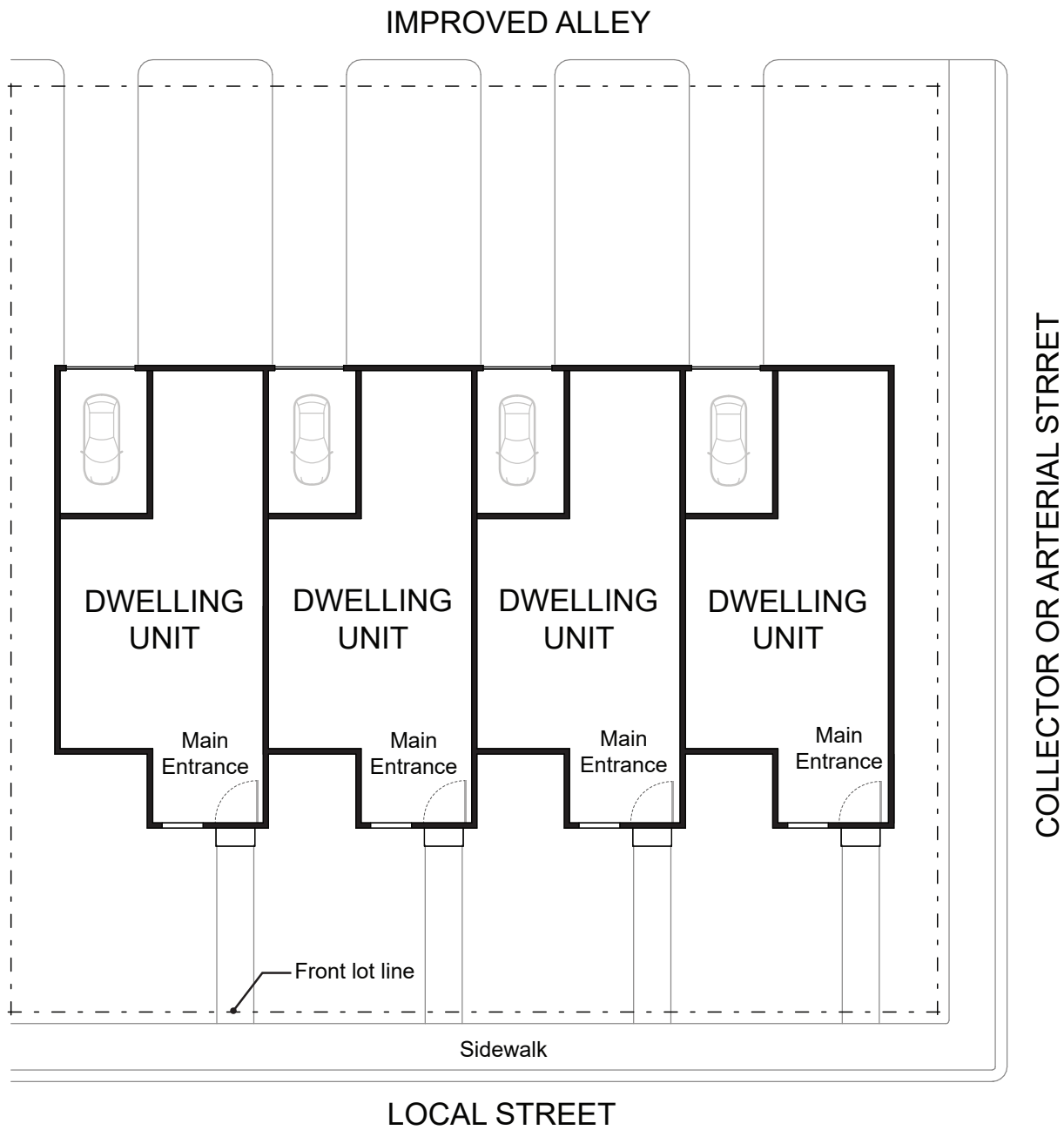
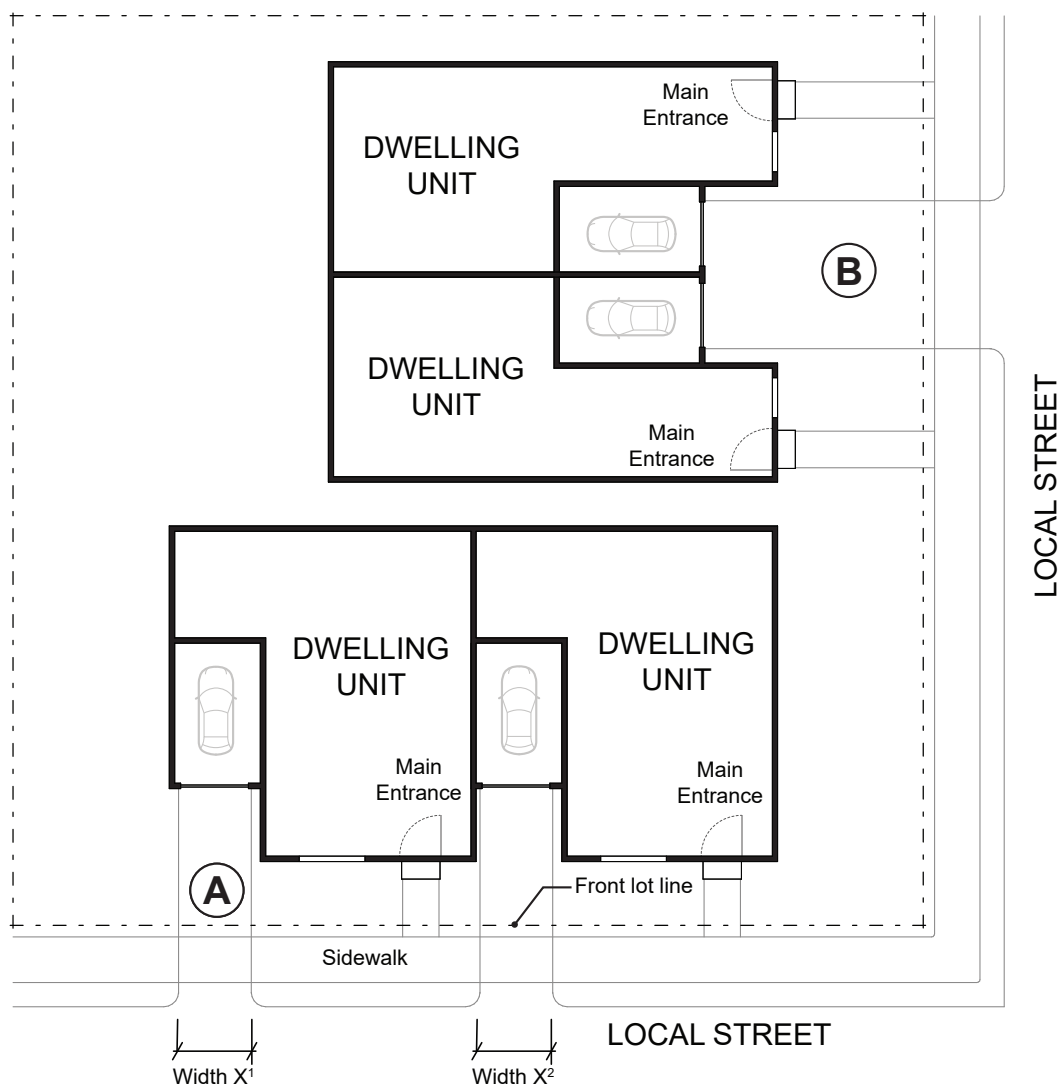


Figure
9.5550(4)(b)5.c.(2)

**Triplex/Fourplex Driveway Approach
Options for Multiple Local Street Frontages**



Options for site with more than one frontage on local streets:

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X_1 + X_2$); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

Figure
9.5550(4)(c)1.b.(1)

Middle Housing Main Entrance
Facing the Street

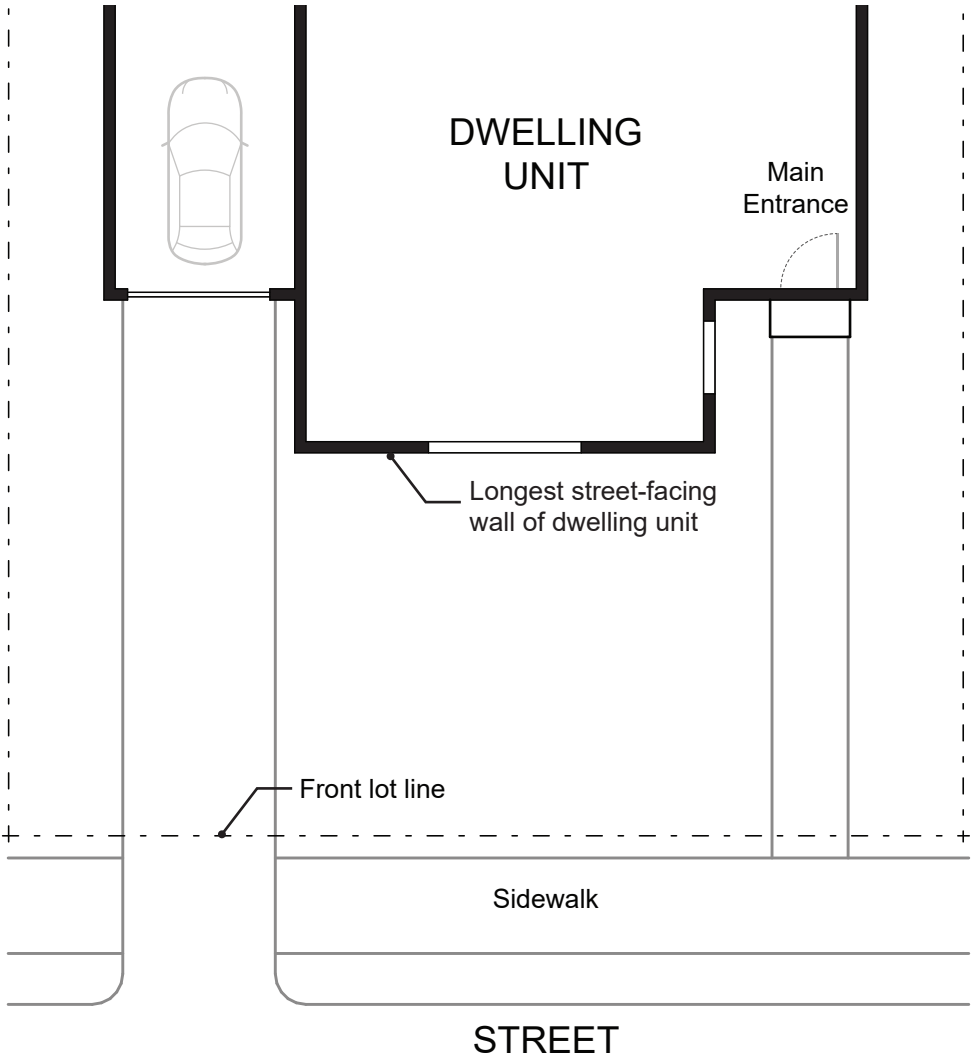


Figure
9.5550(4)(c)1.b.(2)

**Middle Housing Main Entrance
at 45° Angle from the Street**

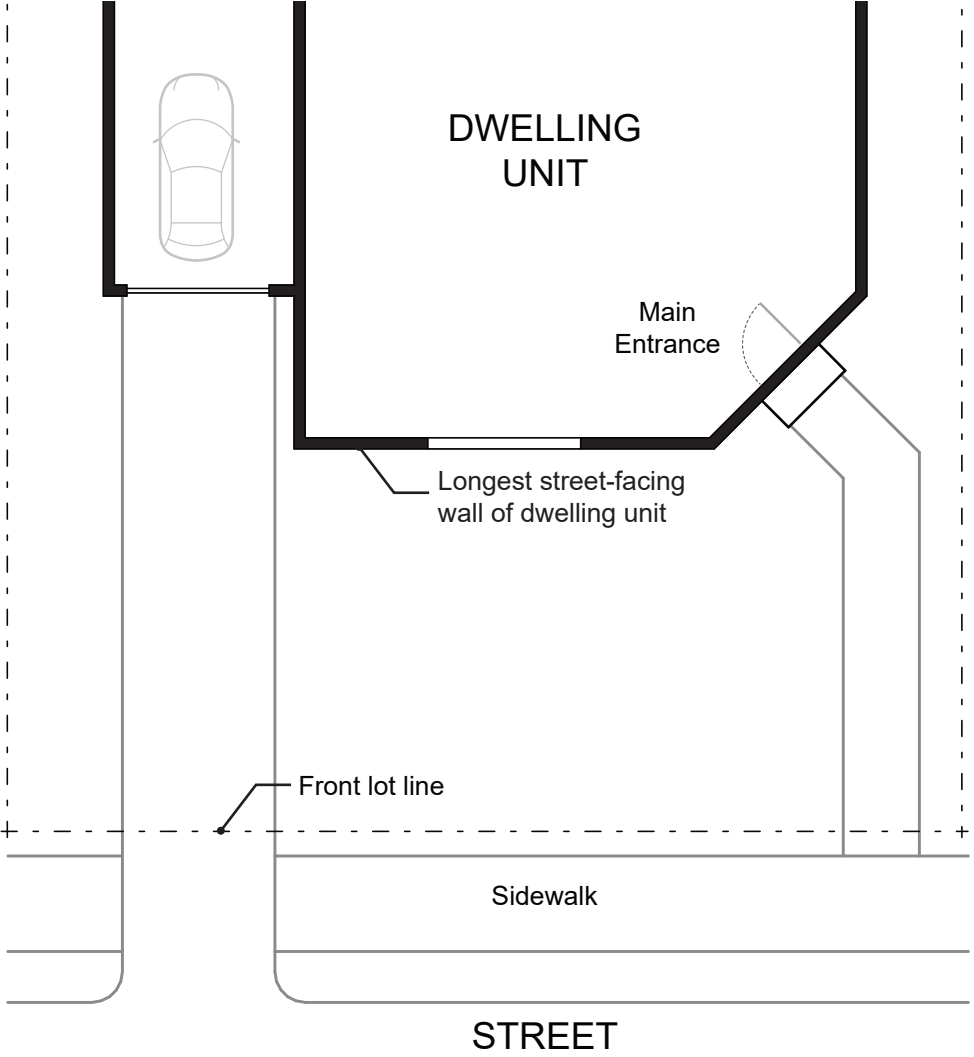


Figure
9.5550(4)(c)1.b.(3)

**Middle Housing Main Entrance
Opening onto a Porch**

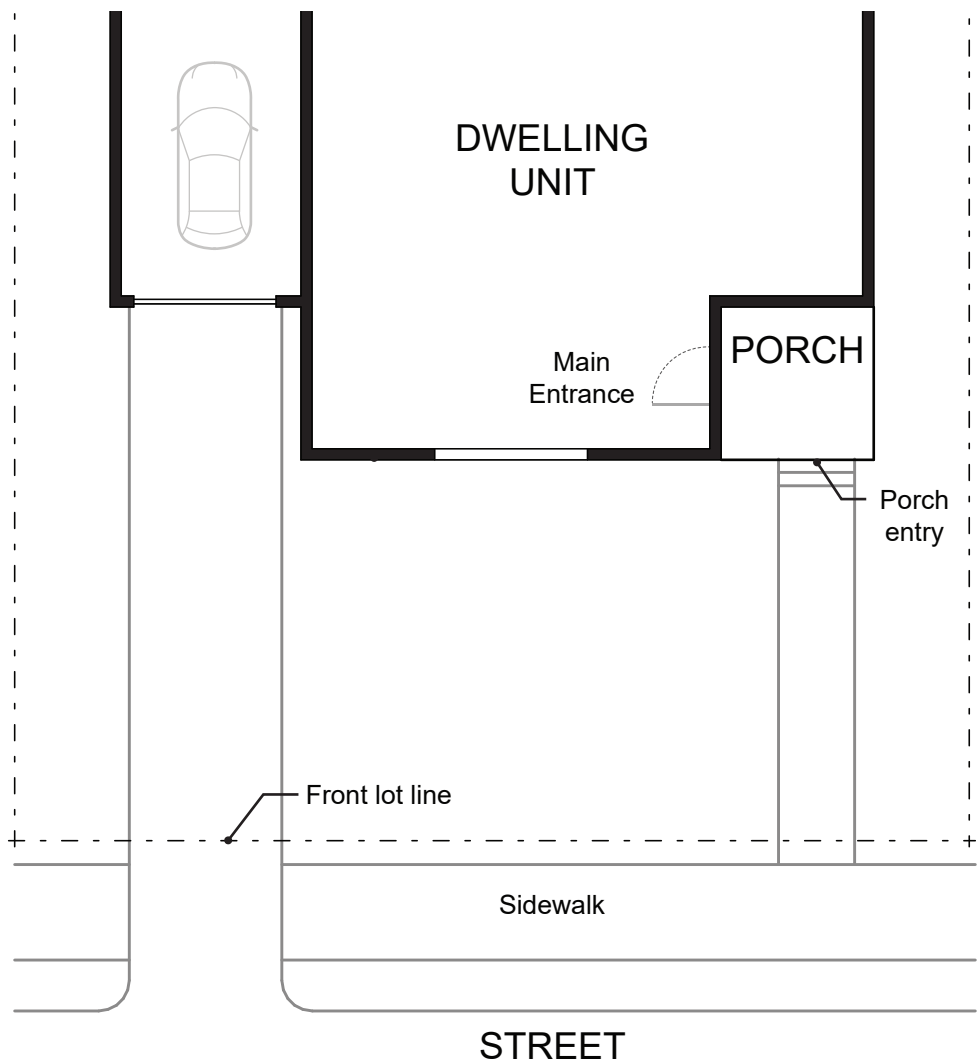


Figure
9.5550(4)(c)1.c.

Middle Housing Main Entrance
Facing Common Open Space

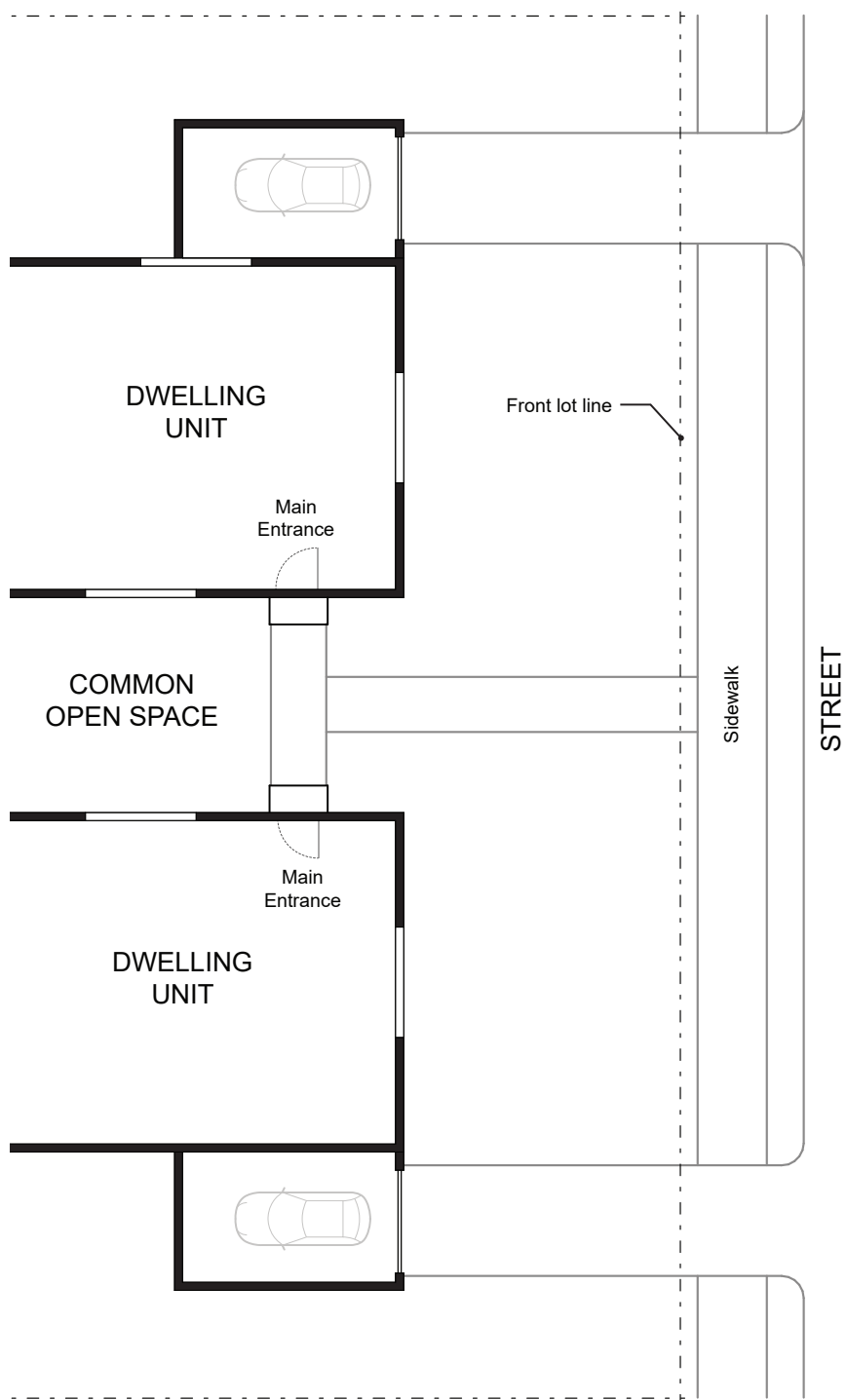


Figure
9.5550(4)(c)2.

Middle Housing Window Coverage



STREET-FACING FACADE

■ Area subject to 15% window & entrance door coverage requirement

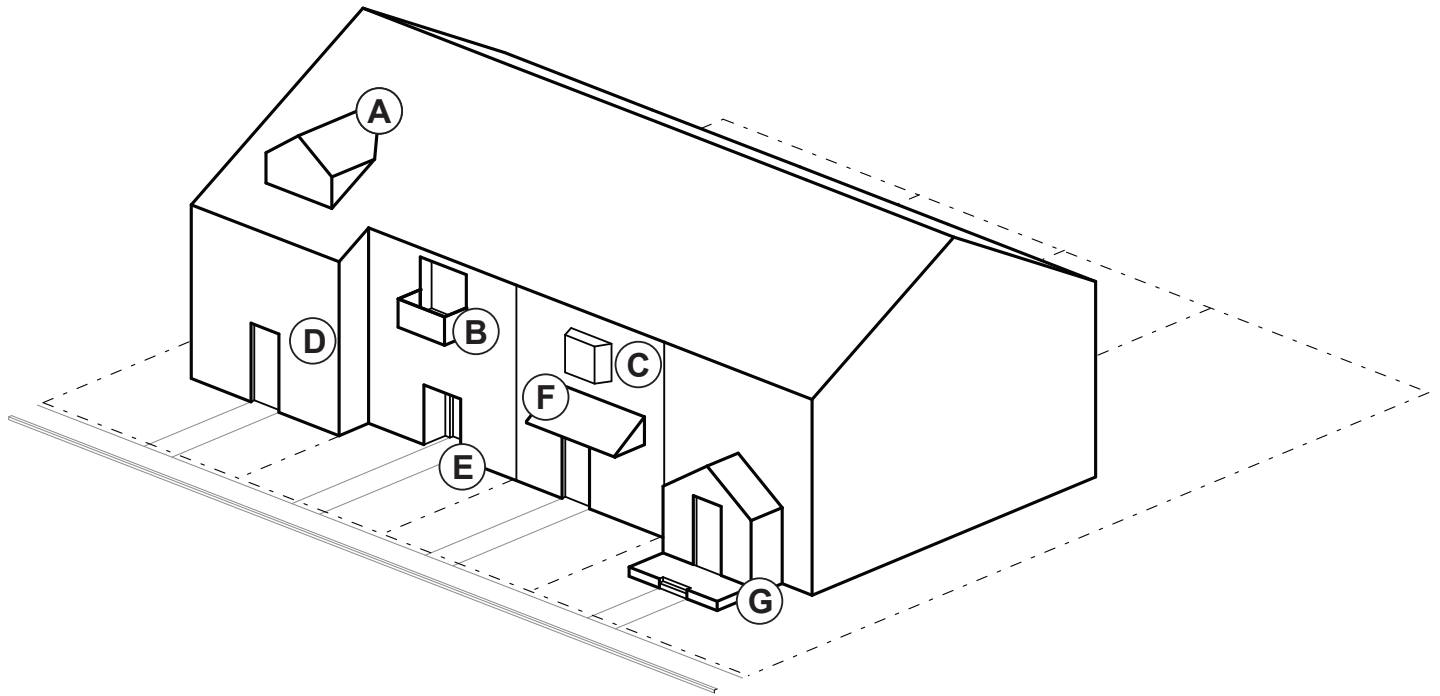


STREET-FACING FACADE

/// Qualifying window coverage
/// Qualifying entrance door coverage

Figure
9.5550(5)(b)

Townhouse Unit Features



- (A)** Roof dormer, minimum of 4 feet wide
- (B)** Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C)** Bay window extending minimum of 2 feet from facade
- (D)** Facade offset, minimum of 2 feet deep
- (E)** Recessed entryway, minimum 3 feet deep
- (F)** Covered entryway, minimum of 4 feet deep
- (G)** Porch, meets standards of subsection 9.5550(5)(d)1.b3.

Figure
9.5550(5)(c)2.

Townhouses with Parking
in Front Yard

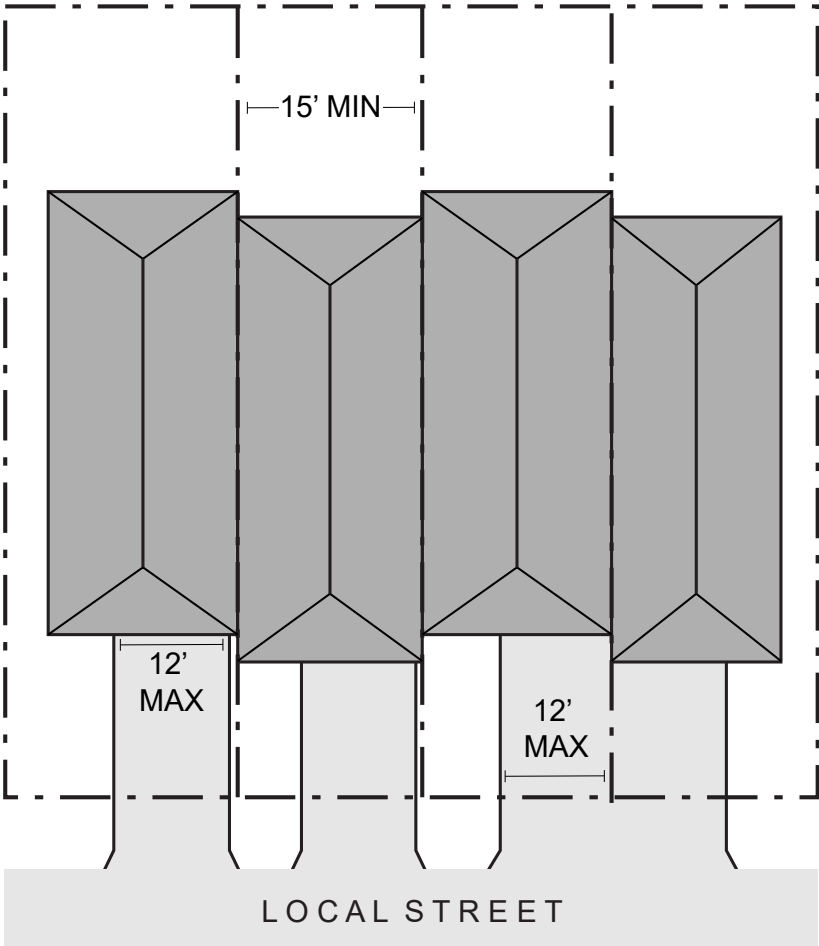


Figure
9.5550(5)(c)3.b.

**Townhouses on Corner Lot
with Shared Access**

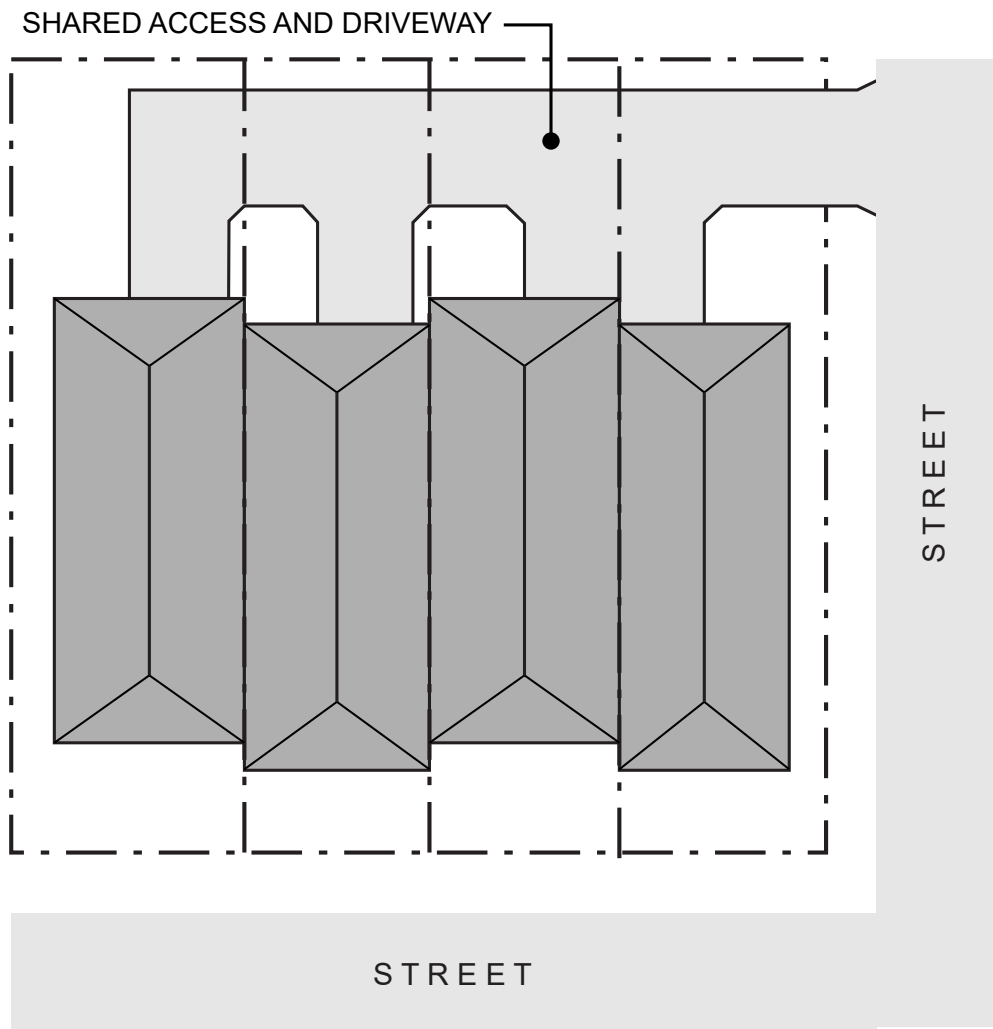


Figure
9.5550(5)(c)3.c.

Townhouses with Consolidated Access

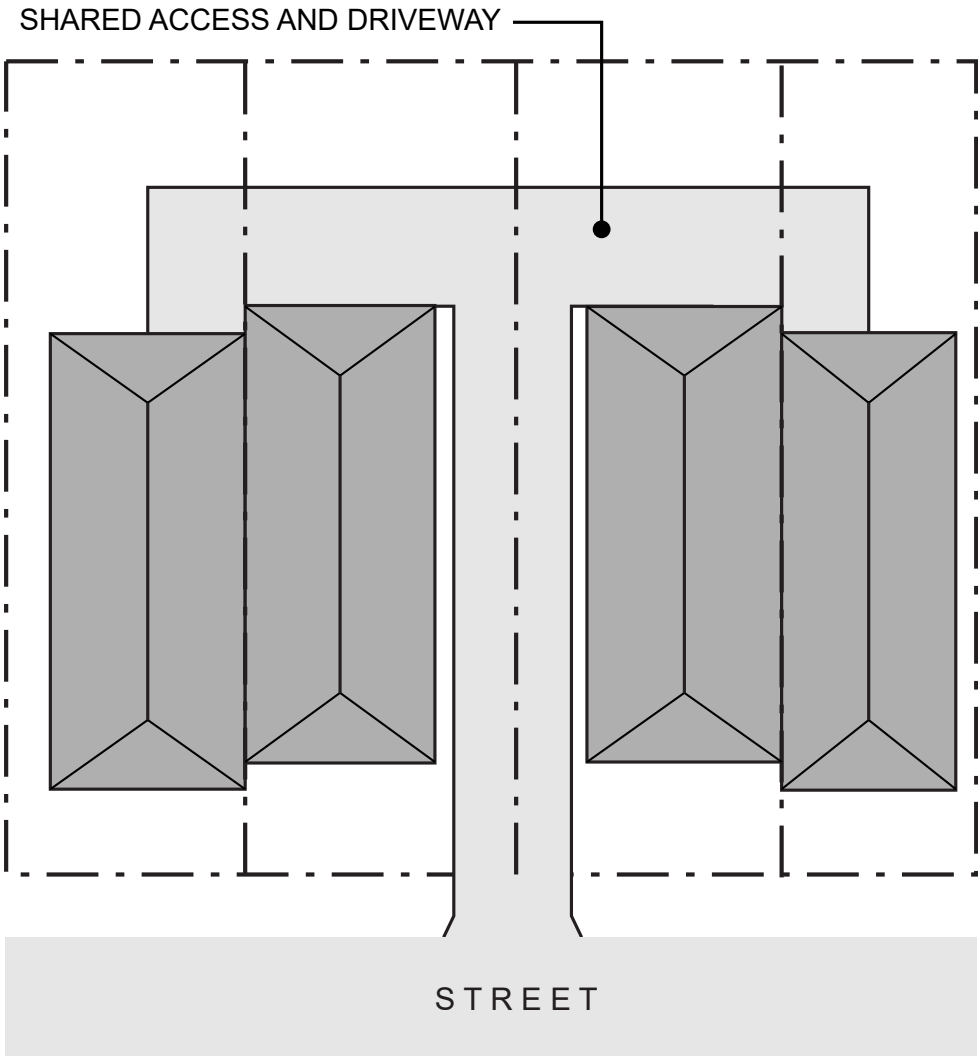
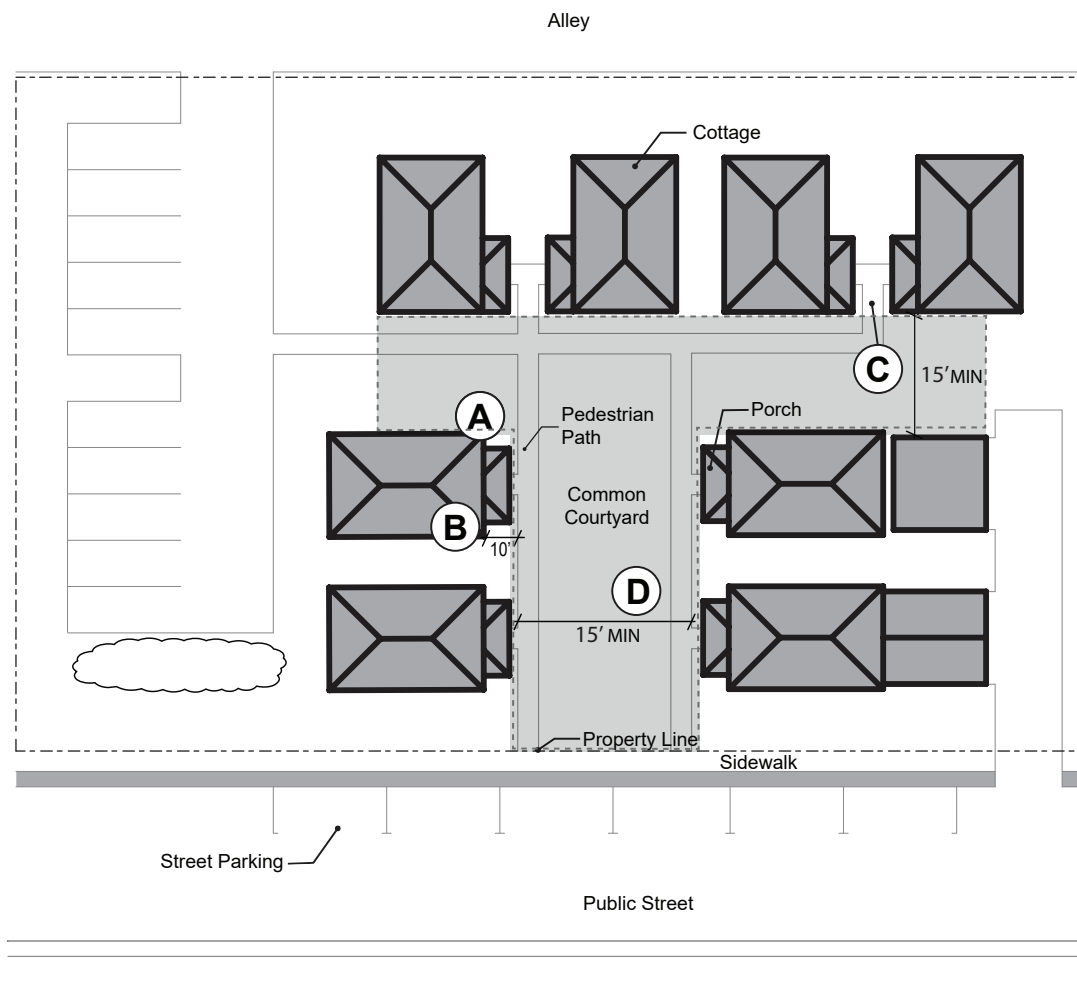


Figure
9.5550(6)(b)-(c)

Cottage Cluster Orientation and Common Courtyard Standards

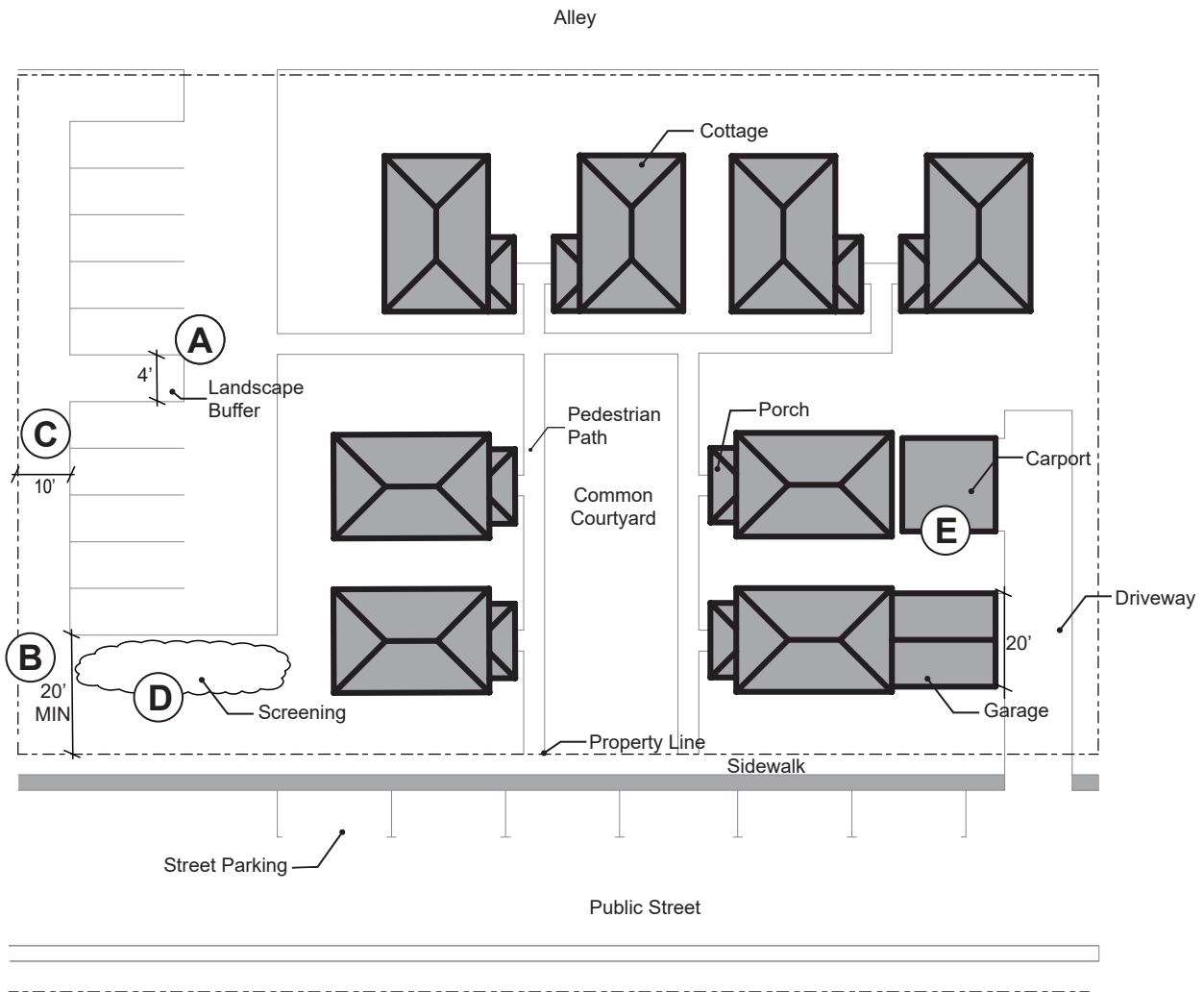


- (A)** A minimum of 50% percent of cottages must have a main entrance facing the courtyard
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard, measured from the façade of the cottage to the nearest delineation of the common courtyard
- (C)** Cottages must be connected to the common courtyard by a pedestrian path
- (D)** The common courtyard must be at least 15 feet wide at its narrowest width

 Common courtyard

**Figure
9.5550(6)(f).**

Cottage Cluster Parking Design Standards

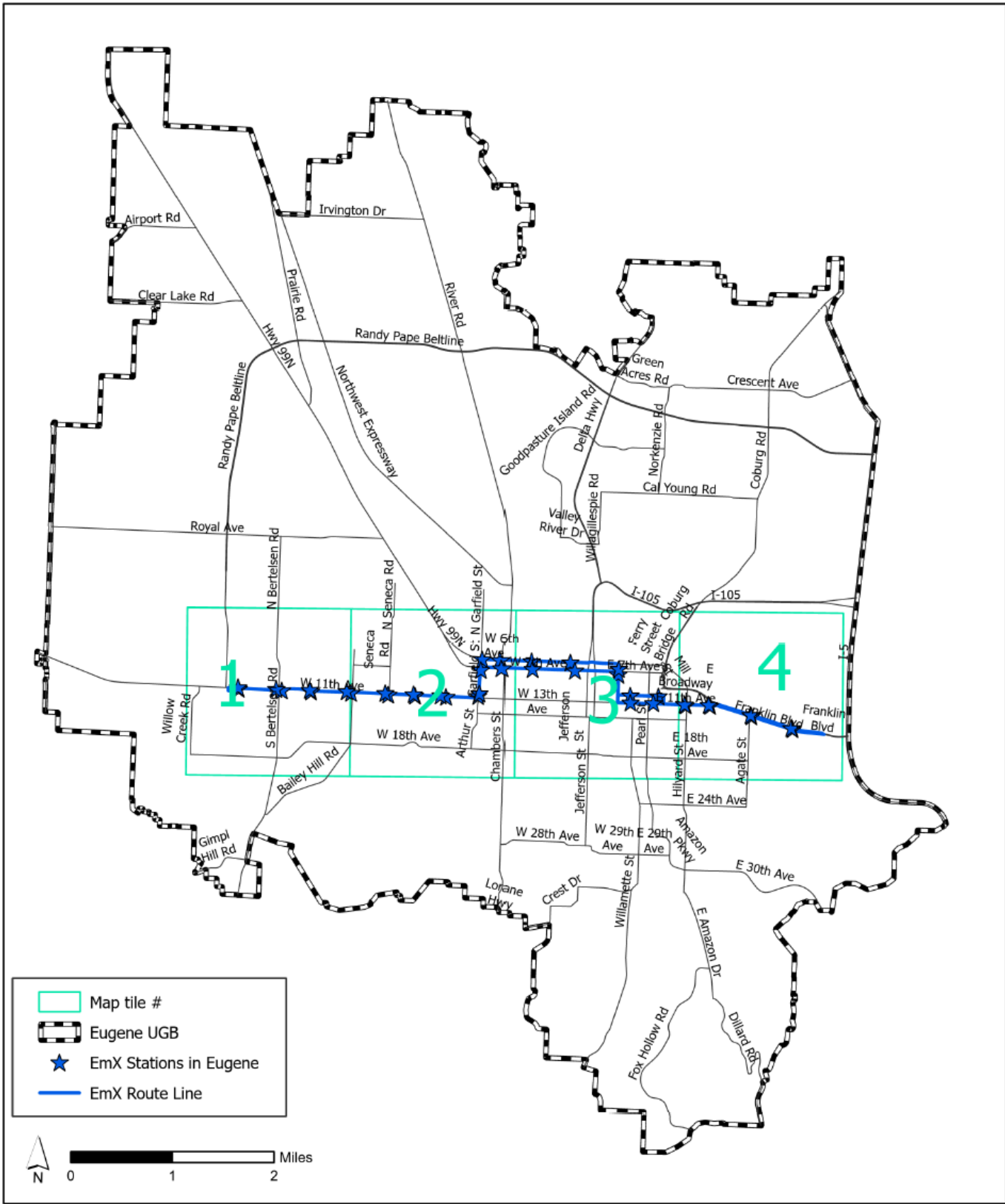


- (A)** Parking allowed in clusters of up to 5 spaces (8 spaces for larger projects). Clusters separated by minimum 4 feet of landscaping.
- (B)** Parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street other than an alley.
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Figure 9.6410(6)(b)

Middle Housing Parking Incentive Proximity to Transit

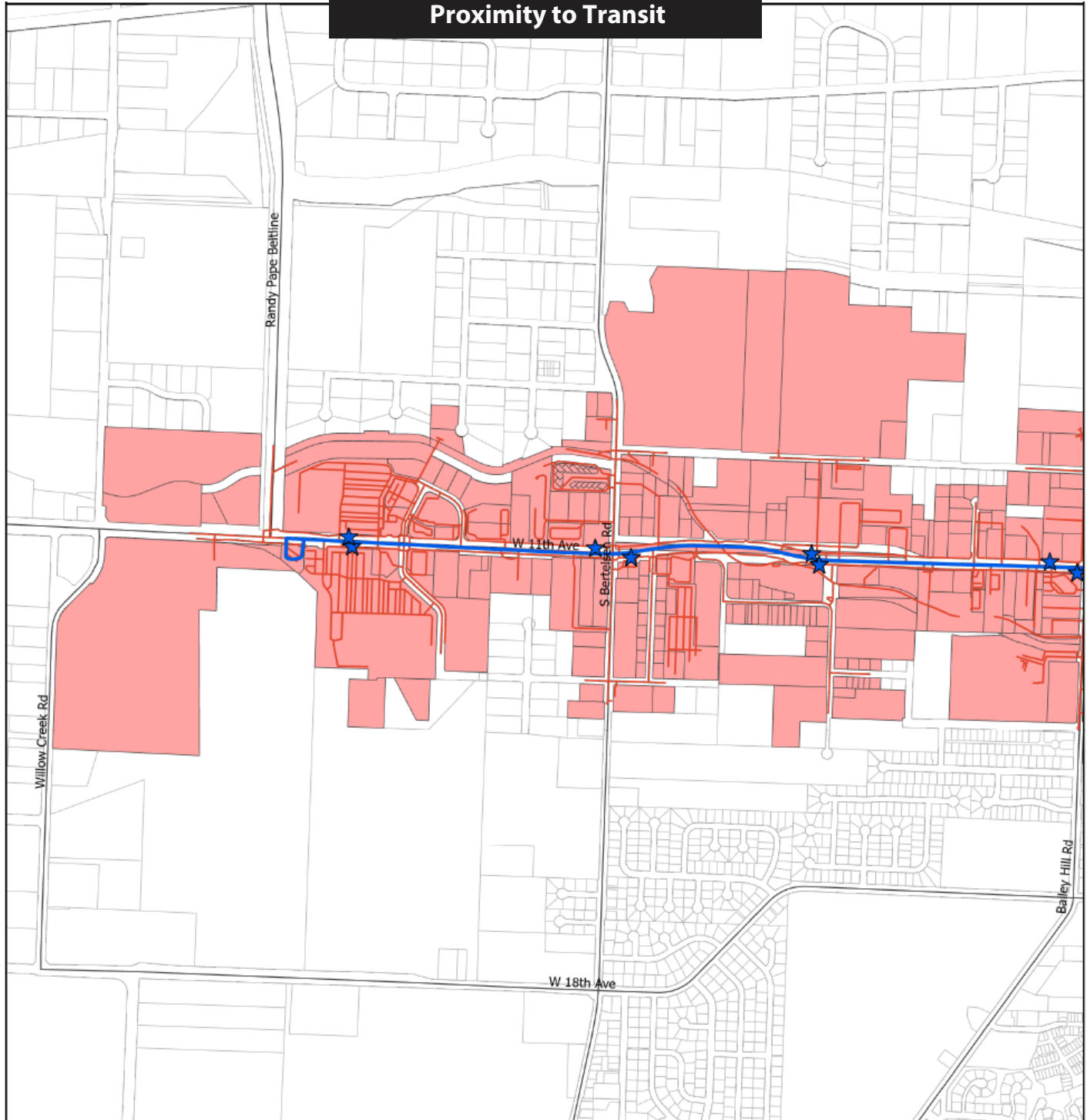
Overview Map



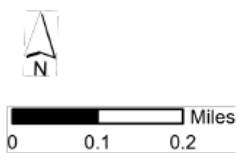
**Figure
9.6410(6)(b)**

**Middle Housing Parking Incentive
Proximity to Transit**

Map Tile #1



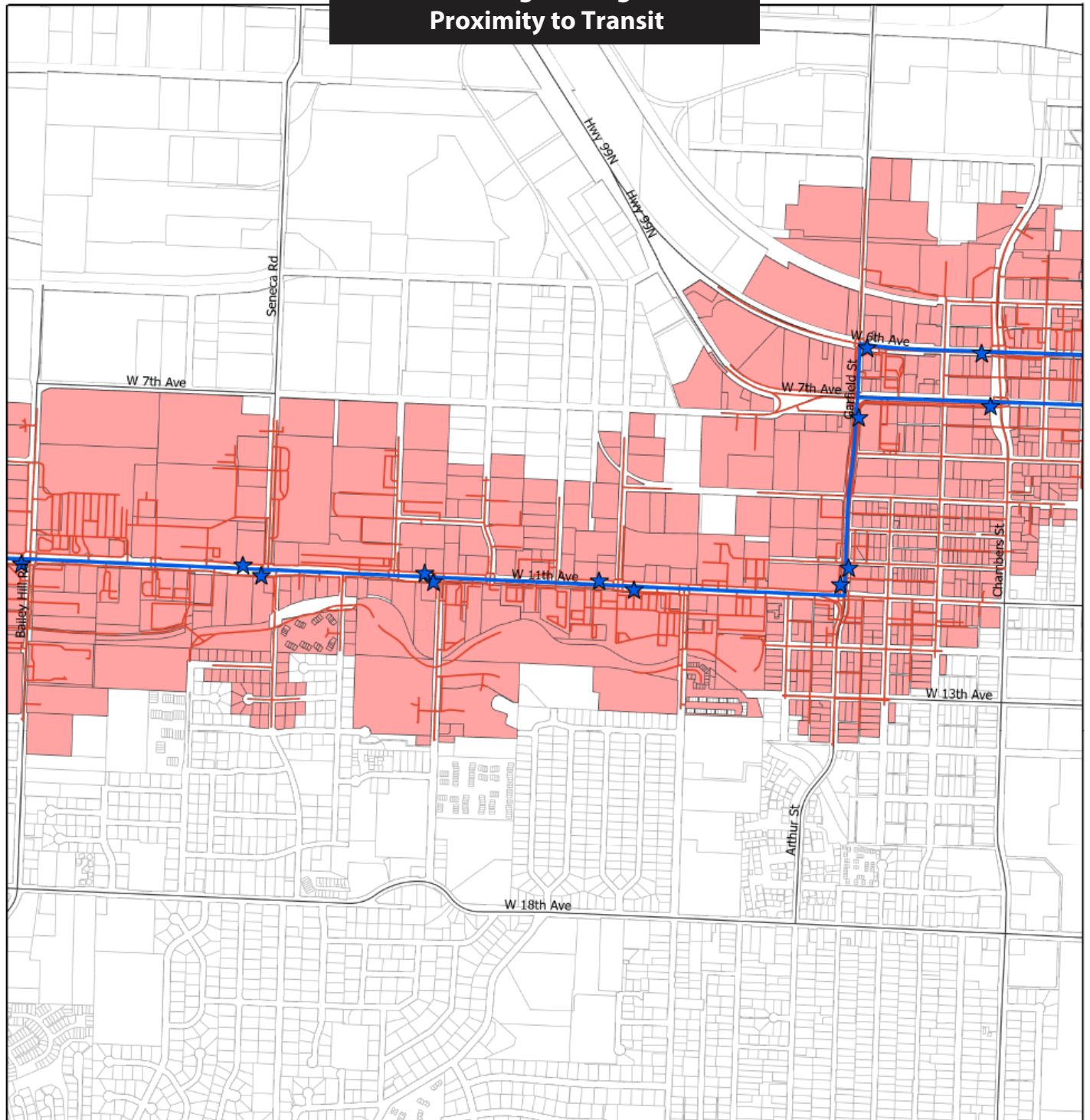
- ★ EmX Stations in Eugene
- EmX Route Line
- EmX Stations: Service Area Network
- Taxlots: 1/4 mi Walk of EmX Station
- Taxlots



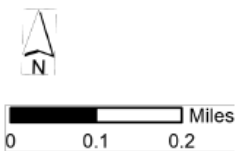
**Figure
9.6410(6)(b)**

**Middle Housing Parking Incentive
Proximity to Transit**

Map Tile #2



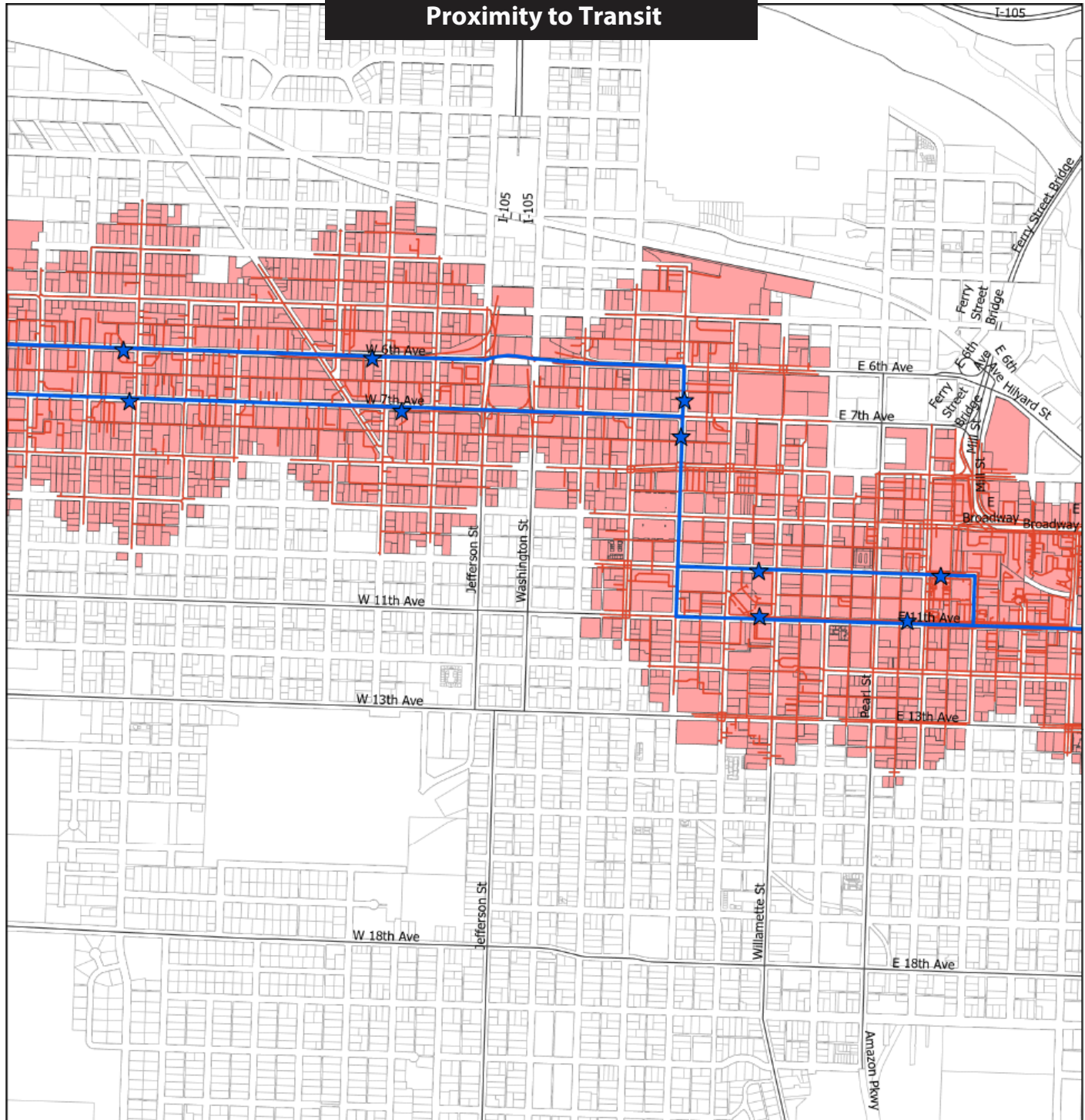
- ★ EmX Stations in Eugene
- EmX Route Line
- EmX Stations: Service Area Network
- Taxlots: 1/4 mi Walk of EmX Station
- Taxlots



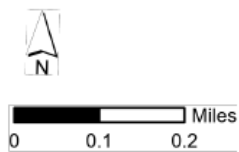
**Figure
9.6410(6)(b)**

**Middle Housing Parking Incentive
Proximity to Transit**

Map Tile #3



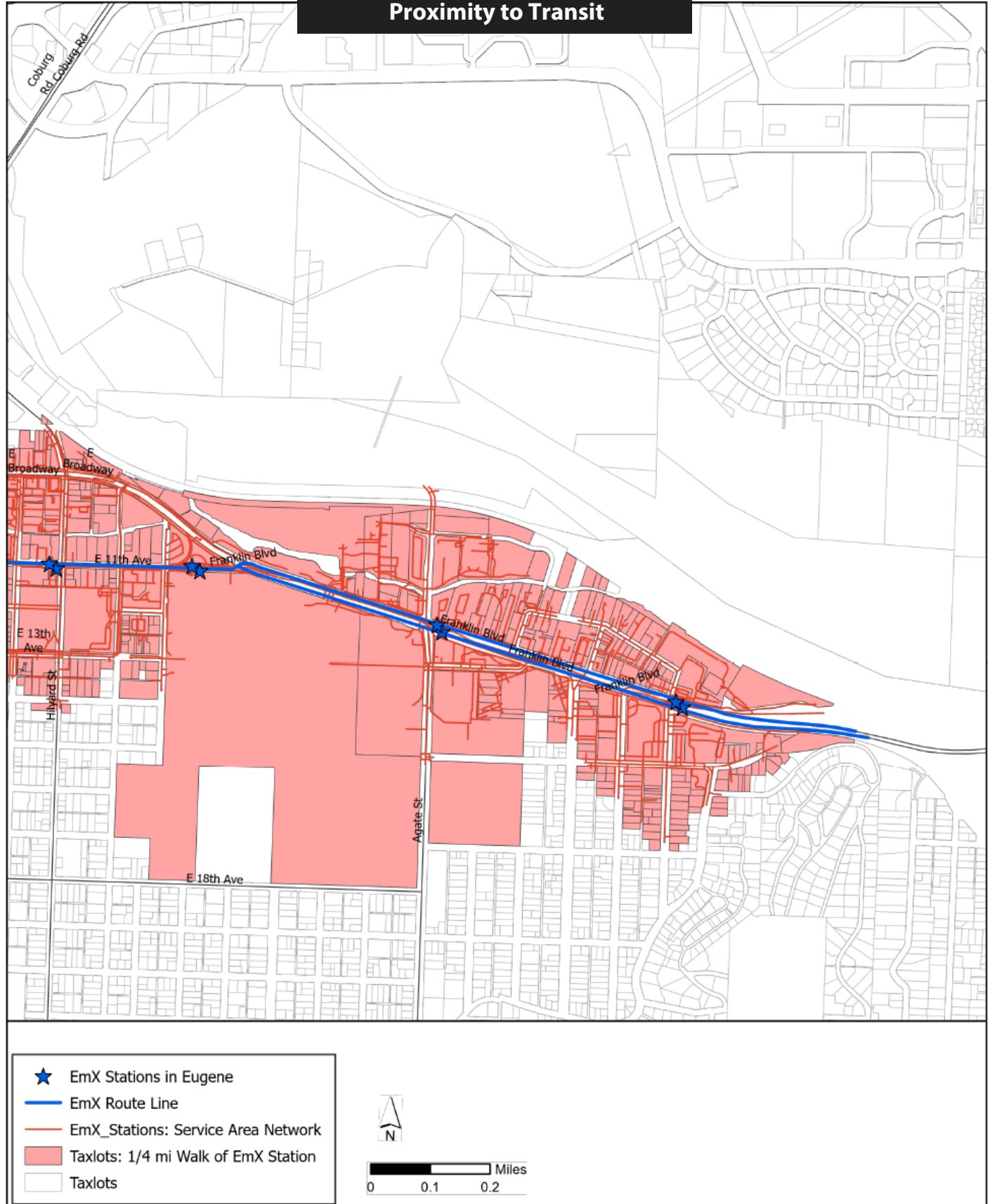
- ★ EmX Stations in Eugene
- EmX Route Line
- EmX_Stations: Service Area Network
- Taxlots: 1/4 mi Walk of EmX Station
- Taxlots



**Figure
9.6410(6)(b)**

**Middle Housing Parking Incentive
Proximity to Transit**

Map Tile #4



Findings

Middle Housing Code Amendments

(City Files: CA 21-1 / MA 21-1)

Overview

The Eugene Middle Housing Code Amendment project is intended to implement Oregon House Bill 2001 (2019), codified as ORS 197.758, which requires Oregon’s large cities, including Eugene, to allow duplexes, triplexes, quadplexes, townhouses and cottage clusters (collectively referred to as middle housing) in more places across the City. This project includes amendments to the Eugene Code and Eugene-Springfield Metropolitan Area General Plan, which are referred to in these findings as the “Middle Housing Code Amendments” and “Metro Plan Amendment”, respectively.

Middle Housing Code Amendments (CA 21-1): The changes to the City’s land use code are intended to: comply with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules; create more opportunities for middle housing in Eugene’s residential zones; and create development standards for middle housing. The land use code amendments also incorporate new requirements and procedures for middle housing land divisions created by Senate Bill 458 (2021). This new form of land division will allow for the creation of small lots that each contain an individual unit of middle housing. Finally, consistent with the requirements of HB 2538 (2021), the Middle Housing Code Amendments remove language from the land use code that ties maximum occupancy limits for residential dwellings to familial or nonfamilial relationships among occupants. In some circumstances the land use code amendments exceed the minimum standards set by ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules; reflecting the City’s policy choice to encourage and in some cases incentivize the development of middle housing by removing barriers to the siting and construction of middle housing within the City of Eugene.

Metro Plan Amendment (MA 21-1): The text amendment to policy A.9 in the residential element of the Eugene-Springfield Metropolitan General Plan (Metro Plan) is intended to comply with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. This amendment does not change the land use designations shown on the Metro Plan’s land use diagram.

Middle Housing Code Amendment Findings

Eugene Code Section 9.8065 sets out the following approval criteria (in ***bold italics***) for a land use a code amendment.

EC 9.8065(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Based on the findings under each of the statewide planning goals 1 through 19 below, the amendments are consistent with the goals and this criterion is satisfied.

Statewide Planning Goals

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

The City's acknowledged procedures for adoption of legislative land use decisions, located in sections 9.7050 and 9.7500 through 9.7560 of the Eugene Code, ensure the opportunity for community members to be involved in all phases of the legislative land use decision process and set out the requirements for such involvement. The Middle Housing Code Amendments do not amend or change the City's adopted citizen involvement program. The process for adoption of the Middle Housing Code Amendments complies with Goal 1 because it is consistent with the City's acknowledged procedures for legislative land use decisions.

In addition to compliance with the City's acknowledged legislative land use decision procedures the City also solicited significant public involvement prior to the date pre-adoption notice was provided to the Department of Land Conservation and Development. This early public involvement consisted of three phases: Phase 1, Public Involvement Plan/Approach; Phase 2, Design and Code Concepts; and Phase 3, Code Writing. In Phase 1, the Public Involvement Plan/Approach phase, a Public Involvement Plan for the Middle Housing Code Amendments was drafted by City Staff and approved by the Eugene Planning Commission, acting as the City's Committee for Citizen Involvement. The Public Involvement Plan identified stakeholders who could contribute specific information and viewpoints, including 1000 Friends of Oregon, 2Form Architecture, AARP Oregon, Aligned Architecture, Arbor South Architecture and Planning, Better Eugene-Springfield Transportation, Better Housing Together, CDC Management, Cultivate Development, DevNW, DisOrient Asian American Film Festival, Eugene Chamber of Commerce, Eugene Human Rights Commission, Eugene Planning Commission, Eugene Sustainability Commission, Gallic Financial, Granite Property Management, Habitat for Humanity Lane County, Hayden Homes, Historic Preservation Board, Homes for Good, Housing Policy Board, Huerto de Familia, Lane County Homebuilders Association, Lane Independent Living Alliance, Lottery-Selected Panel representative of Eugene demographics, NAACP Eugene-Springfield, Neighborhood Leaders Council, Rainbow Valley Design and Construction, Rowell Brokaw, Sapsik'walá, SquareOne Villages, Studio e-Architecture, University of Oregon Longhouse, University of Oregon Real World Eugene class, and Walkable Eugene Citizens Advisory Network.

One of the City's goals for this initial phase of public involvement was to solicit input from individuals and groups who have not historically participated in the City's formal acknowledged legislative land use decision process. Because the Public Involvement Plan was adopted August 11, 2020, and Phase 1 of public involvement began in the summer of 2020, during the midst of

COVID-19 pandemic, the plan outlined an engagement process that was focused on virtual engagement.

During Phase 1, City staff created a project webpage which was published on the City's website, as well as an additional project page on the City's virtual engagement platform, Engage Eugene. Additionally, a preliminary Interested Parties list was created to distribute project updates via email. The project webpage content included project background, project fact sheets, including Spanish translations, and meeting information. The project Engage Eugene page content included project background and several opportunities for community members to provide input, including a Question and Answer widget, a forum to share "Middle Housing" stories, and a forum to share best and worst outcomes.

During Phase 2 of the Public Involvement Plan, the Design and Code Concepts phase, staff held a series of five working group meetings to solicit stakeholder input on guiding values and principles for the project. Stakeholder groups included the Boards and Commissions RoundTable, the Local Partners RoundTable, the Healthy Democracy Panel, the Healthy Democracy Steering Committee, and the Equity RoundTable.

The Boards and Commissions RoundTable included representatives from the Eugene Planning Commission, Eugene Sustainability Commission, Eugene Human Rights Commission, Eugene Historic Review Board, Eugene Active Transportation Committee, and the Housing Policy Board.

The Local Partners RoundTable included representatives from Better Housing Together, AARP, Eugene Chamber of Commerce, Eugene Association of Realtors, Better Eugene-Springfield Transportation, 1000 Friends of Oregon, Walkable Eugene Citizens Advisory Network (WECAN), Homebuilders Association of Lane County, and the Neighborhood Leaders Council.

The Equity RoundTable included representatives from the NAACP, University of Oregon Longhouse, Sapsik'w'alá Teacher Education program, DisOrient Asian American Film Festival, Lane Independent Living Alliance, Huerto de Familia, Chinese Benevolent Association, and TransPonder.

During Phase 2, the members of the RoundTables met virtually, held discussions, and made recommendations to staff on guiding values and principles for the project. RoundTable members also reviewed and made recommendations to staff on various code concepts. Meeting videos and materials for the Boards and Commissions and Local Partners RoundTables were made available on the project website. Meeting summaries for the Equity RoundTable were also made available on the project website.

The Healthy Democracy Panel was comprised of community members who were selected via lottery. The City contracted with Healthy Democracy, a nonpartisan nonprofit organization, to conduct public outreach related the Middle Housing code amendments project. Healthy Democracy mailed 7,500 invitations to randomly-selected households around the City of Eugene, including unincorporated areas within the urban growth boundary. The respondents were then entered into a lottery and Healthy Democracy used an algorithm to select a 29-member panel representative of 7 community demographics: age, geographic location, disability, home ownership, gender, race/ethnicity, and educational attainment. During Phase 2, the Healthy Democracy Panel met 15 times. At their first 9 meetings, the panelists identified guiding values

and principles for the project, which they recommended to City staff. At their final 6 meetings, the participants reviewed draft code concepts and made their recommendation on code concepts to City staff. The Healthy Democracy meetings were held virtually, and large group sessions were available to be viewed by the public via the Healthy Democracy YouTube. Meeting videos and materials were provided on the project website.

Four undergraduate students from the “Real World Eugene” class at the University of Oregon partnered with City staff to gather feedback on the project, including 137 survey responses from local students. Furthermore, student interns developed a GIS story map outlining project background and code concepts that was written for a Gen-Z audience. The story map amassed over 500 total views.

In addition to more traditional public outreach activities such as meetings and surveys, City staff established a presence for the project on the social media platforms Instagram, Facebook, and Reddit. Together, the project’s social media accounts reach more than 1,600 followers. City staff held 5 Facebook Live events related to the Middle Housing Code Amendments project: Where the Code Hits the Road: Land Use and Transportation Planning; Land Use and Equity: What are the Connections; Land Use and the Climate; What do you Meme: Communicating Land Use to Gen-Z; and Land Use and Housing: What Drives the Price of New Construction. The live events featured 11 guest speakers and amassed over 4,000 views. Additionally, an “ask me Anything” question and answer forum hosted on a Eugene-specific Reddit channel with more than 30,000 subscribers received over 100 comments.

City staff also developed a “Meeting in a Box” tool to provide community groups, such as City-recognized Neighborhood Associations, with information about the Middle Housing code amendment project. The Meeting in a Box tool included neighborhood walking tours, draft code concepts, and feedback forms. The Meeting in a Box was distributed to all Neighborhood Association chairs and was shared via the project’s preliminary interested parties list, on the project webpage, on the project’s Engage Eugene page, and via the Planning Department’s e-newsletter.

The City also conducted a virtual community survey to solicit feedback on the Middle Housing code amendment project. The survey was hosted on the project’s Engage Eugene page and was open for 5 weeks. The survey was also published in Spanish on a separate Engage Eugene page geared specifically to Spanish speakers. Overall, the English Engage Eugene survey received 4,000 views during the survey open period and 741 community members responded to the survey. Overall, the Spanish Engage Eugene survey received 103 views during the survey open period and 10 community members provided survey responses.

Throughout Phase 2, project updates were provided via the Planning Division e-newsletter that reaches over 18,000 subscribers as well as to the project Preliminary Interested Parties List.

During Phase 3, the draft code writing phase, a Developer Focus Group comprised of 19 local developers and architects was formed to give their feedback on draft code amendments. The Developer Focus Group meetings were held virtually. Meeting summaries were provided on the project website.

Throughout Phase 3 and the formal code adoption phase, City staff continued to provide project updates via the Planning Division e-newsletter that reaches over 18,000 subscribers as well as to the project Preliminary Interested Parties List.

On October 19, 2021, October 21, 2021, and October 26, 2021, City staff held three one-and-a-half-hour virtual information and question sessions, which were open to anyone with questions about the project, the public engagement process, the public engagement recommendations, or the adoption package. Seventy-two individuals attended the virtual information sessions. Additionally, in October of 2021, City staff published a “Guide to the Middle Housing Adoption Process” that included project background, summaries of proposed code changes, and options for providing public comment.

A public hearing on the proposed Middle Housing Code Amendments was held by the Planning Commission on November 16, 2021. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, as well as community groups and individuals who requested notice. Notices were provided at the following times:

September 21, 2021:	The City’s proposed Middle Housing Code Amendments and notice of Planning Commission public hearing on the proposed amendments were filed with the Oregon Department of Land Conservation and Development.
September 24, 2021:	Notice of the Planning Commission’s public hearing on the proposed amendments was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City’s interested parties list.
October 12, 2021:	Notice of a new Planning Commission public hearing date (November 16, 2021) for the proposed Middle Housing Code Amendments was filed with the Oregon Department of Land Conservation and Development. The public hearing date was rescheduled for a later date due to a notice publication issue. Notice of the public hearing was not published by the local paper in compliance with Eugene Code procedural requirements.
October 15, 2021:	Notice of the new public hearing date for the proposed amendments was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City’s interested parties list
October 26, 2021:	Notice of the Planning Commission public hearing was published in the Register Guard Newspaper.
November 16, 2021:	The Eugene Planning Commission held a public hearing on the Middle Housing Code Amendments and Metro Plan Amendment.

In addition, information concerning the proposed Middle Housing Code Amendments, including the dates of the public hearings, was posted on the City of Eugene website and project updates were provided via email to the Planning Division e-newsletter that is sent to over 18,000 subscribers, as well as to the project Preliminary Interested Parties List, on the dates shown below:

- Planning Division e-newsletter: May 31, 2020, June 28, 2020, July 26, 2020, August 30, 2020, September 27, 2020, November 29, 2020, January 31, 2021, February 28, 2021, March 28, 2021, April 25, 2021, June 1, 2021, June 28, 2021, August 1, 2021, September 15, 2021, September 27, 2021, and October 31, 2021.
- Project Preliminary Interested Parties List: October 8, 2020, October 25, 2020, November 18, 2020, February 5, 2021, February 13, 2021, February 23, 2021, June 17, 2021, October 5, 2021, and October 20, 2021

Following the Planning Commission's January 25, 2022 adoption of a recommendation that the City Council adopt the Middle Housing Code Amendments and Metro Plan Amendment, city staff held an additional three virtual information sessions on February 18, 2022, February 22, 2022, and March 3, 2022, in advance of the City Council public hearing. These information sessions were held over Zoom at various times to accommodate a variety of schedules and were posted on the project webpage for those unable to attend live. The information sessions included a staff presentation that included an overview of a "Guide to the Planning Commission Recommendation" published prior to the information sessions that included project information, code summaries, and instructions to provide public comment. Each staff presentation was followed by a question and answer session.

The Eugene City Council held a public hearing on the Middle Housing Code Amendments on April 18, 2022. Consistent with land use code requirements, notice of the City Council public hearing was mailed to persons that provided oral or written testimony in a timely manner during the Planning Commission hearing procedures, as well persons that requested notice of the Planning Commission's decision. Notice of the City Council public hearing was published in the Register-Guard newspaper on March 31, 2022. Notice of the City Council public hearing, as well as the text of the Middle Housing Code Amendments and Metro Plan Amendment, was posted on the City's website on April 1, 2022. The City Council continued to accept written public comment until its decision on the Middle Housing Code Amendments and Metro Plan Amendment.

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

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

Eugene's land use code specifies the formal adoption procedure and approval criteria that were used in considering these amendments. The record shows that there is an adequate factual basis for the amendments to the land use code. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected

governmental unit and when the City uses the information obtained in the exchange to balance the needs of citizens.

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

Goal 3 - Agricultural Lands. To preserve and maintain agricultural lands.

The Middle Housing Code Amendments will only affect properties located within the City of Eugene and therefore do not affect any lands designated by the comprehensive plan for agricultural use. To the extent that there are properties within the City currently zoned for agricultural use the proposed amendments do not force a discontinuance of agricultural practices. The amendments are intended to reduce barriers to the development of middle housing within the City; therefore, they have the potential to reduce the need to expand the City's urban growth boundary in a way that impacts agricultural land in the future. For all these reasons, the amendments are consistent with Statewide Planning Goal 3.

Goal 4 - Forest Lands. To conserve forest lands.

The Middle Housing Code Amendments will only affect properties located within the City of Eugene and therefore do not affect any lands designated by the comprehensive plan for forest use. The amendments are intended to reduce barriers to the development of middle housing within the City; therefore, they have the potential to reduce the need to expand the City's urban growth boundary in a way that impacts forest lands. For all these reasons, the amendments are consistent with Statewide Planning Goal 4.

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

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These Middle Housing Code Amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be

conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, the proposed amendments are consistent with Statewide Planning Goal 5.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The Middle Housing Code Amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis, and wildfires. . To the extent that the Middle Housing Code Amendments allow for increased residential density on residentially zoned and designated properties, including those residential properties that may be located in proximity to potential natural hazards, those changes are required by ORS 197.758. The residential development allowed by the Middle Housing Code Amendments will be subject to the City's existing policies and regulations that protect people and property from natural hazards. The Middle Housing Code Amendments do not amend or repeal any policies or regulations that protect people and property from natural hazards. The Middle Housing Code Amendments will not reduce or repeal adopted natural hazard protections. Therefore, the Middle Housing Code Amendments are consistent with Statewide Planning Goal 7.

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

Goal 8 ensures that recreational facilities are provided to Oregon citizens and is primarily concerned with the provision of recreational facilities in non-urban areas of the state. The Middle Housing Code Amendments do not affect the City's provisions for or citizen's access to recreation areas, facilities, or recreational opportunities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

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

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

Goal 10 requires the City to provide an adequate supply of buildable land to accommodate the City's estimated housing needs for a 20-year planning period. The Envision Eugene Residential Land Supply Study (2012-2032) was adopted by the City of Eugene in 2017 as a refinement of the Envision Eugene Comprehensive Plan and complies with the requirements of Goal 10 and Chapter 660, division 008 of the Oregon Administrative Rules.

The Envision Eugene Residential Land Supply Study includes an inventory of buildable lands for residential use. According to the Residential Land Supply Study, there is sufficient buildable residential land to meet the identified land need. The Middle Housing Code Amendments do not impact the City's supply of residential buildable land. No land is being re-designated from a residential use to a non-residential use, and the amendments do not otherwise diminish the amount of land available for residential use.

Goal 10 also requires the City to conduct a Housing Needs Analysis (HNA) in order to assess whether the City's estimated housing needs for a 20-year planning period can be satisfied. The Envision Eugene Residential Land Supply Study (2017) includes a HNA that forecasts that Eugene's population will increase by 33,778 people between 2012 and 2032. Based on the HNA analysis, Eugene will need 15,105 dwellings to accommodate this growth.

The Middle Housing Code Amendments increase the capacity of existing residential land by allowing for development of more dwelling units on residential land throughout the city. More specifically, the amendments will allow for the development of middle housing types in areas where those housing types were previously prohibited or limited, which will result in an increase in the overall capacity for dwellings on lands designated for residential uses.

OAR 660-046-0200 provides that OAR 660-046-0025 through OAR 660-046-0235 are intended to measure compliance with ORS 197.758 and Goal 10 for cities with a population of over 25,000. The Middle Housing Code Amendments are consistent with ORS 197.758 and OAR 660-046-0025 through OAR 660-046-0235. The amendments allow a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. The amendments also allow all middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings. The siting and design standards included in the Middle Housing Code Amendments comply with OAR 660-046-0210 and do not, individually or cumulatively, discourage the development of middle housing through unreasonable cost and delay.

The Middle Housing Code Amendments include changes to the city's land use code that are compliant with the minimum standards set by OAR Chapter 660, division 46 and/or are consistent with the state's model code. In several instances, the Middle Housing Code Amendments go beyond the express requirements of state law to expand the opportunities for and reduce barriers to development of middle housing in the city. These incentives include, but are not limited to:

- Lot sizes for development of middle housing are generally smaller than lot sizes required for the development of single-unit dwellings;

- Further reductions in lot size (or density increases in the case of townhouses) for middle housing developments that include income-qualified units and middle housing developments that include dwellings with an average size of less than 900 square feet;
- Allowance for detached as well as attached duplexes, triplexes, and quadplexes;
- Reduced parking requirements for income-qualified middle housing, and middle housing on lots within ¼ mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station;
- Increased lot coverage allowance for middle housing developments.

Based on these findings, the Middle Housing Land Use Code Amendments are consistent with Statewide Planning Goal 10.

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

The Middle Housing Code Amendments do not make changes to the City's provision of public facilities and services or to the currently adopted Eugene/Springfield Public Facilities and Services Plan (PFSP). Consistent with the PFSP, the City will continue to plan and develop public facilities to support the land uses designated in the City's acknowledged comprehensive plan, including public facility projects that support the development of middle housing. Therefore, the amendments are consistent with Statewide Planning Goal 11.

The City of Eugene updated the PFSP during the adoption of Eugene Urban Growth Boundary in 2017 to ensure that all residential lands could be served. More recently, the City of Eugene and City of Springfield received a grant from the Department of Land Conservation and Development on October 6, 2021 to update the PFSP, including updates specifically focused on supporting housing development. Consistent with OAR 660-046-0010(30(e), following adoption of the Middle Housing Code Amendments, the City will work to ensure that infrastructure serving areas where middle housing is allowed, including any undeveloped or underdeveloped areas as defined in OAR 660-046-0320(8), is appropriately designed and sized to serve the land uses allowed by the City's comprehensive plan and land use regulations, including middle housing uses.

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation*

facility (exclusive of correction of map errors in an adopted plan);

- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Chapter 639, Section 3(5) of Oregon Laws 2019 provides that “[w]hen a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.”

The Middle Housing Code Amendments are legislative changes to Eugene’s land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings. Therefore, the City is not required to consider whether the amendments significantly affect an existing or planned transportation facility. Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

Goal 13 provides guidance on the management of land and land uses to maximize the conservation of energy. Goal 13 provides implementation direction focused on lot sizes, building heights, density of housing, compatibility, and availability of light, wind, and air. The Middle Housing Code Amendments limit the height of middle housing located within the low-density residential zone to the same height limit applicable to single-family dwellings in that zone. The height limitation will allow for solar infiltration and limit middle housing development from shadowing of other buildings providing for more availability of light. Goal 13 encourages, among other things, an increase in density along high-capacity transportation corridors. The Middle Housing Code Amendments remove all off-street parking requirements for middle housing on lots within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station. EmX lines are located along high-capacity transportation corridors in Eugene. The removal of off-street parking requirements incentivizes middle housing (which will

necessarily provide higher density than detached single-family homes) close to transit, consistent with Goal 13. In addition, the removal of off-street parking requirements for middle housing close to transit potentially allows for higher density on individual lots because more of the lot can be used for housing instead of parking. As the amendments encourage density along high capacity transportation corridors, the amendments are consistent with Statewide Planning Goal 13.

Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The Middle Housing Code Amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, the amendments are consistent with Statewide Planning Goal 14.

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

The Middle Housing Code Amendments do not contain any substantive changes to the City's Willamette River Greenway regulations; therefore, Statewide Planning Goal 15 does not apply. The only change to the Willamette Greenway regulations is a new citation to a renumbered code section..

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

There are no coastal, ocean, estuarine, or beach and dune resources related to the lands affected by these Middle Housing Code Amendments. Therefore, these goals are not relevant, and the amendments will not affect compliance with Statewide Planning Goals 16 through 19

EC 9.8065(2) Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

Metro Plan Policies

The following policies from the Metropolitan Residential Land Use and Housing Element of the Eugene Springfield Metropolitan Area General Plan (Metro Plan): (identified below in italics) are applicable to these Middle Housing Code Amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the Metro Plan.

Residential Land Use and Housing Element

A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

ORS 197.758 requires the City to allow “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings” and requires the City to allow “[a]ll middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings.” The Middle Housing Code Amendments will implement the requirements of ORS 197.758. Development of middle housing as required by state law and as allowed by the Middle Housing Code Amendments, may cause the density on some residentially zoned and designated properties to exceed the current density ranges in Policy A.9 of the Metro Plan’s Residential Land and Housing Element.

However, a text amendment to policy A.9 of the Metro Plan, adopted by the City Council as part of the same ordinance that contains the Middle Housing Code Amendments, exempts middle housing from the maximum densities in the density ranges in policy A.9 and allows the City to establish maximum density requirements that apply to middle housing within the City as long as the middle housing density requirements comply with state law. The text amendment also clarifies that whenever an adopted refinement plan policy conflicts with the amended policy A.9, the policy A.9 controls.

Therefore, the Middle Housing Code Amendments are consistent with policy A.9 of the Metro Plan as amended by the ordinance that also adopts the land use code amendments.

A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.

The Middle Housing Code Amendments allow for middle housing to be developed in more areas of the City, which increases the overall number of potential dwelling units that could be developed within City limits. Additionally, the development standards applicable to middle housing were selected to encourage the development of middle housing and remove barriers to that development. By encouraging the development of middle housing on land that was otherwise likely to have been developed with detached single-family housing, the land use code amendments promote higher residential density within the city, conserving rural resource lands outside the urban growth boundary.

The increased opportunity and reduced barriers to the development of middle housing will allow for more infill of middle housing, which will utilize existing infrastructure when feasible. The increased infill opportunities will also help to improve the efficiency of public services and facilities by increasing density within the city, thereby allowing more people within the city limits to access those services and facilities.

Through the allowance of more middle housing on existing lots within the City and removing barriers to development, the overall density within the UGB is likely to increase, which will

reduce pressure to expand the UGB for residential purposes, as further supported under the findings for Goal 10 at EC 9.865(1) above, incorporated herein by reference.

The increased density facilitated by these amendments will utilize existing infrastructure where possible, improve efficient use of public services and facilities, and help to conserve the rural resource lands outside the UGB. For all these reasons, the land use code amendments are consistent with policy A.10.

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.

The Middle Housing Code Amendments will allow middle housing in more areas of the city, thereby increasing density throughout Eugene's residentially designated lands, including residentially designated lands located near employment and commercial services consistent with this policy.

In addition, the land use code amendments allow for reductions in off-street parking requirements for development of middle housing on lots located within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station. EmX lines are , located on high capacity roadways with frequent transit service.

Based on the increased allowance of middle housing and incentives to locate middle housing near transit, the amendments are consistent with policy A.11.

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.

The Middle Housing Code Amendments will allow middle housing in more residential areas within the city limits. Existing adopted city policies and regulations, including, but not limited to, the Eugene/Springfield Public Facilities and Services Plan (PFSP), the Parks and Recreation System Plan, and the land use code, regulate the provision of adequate infrastructure and services, open space, and other urban amenities within the city limits. The proposed amendments do not apply to areas that are within the city's urban growth boundary (UGB) but outside the city limits. Properties located outside the city limits but within the UGB will be evaluated for their ability to access urban facilities and services at the time of future annexation.

As discussed in the findings regarding compliance with Goal 11, incorporated herein by reference, the Middle Housing Code Amendments do not change the City's provision of public facilities and services or amend the currently adopted Eugene/Springfield Public Facilities and Services Plan (PFSP). Consistent with the PFSP and OAR 660-046-0010(30(e), the City will continue to plan and develop public facilities to support the land uses designated in the City's acknowledged comprehensive plan, including public facility projects that support the development of middle housing. For all these reasons, the amendments are consistent with policy A.12.

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

Consistent with this policy, the Middle Housing Code Amendments allow for middle housing to be developed in more residentially zoned and designated areas of the City, which increases the overall number of potential dwelling units that could be developed within City limits. Additionally, the development standards applicable to middle housing were selected to encourage the development of middle housing and to remove barriers to that development. By encouraging the development of middle housing on land that was otherwise likely to have been developed with detached single-family housing, the land use code amendments promote higher residential density within the city.

The amendments allow for middle housing to be developed on smaller lots than the lot sizes currently required for single detached dwellings. This creates more opportunities for effectively designed infill by allowing development of housing on lots that may otherwise have been too small to support housing or land divisions under the existing land use code. Smaller lot size requirements for middle housing types may also create opportunities for redevelopment of lots that would otherwise be non-conforming because of their size.

While the amendments allow a duplex on any lot that permits a single-detached dwelling, the amendments also allow duplexes on lots that are as small as 2,250 square feet. This significantly reduces existing barriers to duplex development, which currently include a requirement for an 8,000 square foot lot. Similarly, the Middle Housing Code Amendments allow triplexes on lots that are 3,500 square feet. Lots of this size were previously not permitted in Eugene without adhering to special small lot development standards (only permitted in the R-2, R-3, and R-4 zones) or getting approval through a planned unit development or cluster subdivision. These lot sizes present an opportunity to further partition or subdivide lots that were previously too small to divide any further. New lots created through this process will offer an opportunity for new development, redevelopment, and in-fill within existing neighborhoods.

ORS 197.758 requires the City to allow “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings” and to allow “[a]ll middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings.” Therefore, the City cannot refuse to allow middle housing where it is required by state law based on impacts to historic, existing and future neighborhoods.

Notwithstanding state law requirements, the City Council finds that the standards for middle housing included in the land use code amendments render middle housing visually compatible with existing and future residential neighborhoods in the city through development standards including height limitations, lot coverage, building orientation, and off-street parking requirements. However, consistent with OAR 660-046-0010(3)(a)(B), the amendments do not alter the development standards within special area zones or overlay zones that provide protection to historic areas and developments, such as the Historic Blair Special Area Zone.

To the extent that the development of middle housing alters or affects the character of existing neighborhoods, the City Council finds that the benefit of the opportunities for effectively designed infill and redevelopment created by the Middle Housing Code Amendments, outweighs the minor impacts to existing residential neighborhoods. For all the reasons above, the land use code amendments are consistent with policy A.13.

A. 14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.

The Middle Housing Code Amendments are the result of a review of the city's land use code and development regulations and the amendments remove barriers to the development of middle housing in areas where typically detached single-family housing has been developed. The amendments allow for middle housing to be developed in more residentially zoned and designated areas of the City, which increases the overall number of potential dwelling units that could be developed within City limits.

Additionally, the development standards applicable to middle housing were selected to encourage the development of middle housing and to remove barriers to that development. By encouraging the development of middle housing on land that was otherwise likely to have been developed with detached single-family housing, the land use code amendments remove barriers to development of a wider range of housing options within the city and will likely result in the development of more duplexes, triplexes, fourplexes, townhouses and cottage clusters in addition to detached single-family homes and large multi-unit developments. For all these reasons, the amendments are consistent with policy A.14.

A. 16 Allow for the development of zoning districts which allow overlap of the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts. Under no circumstances, shall housing densities be allowed below existing Metro Plan density ranges.

The Middle Housing Code Amendments do not create new zones or rezone property.

However, generally, the amendments do allow for a wider range of middle housing types throughout Eugene's residential zones, which supports more housing options and promotes housing choice. The allowance of middle housing, which may result in densities higher than those previously allowed in Eugene's low and medium density residential plan designations, facilitates the ability to develop in accordance with this policy and ensure that the minimum density set by the Metro Plan density ranges will be met. The amendments do not permit housing densities that are lower than the existing Metro Plan density ranges.

Based on these findings, the amendments are consistent with this policy A.16.

Housing Type and Tenure Policies

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

The Middle Housing Code Amendments provide the opportunity for development of the various middle housing types, including duplexes, triplexes, fourplexes, townhomes, and cottages in all residential zones.

The amendments encourage density by providing new minimum lot size requirements. A duplex is now permitted on any lot that permits a single-detached dwelling. Additionally, the amendments allow a duplex on lots that are 2,250 square feet, which significantly reduces the existing barriers to duplex development, which currently require an 8,000 square foot lot, further expanding opportunities for duplex development. Similar reductions and incentives in lot

size allowance for other middle housing types also facilitate the development of more middle housing types throughout Eugene.

Additional incentives for middle housing, such as reduced off-street parking requirements for middle housing developments that include income-qualified units, and development of middle housing on lots within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station are likely to increase the range and variety of housing type, density, size and cost in the City.

New development standards have been established for triplexes, fourplexes, and cottage clusters that are consistent with state law and the state's model code. The Eugene Code currently considers triplexes, fourplexes, and cottage clusters "Multiple Family Dwellings" and subjects those housing types to the City's Multi-Family Development standards or requires a planned unit development approval. The new development standards for these housing types in the Middle Housing Code Amendments will lower barriers to development of triplexes, fourplexes and cottage clusters and will expand the opportunity to develop those housing types throughout Eugene.

In addition, the Middle Housing Code Amendments expand development opportunities for duplexes, triplexes and fourplexes by allowing units in those housing types to be detached as well as attached. The amendments will allow two, three, or four separate dwellings to exist on the same lot and be considered a duplex, triplex, or fourplex, respectively. This option, commonly referred to as "detached plexes" increases design flexibility for the development of duplexes, triplexes, and fourplexes, especially on sites with an existing dwelling or dwellings and on oddly shaped lots or lots with other types of development restrictions. This flexibility is consistent with this policy, as it provides opportunities for choice in housing density, size, type, cost and location.

The Middle Housing Code Amendments also include new development standards for townhouses that are consistent with state law and the state's model code. At this time, townhouses, currently called rowhouses, are prohibited in the City's R-1 zone in certain neighborhoods and require vehicular access from the rear of the development. These requirements, along with other standards for townhouses, have been a barrier to the development of townhouses in Eugene. The amendments allow townhouses in the R-1 zone, subject to new clear and objective development standards, and remove the requirement for vehicular access from the rear of the townhouse, which has consistently been a barrier to development of townhouses in areas that do not have established alleys or have undeveloped alleys.

The Middle Housing Code Amendments create new standards for cottage clusters that drastically reduce barriers to cottage cluster development. Under the City's currently adopted land use code, cottage clusters are either subject to the strict multi-unit development standards or require a cluster subdivision or planned unit development approval. These requirements presented significant barriers to the development of cottage clusters and the amendments remove those barriers and provide previously missing opportunities for cottage cluster development.

Overall, the Middle Housing Code Amendments increase opportunities for the development of middle housing and the removal of barriers to middle housing development, which will provide opportunities for new middle housing types across Eugene at a higher density than previously permitted and will allow for more choice in housing size, type, cost and location. Based on these findings, the amendments are consistent with this policy A.17.

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

As discussed in the findings under Policy A.17, incorporated herein by reference, the Middle Housing Code Amendments allow for the development of middle housing types on residentially zoned and designated properties throughout Eugene. The changes will allow a variety of structure types, such as townhouses, cottages, and attached and detached duplexes, triplexes, and fourplexes within residential designations in the City. Based on these findings, the amendments are consistent with this policy.

A.23 Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.

The Middle Housing Code Amendments include siting and design standards for triplexes, fourplexes, townhouses and cottage clusters. These siting and design standards include, but are not limited to, setbacks, height limits, window coverage, entry orientation, building orientation and parking requirements. Duplexes are subject to the same siting and design standards and single-family detached housing. These siting and design standards will reduce visual and other impacts of middle housing on surrounding uses.

Based on these findings, the amendments are consistent with this policy.

A.33 Consider local zoning and development regulations impact on the cost of housing.

The Middle Housing Code Amendments expand the potential for development of middle housing by reducing barriers and creating opportunities for development. The new development standards for triplexes, fourplexes, townhomes, and cottage clusters included in the amendments significantly reduce potential development costs by no longer subjecting these developments to the City's multi-unit development standards and by offering clear and flexible design standards that comply with state law.

Additionally, the amendments include incentives for middle housing such as reduced off-street parking requirements for middle housing developments that include income-qualified units, and middle housing on lots within one quarter mile walking distance of a Lane Transit District Emerald Express (EmX) bus rapid transit station. The amendments also include lot size reductions for middle housing developments that include small units or income-qualified units. These incentives will likely reduce the costs of development of middle housing, which should translate into housing that costs less to rent or buy. The income-qualified units must be made available at prices or rent levels appropriate for persons with incomes at or below 80% of the area median income.

In conjunction with these factors, the newly created middle housing land division process will likely reduce the costs associated with dividing and selling a unit within a middle housing

development. The savings from the middle housing land division will likely reduce costs and expand opportunities for home ownership in middle housing that was previously unavailable or costly.

Based on these findings, the amendments are consistent with this policy.

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any relevant or applicable policies for these amendments.

Applicable Refinement Plans

To the extent that policies in the City's adopted refinement plans constitute mandatory approval criteria a discussion of the policies that appear to be relevant is provided below. The plan the policy is from is listed in (**bold**) followed by policies in (*italics*) and applicable findings.

Bethel-Danebo Refinement Plan (1982)

Recommendations: General Land Use Policy

1. *The following land use designations in the Eugene-Springfield Metropolitan Area General Plan shall be maintained:*
 - a. *low-density residential development in most of the plan area;*
 - b. *a commercial node on Highway 99 North and three commercial/ residential development nodes in the plan area;*
 - c. *medium-density residential development around the Highway 99 North commercial node, and the three development nodes.*

This policy aligns the Bethel-Danebo Refinement Plan land use designations with those of the Metro Plan. No changes are being made to the Metro Plan's Land Use Diagram or to the land use designations of properties within the refinement plan area. Exempting middle housing from the maximum densities identified in policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan as provided in the concurrent Metro Plan Amendment is necessary to comply with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules and will facilitate the allowance of middle housing on residentially zoned and designated properties. Based on these findings, the amendments are consistent with this policy.

Eugene Downtown Plan (2004)

Living Downtown

1. *Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities. (pg. 25)*

The Middle Housing Code Amendments will create more opportunity for middle housing in Eugene's residential zones, including residentially zoned properties in the downtown core and on

the edges of downtown. Middle Housing types (duplexes, triplexes, fourplexes, cottage clusters and townhomes) all include multiple units, so creating opportunity for more middle housing development downtown is consistent with this policy. The Middle Housing Code Amendments also include lot size reduction incentives for small units, which are more likely to be affordable to persons with lower income levels. Additionally, the amendments further support affordability by including income-qualified incentives, which provide development incentives (reduced parking requirement, reduced lot size requirements, and density increases) when middle housing units are reserved for people who are below 80 percent of the area median income. Based on these findings, the amendments are consistent with this policy.

Fairmount/U of O Special Area Study (1982)

Land Use

General Policies

1. The City of Eugene will use the Land Use Diagram and the policies of this plan along with other City policies in making land use and other decisions regarding the plan area. The Land Use Diagram is a generalized map and graphic depiction of the policies and proposals of this plan and the Community Goals and Policies. It is a supplement to and a refinement of the Metropolitan Area General Plan Diagram.

No changes are being made to the Metro Plan's Land Use Diagram or to the land use designations of properties within the refinement plan area. The definition of "low-density" residential as used in the plan's Land Use Diagram provides that the area shown as "low-density" on the Land Use Diagram "is to remain in low-density residential use with emphasis on preserving and maintaining the single-family character which currently exists." The City Council finds that nothing in the amendments prevents the area shown as "low-density" on the plan's Land Use Diagram from remaining in low-density residential use. The City Council further finds that the development standards applicable to middle housing help to ensure that middle housing developed in the plan area will blend in with the existing single-family character of the neighborhood. Finally, the City Council finds that to the extent this plan policy would prohibit the development of middle housing within the area shown as "low-density" on the Land Use Diagram, that prohibition is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

5. There will continue to be opportunity for residents to be involved in land use decisions that affect them.

As noted in the findings regarding compliance with Statewide Planning Goal 1, hereby incorporated in these findings, the city has provided many opportunities for public involvement in both the drafting and consideration of the Middle Housing Code Amendments. The amendments are consistent with this policy.

East Campus Area Policy 4: The City shall encourage the University to develop its high- and medium- density residential units with concern for adequate parking and appropriate parking solutions, regard for landscaping, and consideration of the impact on the rest of the neighborhood.

To the extent that this policy impacts the development of middle housing types, nothing in the Middle Housing Code Amendments discourages or prohibits the University from developing its high-density and medium-density residential units with concern for adequate parking and appropriate parking solutions and consideration of the impact of the development on the rest of the neighborhood. To the extent that the Middle Housing Code Amendments include requirements for off-street parking for middle housing types, those off-street parking requirements are either consistent with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules, or are intended to incentivize development of income-qualified middle housing units to encourage affordability or to incentivize development of middle housing close to EmX stations, which will provide residents with transportation options other than single-occupancy vehicles and will therefore likely reduce the need for parking associated with those developments. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Jefferson Far West Refinement Plan

Land Use Element

Residential Policies

2.0 Increase the opportunity for home ownership within the area.

The Middle Housing Code Amendments will allow development of middle housing types in more places in the city, including the plan area. Consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. Finally, the Middle Housing Code Amendments include incentives to develop middle housing for sale at prices affordable to persons with an income of 80% or less of the area median income. The City Council finds that the Middle Housing Code amendments will increase the opportunity for home ownership by allowing for the development of more housing units at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

- 1. Encourage a mixture of housing densities and types to allow a diverse population group to live within the area.*

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of densities and types and will increase the opportunity for home ownership by allowing for the development of more housing units in different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

*Far West
Residential Areas*

1. North Low-Density Residential Area

The City shall continue to recognize the area as suitable for low-density housing. Efforts shall be made to maintain and improve existing housing stock through both public and private investments. In an effort to allow additional residential units and yet maintain the character of the area, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as suitable for low-density housing. Middle housing types are permitted in low-density residential zones, and the City Council finds that the development of middle housing is consistent with the term “low-density housing” as it is used in this policy. Nothing in the amendments prohibits efforts to maintain and improve existing housing stock. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The City Council finds that development of middle housing is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the North Low-Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The plan does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

2. Central Low-Density Residential Area

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

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the residential character of the area. The amendments do not rezone or re-designate any residentially zoned properties in the area. Middle housing types are classified as allowed residential uses in the land use code. The City Council finds that development of middle housing is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the Central Low-Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The plan does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Finally, because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. Based on these findings, the amendments are consistent with this policy.

3. West Medium-Density Residential Area

This area shall be recognized as appropriate for medium density housing. The City shall consider rezoning land designated PL Public Land and in use as Westmoreland Family Housing to reflect existing development. The City shall improve and maintain public access for bicyclists and pedestrians along the Amazon Canal and crossing the Amazon Canal easement.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium density housing. Middle housing types are permitted in medium-density residential zones, and the City Council finds that the development of middle housing is consistent with the term “medium density housing” as it is used in this policy. Based on these findings, the amendments are consistent with this policy.

4. South Low-Density Residential Area

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

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as suitable for low-density residential use. Middle housing types are permitted in low-density residential zones and the City Council finds that the development of middle housing is consistent with the term “low-density residential use” as it is used in this policy. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The plan does not define “shared housing;” however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

*Jefferson
Residential Areas*

11. West Low-Density Residential Area

Encourage additional residential development that will maintain the character of the area by pursuing the application of block planning and allowing additional housing units on undeveloped or underutilized sites, division of existing single-family structures in to duplexes, and access to additional housing units off of alleys.

The Middle Housing Code Amendments are consistent with this policy’s direction to encourage residential development, to allow additional housing units on undeveloped or underutilized sites and to allow division of existing single-family structures into duplexes. The Middle Housing Code Amendments also reduce barriers for the development of middle housing on existing alley access lots and allow for middle housing development on lots that utilize an alley for access purposes. The City Council finds that development of middle housing is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the West Low-Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. Based on these findings, the amendments are consistent with this policy.

12. West Medium-Density Residential Area

This area is appropriate for medium-density residential use.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium density residential use. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term “medium density residential use” as it is used in this policy. Based on these findings, the amendments are consistent with this policy.

13. Low-Density Residential Area – South of the Fairgrounds

This area shall remain a low-density residential area. Efforts shall be made to maintain and improve the quality of the existing housing stock.

Nothing in the Middle Housing Code Amendments will prevent this area from remaining a low-density residential area. Nothing in the amendments requires rezoning or re-designation of low-density residential properties. Middle housing types are permitted in low-density residential zones. Based on these findings, the amendments are consistent with this policy.

14. Low to Medium Density Residential Area

This area shall be recognized as appropriate for low-to medium-density residential development.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for low-to medium density residential development. Middle housing types are permitted in both low-density and medium-density residential zones. Based on these findings, the amendments are consistent with this policy.

15. Low- to Medium-Density Residential Area

This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review.

The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as a low-to medium density residential area. Nothing in the amendments requires rezoning or re-designation of low-density residential properties. Middle housing types are permitted in both low-density and medium-density residential zones. The City Council finds that development of middle housing is consistent with the residential character of the area. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the Low-to-Medium Density Residential Area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules.

The Middle Housing Code Amendments are consistent with the policy's direction to encourage an increase in residential density. The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy is inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control.

Finally, because the Middle Housing Code Amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The plan does not define "shared housing;" however, the City Council finds that development of middle housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

16. East Medium Density Residential Area

This area shall be recognized as appropriate for medium-density residential development. Efforts shall be made to preserve the existing residential structures by encouraging rehabilitation, infilling, or relocation of structures within the neighborhood.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium density residential development. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term "medium density residential development" as it is used in this policy. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. In addition, the amendments allow for conversion of existing residential structures into middle housing, which is consistent with the language of this policy regarding preservation and rehabilitation of residential structures. Based on these findings, the amendments are consistent with this policy. Based on these findings, the amendments are consistent with this policy.

17. High-Density Residential Area

This area shall be recognized as appropriate for high-density residential uses. Proposed rezonings to higher residential densities within this area shall be evaluated based on criteria such as parcel size, proposed development, and impact on surrounding uses. Site review shall be required in conjunction with rezonings.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for high-density residential uses. Middle housing types are permitted in high-density residential zones. Nothing in the Middle Housing Code Amendments requires rezoning or re-

designation of property. Based on these findings, the amendments are consistent with this policy.

Laurel Hill Neighborhood Plan (1982)

Land Use and Future Urban Design Policies

1. *Approval of Valley development will take into consideration:*
 - a. *Density*
 - b. *Size*
 - c. *Dispersal*
- a. *Density*

The appropriate density for residential development shall be determined based on 1) the provision of the Metropolitan Area General Plan calling for an overall density range of one to ten units per acre; and 2) provisions of the South Hills Study, including those limiting density to five units per acre for sites above 500 feet in elevation.

The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

5. *New land divisions shall be planned to respect the present topography and ensure solar potential to the extent possible. Developers shall be encouraged to investigate techniques other than grid-type division of land when planning for development.*

The Middle Housing Code Amendments do not amend the existing solar standards, which apply at the time of development of middle housing or at the time of partition or subdivision. As required by SB 458 (2021), the Middle Housing Code Amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Consistent with this policy, the middle housing land division process allows for the creation of lots using techniques other than a grid-type division of land. Based on these findings, the amendments are consistent with this policy.

Transportation Policies

2. *All future construction in the Valley or East Laurel Hill shall include adequate off-street parking to accommodate not only permanent residents but a reasonable number of visitors. Although on-street parking should be discouraged, in some areas pull-out facilities for parking should be developed, particularly where congestion exists.*

To the extent that the Middle Housing Code Amendments include requirements for off-street parking for middle housing types, those off-street parking requirements are either: consistent with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules; intended to incentivize development of income-qualified middle housing units to encourage affordability; or intended to incentivize development of middle housing close to EmX stations, which will provide residents with transportation options other than single-occupancy vehicles and will therefore likely reduce the need for parking associated with those developments. The City Council finds that compliance with the off-street parking requirements of the Middle Housing Code Amendments constitutes “adequate off-street parking” consistent with this policy. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Relationship to the City Policies

2. The City will communicate to the recognized neighborhood group its general information pertaining to programs and projects that may have a physical impact on the Valley, in order that the association can participate in the public discussion.

As noted in the findings regarding compliance with Statewide Planning Goal 1, which are hereby incorporated in these findings, the city has provided many opportunities for public involvement in both the drafting and consideration of the Middle Housing Code Amendments, including specifically reaching out to neighborhood associations. The amendments are therefore consistent with this policy.

East Laurel Hill Area Land Use and Future Urban Design Policies

1. The density within East Laurel Hill with the exception of the commercial/residential node shall be consistent with the low-density designation of the Metro Plan. The development node’s medium-density residential/professional designation is an exception and may allow up to 20 units per acre, subject to consideration of the South Hills Study or future amendments to that plan. All low-density areas at elevations greater than 500 feet are subject to South Hills Study development guidelines. Controlled-income-and-rent housing subsidized under Federal, State, or City programs would be allowed in accordance with City policy.

The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

South Hills Study (1974)

For reference, the South Hills Study utilized the term “Recommendations” instead of “Policies”. The recommendations below constitute relevant policies from the South Hills Study.

Ridgeline Park – Specific Recommendations

That all vacant property above an elevation of 901’ be preserved from an intensive level of development, subject to the following exceptions:

- 1. Development of individual residences on existing lots; and*
- 2. Development under planned unit development procedures when it can be demonstrated that a proposed development is consistent with the purposes of this section.*

As required by ORS 197.758(2), a duplex must be allowed on each lot or parcel zoned for residential use that allows for the development of detached single dwelling units, and all middle housing types must be allowed in areas zoned for residential use that allow for the development of detached single-family dwellings. The concurrently adopted Metro Plan Amendment exempts middle housing from the maximum residential densities identified in policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan as necessary to comply with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The Metro Plan Amendment also provides that a maximum residential density established by a refinement plan policy, whether by a limit on the number of dwelling units per acre, a minimum lot size requirement, or any other similar regulation that has the effect of limiting density, may not be applied to the development of middle housing. The City Council interprets this plan policy consistently with ORS 197.758, Chapter 660, division 46 of the Oregon Administrative Rules and the concurrently adopted Metro Plan Amendment to allow the development of the middle housing on existing lots above 901 feet within the boundaries of the South Hills Study. The Middle Housing Code Amendments include an amendment to EC 9.8325(12) to reflect the Council’s finding that middle housing is allowed on existing lots above 901 feet within the South Hills Study area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Density - Specific Recommendations

That in the area west of Friendly Street the maximum level of new development per gross acre be limited to 8 units per acre (the maximum figure of 8 units per gross acre being subject to positive findings under the planned unit development criteria and the density point system (if established) of the planned unit development provisions) of positive findings under the planned unit development criteria).

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

That in the area east of Friendly Street the maximum level of new development per gross acre be limited to 5 dwelling units per acre (the maximum figure of 5 dwelling units per gross acre being subject to positive findings under the planned unit development criteria and the density point system {if established} of the planned unit development provisions).

The Middle Housing Code Amendments and concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

River Road – Santa Clara Urban Facilities Plan

Residential Land Use Policies and Suggested Actions

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

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area's character as a low-density residential area. Nothing in the amendments requires rezoning or re-designation of low-density residential properties. Middle housing types are permitted in low-density residential zones and the City Council finds that the development of middle housing is consistent with the term "low-density residential character of the area" as it is used in this policy. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within the area. The City Council finds that such a prohibition is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules.

The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and

Chapter 660, division 46 of the Oregon Administrative Rules. The allowable densities for middle housing in the Middle Housing Code Amendments are consistent with the Metro Plan as amended and therefore consistent with this policy.

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

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. The amendments are therefore consistent with this policy because they provide for a diversity of housing types in the plan area.

5.0 Permit medium-density housing (10 to 20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit, and alternative modes of transportation, schools and parks, and open space should be considered. Medium-density residential development will be considered for the north Santa Clara area consistent with the above criteria.

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

In regard to access to commercial development transit, and alternative modes of transportation, schools and parks, and open space, existing land use regulations ensure that this access is provided in a manner consistent with this policy. The Middle Housing Code Amendments do not alter the existing regulations; therefore, the code amendments are consistent with this policy.

Westside Neighborhood Plan (1987)

Land Use Element Policies/Implementation Strategies

1. Prevent erosion of the neighborhood's residential character.

The City Council finds that the Middle Housing Code Amendments will not contribute to the erosion of neighborhood's residential character. The amendments do not rezone, re-designate

or otherwise change the character of the neighborhood’s residentially zoned properties. Middle housing types are classified as allowed residential uses in the land use code. The City Council finds that development of middle housing is consistent with the residential character of the neighborhood. The City Council does not interpret this policy to require preservation of the existing or predominant types of residential dwellings and densities in the neighborhood against other residential dwelling types and densities specifically allowed by the zoning and land use designations of properties within the neighborhood. The City Council finds that such a prohibition on new types of residential dwellings is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. Based on these findings, the amendments are consistent with this policy.

2. Support improving existing housing and reducing the number of substandard units.

The Middle Housing Code Amendments support the improvement of existing housing by allowing conversion of existing housing into middle housing. The amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. Based on these findings, the amendments are consistent with this policy.

Central Residential Area

1. The City shall continue to recognize this area as appropriate for medium-density residential development and shall discourage nonresidential uses. This policy applies to all portions of the Central Residential Area, even those properties abutting major arterials such as Chambers Street and West 11th Avenue.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium-density residential development. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term “medium density residential development” as it is used in this policy. Nothing in the amendments allows or encourages nonresidential uses. Based on these findings, the amendments are consistent with this policy.

2. The City shall encourage actions that will preserve existing residential structures, including rehabilitation, block planning, infilling, and shared housing.

The Middle Housing Code Amendments support the preservation of existing residential structures by allowing conversion of existing residential structures into middle housing. The amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. Additionally, because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on lots with existing single-family homes as well as infill lots that may have constraints that could inhibit the development of other housing types. The plan does not define “shared housing;” however, the City Council finds that development of middle

housing is consistent with the idea of shared housing in that middle housing units may be attached, and the Middle Housing Code Amendments will allow for development of multiple units on a lot. Based on these findings, the amendments are consistent with this policy.

Eastern Residential/Mixed Use Area

1. This area shall continue to be recognized as appropriate for medium-density residential development. Although there is currently a mixture of land uses in the area, any further rezonings that would promote the conversion of residential uses to nonresidential uses should be discouraged.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium-density residential development. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term “medium density residential development” as it is used in this policy. The amendments do not rezone any properties in the area. Based on these findings, the amendments are consistent with this policy.

Northern Residential Area

1. The City shall recognize this area as appropriate for medium density residential uses.

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the area as appropriate for medium-density residential uses. Middle housing types are permitted in medium-density residential zones and the City Council finds that the development of middle housing is consistent with the term “medium density residential uses” as it is used in this policy. Based on these findings, the amendments are consistent with this policy.

4. The City shall encourage alley access and parking to occur in rear yard areas with special landscaping and other amenities provided along West 8th Avenue.

The Middle Housing Code Amendments encourage alley access to middle housing developments by allowing greater design flexibility when access and parking are provided off of an alley rather than the street or within a front yard setback. The Middle Housing Code Amendments do not prohibit landscaping and other amenities to be located along West 8th Avenue. The Code Amendments include provisions to limit the impacts of vehicle use on street frontages, such as landscape screening requirements for cottage cluster parking areas visible from the street. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Transportation and Traffic Element

4. Recognize the negative impacts that insufficient parking in and close to the Westside Neighborhood can have on the vitality of commercial activities and the character of residential areas within the Westside Neighborhood.

The City Council finds that compliance with the off-street parking requirements of the Middle Housing Code Amendments constitutes sufficient off-street parking for purposes of this policy. To the extent that the Middle Housing Code Amendments include requirements for off-street parking for middle housing types, those off-street parking requirements are either: consistent with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules; intended to incentivize development of income-qualified middle housing units to encourage affordability; or intended to incentivize development of middle housing close to EmX stations, which will provide residents with transportation options other than single-occupancy vehicles and will therefore likely reduce the need for parking associated with those developments. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

West University Refinement Plan (1982)

Land Use, Housing, and Commerce

3. The City of Eugene will update its Land Use Code and that effort shall particularly take into account the need to:

- reduce non-residential uses permitted in the R-3 and R-4 zones.*
- redefine usable open space.*
- enable infilling on newly created small lots.*
- enable alley access as the primary access to newly created lots.*
- reduce minimum lot size.*
- increase the flexibility of the development standards (for example to enable more efficient use of open space, shared open space, and shared parking, and more extensive use of public rights-of-way).*
- review parking requirements for residential development with the purpose of reducing the required number of spaces per unit in the plan area.*
- amend the commercial zoning in the City Code to provide a greater range of commercial zones.*

The Middle Housing Code Amendments support the following components of this policy; “enable infilling on newly created small lots”; “reduce minimum lot size”; “increase the flexibility of the development standards”; and “review parking requirements for residential development with the purpose of reducing the required number of spaces per unit in the plan area.” The Code Amendments will create more opportunity for middle housing in Eugene’s residential zones,

including enabling the development of middle housing through infill on existing and new lots. Because the amendments allow for flexibility in the design and development of middle housing, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. The Middle Housing Code Amendments reduce the minimum lot size for lots created for middle housing and provide additional incentives for reducing lot sizes further under certain circumstances, for example, if the proposed development includes small or income-qualified units. The Middle Housing Code Amendments offer design flexibility through the development standards applicable to the various middle housing types. Finally, the Middle Housing Code Amendments generally reduce off-street parking requirements for middle housing development and include further parking reductions through incentives for income-qualified units and middle housing located within ¼ mile walking distance of an EmX station. Based on these findings, the amendments are consistent with this policy.

8. Efforts shall be made to save existing residential structures in the plan area. These efforts shall include rehabilitation, house moving, and infilling.

The Middle Housing Code Amendments support infill development on lots with existing residential structures by allowing duplexes, triplexes, and fourplexes to be detached. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing, which mitigates required changes that might encourage removal or demolition. Based on these findings, the amendments are consistent with this policy.

9. The City will encourage residential uses in all parts of the plan area. The intent of this policy is to provide housing opportunities in all zoning districts in the plan area, but not to the exclusion of other uses in non-residential zones.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. The Middle Housing Code Amendments therefore increase the diversity of housing types allowed in the plan area. The Middle Housing Code Amendments are focused on residential zones and do not limit or reduce housing opportunities in non-residential zoning districts within the plan area. Based on these findings, the amendments are consistent with this policy.

11. The City and the neighborhood shall study ways to encourage a variety or mix of structure types providing both owner and rental opportunities and appealing to a diverse population.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby

facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of residential structures and for home ownership by allowing for the development of more housing units in different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Whiteaker Plan (1994)

Land Use Element

3. In areas designated for medium- or high-density residential use, allow single-family housing that can be rehabilitated to help maintain a variety of dwelling unit types and densities.

The Middle Housing Code Amendments do not change where single-family housing is allowed in the City. Additionally, the amendments support the rehabilitation of existing single-family housing (as well as other structures) by allowing detached duplexes, triplexes, and fourplexes and by allowing for the conversion of existing structures into middle housing. The Middle Housing Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. Based on these findings, the amendments are consistent with this policy.

10. Increase efforts to preserve and rehabilitate existing housing resources, and minimize conversion to non-residential uses or demolition.

The Middle Housing Code Amendments support the rehabilitation of existing housing resources by allowing duplexes, triplexes, and fourplexes to be detached and by allowing for the conversion of existing structures into middle housing. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures on lots being converted to middle housing. These allowances and flexibility mitigate required changes or alterations to existing structures to comply with the new standards for existing residential structures that may encourage removal. Based on these findings, the amendments are consistent with this policy.

11. Explore and implement ways to increase owner-occupied housing within those portions of Whiteaker designated for residential use. Increase options/opportunities for purchase or home ownership to interested low-income renters.

The Middle Housing Code Amendments will allow development of middle housing types in more places in the city, including the plan area. Consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each

contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for home ownership by allowing for the development of more housing units at a greater range of price points within the plan area. Finally, the amendments further support affordability by including income-qualified incentives, which provide development incentives (reduced parking requirement, reduced lot size requirements, and density increases) when middle housing units are reserved for people who are below 80 percent of the area median income. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

West Blair Residential Area – Subarea 2

1. Recognize the West Blair Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses.

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Nothing in the amendments requires rezoning or re-designation of low-density residential properties or encourages non-residential uses.

Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership.

Based on these findings, the amendments are consistent with this policy.

East Blair Residential Area – Subarea 3

1. Recognize the East Blair Residential Area as being appropriate for medium-density residential use (up to 20 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses.

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan

Amendment will control. Nothing in the amendments requires rezoning or re-designation of medium-density residential properties or encourages non-residential uses.

Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership.

Based on these findings, the amendments are consistent with this policy.

3. Make efforts to preserve single-family houses and large, older homes that now have multiple units that are in good condition or could be fixed up to maintain a variety of dwelling unit types and densities.

The Middle Housing Code Amendments support the preservation of existing residential structures by allowing duplexes, triplexes, and fourplexes to be detached. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. These allowances and flexibility mitigate required changes or alterations to existing structures that may encourage removal. Further, these allowances and the changes included in the Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Based on these findings, the amendments are consistent with this policy.

Rose Garden Residential Area – Subarea 7

1. Recognize the Rose Garden Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses in areas planned for residential use.

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Nothing in the amendments requires rezoning or re-designation of low-density residential properties or encourages non-residential uses.

Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership.

Based on these findings, the amendments are consistent with this policy.

Northwest Residential Area – Subarea 8

- 1. Recognize the Northwest Residential Area as appropriate for low-density residential use (up to 10 units per acre) with the exception of lots developed with residential densities that exceed those allowed under R-1 zoning.*

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the amendments are consistent with this policy.

West Skinner Butte Residential Area – Subarea 10

- 1. Recognize the West Skinner Butte Residential Area as appropriate for Medium-Density Residential use (up to 20 units per acre), encourage an increase in various types of home ownership, and promote new residential developments that are compatible with the Whiteaker neighborhood.*

The Middle Housing Code Amendments and the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies, are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. The amendments are therefore consistent with the policy by providing the opportunity for diversity of housing types in the plan area. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership. The City Council finds that the standards for middle housing included in the Middle Housing Code Amendments render middle housing visually compatible with existing and future residential neighborhoods in the city through development standards including height limitations, lot coverage, building orientation, and off-street parking requirements.

Based on these findings, the amendments are consistent with this policy.

East Skinner Butte Residential Area – Subarea 11

3. Particularly within the East Skinner Butte Historic District, encourage home ownership, preservation of historic structures and landscape features, and discourage non-residential use.

The Middle Housing Code Amendments support the preservation of sound historic properties by allowing duplexes, triplexes, and fourplexes to be detached. The Code Amendments also include specific exemptions from applicable development standards for existing residential structures that are converted to middle housing. These allowances and flexibility mitigate required changes or alterations to existing structures that may encourage removal. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which will allow for the creation and sale of individual lots with units of middle housing, thereby facilitating home ownership. Finally, nothing in the amendments requires rezoning or re-designation of low-density residential properties or encourages non-residential uses. Based on these findings, the amendments are consistent with this policy.

Willakenzie Area Plan (1992)

A number of policies in this plan require the City to recognize a particular area or set of properties as appropriate for low, medium or high-density uses and residential development. In response to those policies, the City Council finds that nothing in the Middle Housing Code Amendments is inconsistent with recognition of a particular area or set of properties as appropriate for low, medium or high-density uses, including residential development. Middle housing types are permitted in low, medium, and high-density residential zones. Based on these findings, the amendments are consistent with these “recognition” policies.

In addition, the City Council makes the following findings:

Land Use Policies and Proposed Actions

Policy 6. Minimize land use conflicts by promoting compatibility between low-density and high-density residential land uses as well as between residential and nonresidential land uses.

Middle housing types are allowed in low-density and high-density residential zones. The existence of the same housing types in various residential zones promotes visual compatibility between the differently zoned areas. To the extent that the Middle Housing Code Amendments include special development standards for middle housing types, those standards are either consistent with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules, or are intended to ensure that new middle housing development enhances the variety of housing options available to Eugene’s residents and to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape. The Middle Housing Code Amendments do not alter the standards applicable to multi-unit developments, a common use type in the high-density areas. The multi-unit standards require specific design elements intended to ensure that the multi-unit development enhances the

character and livability of the neighborhood, such as, landscaping screening, parking design, open space, and building orientation. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Residential Policies and Proposed Actions

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

Nothing in the Middle Housing Code Amendments is inconsistent with recognition of the low-density residential character of the area. The amendments do not rezone or re-designate any residentially zoned properties in the area. Middle housing types are classified as allowed low-density residential uses in the land use code. The City Council finds that development of middle housing is consistent with the low-density residential character of the Willakenzie neighborhoods. The City Council does not interpret this policy to require preservation of the existing mix of housing stock in the area, and therefore to prohibit the development of new middle housing within existing Willakenzie neighborhoods. The City Council finds that such a prohibition is contrary to the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules.

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of residential structures and for home ownership by allowing for the development of more housing units in different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

2. Require new medium density residential development in the Willakenzie area to achieve a minimum density level of 10 dwelling units per acre and new high-density residential development to achieve a minimum density level of 15 dwelling units per acre. If a future citywide code amendment establishes different minimum density levels than are established in this plan, the levels established in the code will take precedence, except in the Chase Gardens High-Density Residential area. Development in this area shall achieve a minimum density level of no less than 15 dwelling units per acre.

Nothing in the Middle Housing Code Amendments or Metro Plan amendments changes the minimum density applicable to residential developments. The concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan

(Metro Plan Amendment) will exempt middle housing types from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The change to Policy A.9 and the Code Amendment specifically exempt middle housing from the maximum density, while maintaining the applicability of the minimum density. The applicability of the minimum density requirements is necessary to ensure that residential development, including middle housing, contributes to the provision of an adequate supply and range of housing types that will meet the city's future population growth. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

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

The Middle Housing Code Amendments will allow development of the following variety of housing types: duplexes, triplexes, fourplexes, townhouses and cottage clusters. Additionally, consistent with SB 458 (2021), the amendments also provide for middle housing land divisions, which allow for the creation of small lots that each contain a single unit of middle housing. Middle housing land divisions will allow for the sale of individual units of middle housing, thereby facilitating home ownership. In addition, given the small size of both the housing and the lot, a single unit of middle housing on a middle housing lot is likely to sell at a lower price point than a traditional single-family home. The City Council finds that the Middle Housing Code amendments will increase the opportunity for a variety of residential structures and for home ownership by allowing for the development of more housing units in different configurations and at a greater range of price points within the plan area. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

8. Promote compatibility between low-density residential land uses and medium- to high-density residential land uses.

Middle housing types are allowed in low, medium, and high-density residential zones. The existence of the same housing types in various residential zones promotes visual compatibility between the differently zoned areas. To the extent that the Middle Housing Code Amendments include special development standards for middle housing types, those standards are either consistent with the requirements of ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules, or are intended to ensure that new middle housing development enhances the variety of housing options available to Eugene's residents and are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape. Based on these findings, the Middle Housing Code Amendments are consistent with this plan policy.

Willagillespie Subarea Policies and Proposed Actions

2. The City shall encourage infilling of large, vacant residential parcels and residential parcels which have not yet been developed to their fullest capacity in order to accomplish a compact urban growth form.

The Middle Housing Code amendments allow for flexibility in the design and development of middle housing, including the ability to develop detached middle housing units; therefore, it is likely that middle housing will be developed on infill lots that may have constraints that could inhibit the development of other housing types. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

Unincorporated Subarea Policies and Proposed Actions

8. The City shall recognize the area in the east side of Coburg Road at the intersection of Kinney Loop (Tax Lot 3600 – Assessor’s Map 17-03-16-2 3) as depicted on the Willakenzie Land Use Diagram (and as refined by Inset Map C) as being appropriate for medium-density residential development. The area shall be limited to no more than ten units per acre.

This subarea is located outside the Eugene city limits so the Middle Housing Code Amendments do not apply to properties within this unincorporated subarea. Additionally, nothing in the Middle Housing Code Amendments is inconsistent with recognition of a particular area or set of properties as appropriate for medium-density uses residential development. Middle housing types are permitted in medium-density residential zones within the city. Finally, when the properties in this subarea annex into the City, the concurrently adopted amendment to policy A.9 of the Metropolitan Residential Housing and Land Use Element of the Metro Plan (Metro Plan Amendment) will exempt middle housing types located on those annexed properties from maximum residential density requirements as necessary to comply with ORS 197.758 and Chapter 660, division 46 of the Oregon Administrative Rules. The City Council finds that to the extent this policy, and other incorporated refinement plan policies are inconsistent with the Metro Plan Amendment, the Metro Plan Amendment will control. Based on these findings, the Middle Housing Code Amendments are consistent with this policy.

Metro Plan Amendment Findings

Eugene Code Section 9.7735 sets out the following approval criteria (in ***bold italics***) for a Metro Plan amendment:

EC 9.7735(1) The proposed amendment is consistent with the relevant Statewide Planning Goals; and

Based on the findings under each of the statewide planning goals 1 through 19 below, the Metro Plan Amendment is consistent with the goals and this criterion is satisfied.

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

The City's acknowledged procedures for amendments to the Metro Plan, located in sections 9.7700 through 9.7735 of the Eugene Code, ensure the opportunity for community members to be involved in all phases of the Metro Plan amendment process and set out the requirements for such involvement. The Metro Plan Amendment does not amend or change the City's citizen involvement program. The process for adopting this amendment complies with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

In addition to meeting the minimum requirements for compliance with Goal 1, the City engaged in public involvement activities regarding the Middle Housing Code Amendments project as discussed in detail the Goal 1 findings for the Middle Housing Code Amendments above, incorporated herein by reference. The draft Metro Plan Amendment was presented to the Planning Commission at their August 10, 2021 work session.

As part of the formal adoption process, a public hearing on the proposed Middle Housing Code Amendments and the Metro Plan Amendment was held by the Planning Commission on November 16, 2021. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, as well as community groups and individuals who requested notice. Notices were provided at the following times:

September 21, 2021:	The City's proposed Metro Plan Amendment and notice of Planning Commission public hearing was filed with the Oregon Department of Land Conservation and Development.
September 24, 2021:	Notice of the Planning Commission's public hearing on the proposed amendment was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City's interested parties list.
October 12, 2021:	Notice of a new Planning Commission public hearing date (November 16, 2021) for the proposal was filed with the Oregon Department of Land Conservation and Development. The public hearing date was rescheduled for a later date due to a notice publication issue. Notice of the

	public hearing was not published by the local paper in compliance with Eugene Code procedural requirements.
October 15, 2021:	Notice of the new public hearing date was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City's interested parties list
October 26, 2021:	Notice of the Planning Commission public hearing was published in the Register Guard Newspaper.

The Eugene City Council held a public hearing on the Metro Plan Amendment on April 18, 2022. Consistent with land use code requirements, notice of the City Council public hearing was mailed to persons that provided oral or written testimony in a timely manner during Planning Commission hearing procedures, as well persons that requested notice of the Planning Commission's decision. Notice of the City Council public hearing was published in the Register-Guard newspaper on March 31, 2022. Notice of the City Council public hearing, as well as the text of the Middle Housing Code Amendments and Metro Plan Amendment, was posted on the City's website on April 1, 2022. The City Council continued to accept written public comment until its decision on the Middle Housing Code Amendments and Metro Plan Amendment.

These processes afforded ample opportunity for citizen involvement consistent with Goal 1. Therefore, the Metro Plan Amendment is consistent with Statewide Planning Goal 1.

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

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

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

Goal 3 - Agricultural Lands. To preserve and maintain agricultural lands.

The Metro Plan Amendment will only affect properties located within the City of Eugene and does not affect any lands designated by the comprehensive plan for agricultural use. The amendment provides that middle housing on residentially designated lands within the city is not subject to density maximums; therefore, the amendment has the potential to increase density within the city and reduce the need to expand the City's urban growth boundary in a way that impacts agricultural land. For all these reasons, the amendment is consistent with Statewide

Planning Goal 3.

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

The Metro Plan Amendment will only affect properties located within the City of Eugene and therefore does not affect any lands designated by the comprehensive plan for forest use. The Metro Plan Amendment provides that middle housing on residentially designated lands within the city is not subject to density maximums; therefore, the amendment has the potential to increase density within the city and reduce the need to expand the City's urban growth boundary in a way that impacts forest lands. For all these reasons, the amendment is consistent with Statewide Planning Goal 4.

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

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:*

- (d) *The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (e) *The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (f) *The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The Metro Plan Amendment does not create or amend the City's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged urban growth boundary. Therefore, the amendment is consistent with Statewide Planning Goal.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The Metro Plan Amendment does not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendment is consistent with Statewide Planning Goal 6.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis, and wildfires. To the extent that the Metro Plan Amendment allows for increased residential density on residentially designated properties, including those residentially

designated properties that may be located in proximity to potential natural hazards, the allowance for increased density is required by ORS 197.758. Middle housing developed as allowed by the Metro Plan Amendment will be subject to the City's existing policies and regulations that protect people and property from natural hazards. The Metro Plan Amendment does not amend or repeal any policies or regulations that protect people and property from natural hazards. The Metro Plan Amendment will not reduce or repeal adopted natural hazard protections. Therefore, the amendment is consistent with Statewide Planning Goal 7.

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

Goal 8 ensures that recreational facilities are provided to Oregon citizens and is primarily concerned with the provision of recreational facilities in non-urban areas of the state. The Metro Plan Amendment does not affect the City's provisions for or citizen's access to recreation areas, facilities, or recreational opportunities. Therefore, the proposed amendment is consistent with Statewide Planning Goal 8.

Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Metro Plan Amendment does not impact the supply of industrial or commercial lands. Therefore, the amendment is consistent with Statewide Planning Goal 9.

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

Goal 10 requires the City to provide an adequate supply of buildable land to accommodate the City's estimated housing needs for a 20-year planning period. The Envision Eugene Residential Land Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan and complies with the requirements of Goal 10 and Chapter 660, division 008 of the Oregon Administrative Rules.

The Envision Eugene Residential Land Supply Study includes an inventory of buildable lands for residential use. According to the Residential Land Supply Study, there is sufficient buildable residential land to meet the identified land need. The Metro Plan Amendment does not impact the City's supply of residential buildable land. No land is being re-designated from a residential use to a non-residential use, and the amendment does not otherwise diminish the amount of land available for residential use.

Goal 10 also requires the City to conduct a Housing Needs Analysis (HNA) in order to assess whether the City's estimated housing needs for a 20-year planning period can be satisfied. The Envision Eugene Residential Land Supply Study (2017) includes a HNA that forecasts that Eugene's population will increase by 33,778 people between 2012 and 2032. Based on the HNA analysis, Eugene will need 15,105 dwellings to accommodate this growth.

The Metro Plan Amendment increases the capacity of existing residential land by removing density maximums for middle housing on residentially designated lands, thereby allowing for development of more middle housing dwelling units on residential land throughout the city. Based on these findings, the amendment is consistent with Statewide Planning Goal 10.

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

The Metro Plan Amendment does not make changes to the City's provision of public facilities and services or the currently adopted Eugene/Springfield Public Facilities and Services Plan (PFSP). Consistent with the PFSP, the City will continue to plan and develop public facilities to support the land uses designated in the City's acknowledged comprehensive plan, including public facility projects that support the development of middle housing. Therefore, the amendment is consistent with Statewide Planning Goal 11.

The City of Eugene updated the PFSP during the adoption of the Eugene Urban Growth Boundary in 2017 to ensure that all residential lands could be served. More recently, the City of Eugene and City of Springfield received a grant from the Department of Land Conservation and Development on October 6, 2021 to update the PFSP, including updates specifically focused on supporting housing development. Consistent with OAR 660-046-0010(30)(e), following adoption of the Middle Housing Code Amendments and Metro Plan Amendment, the City will work to ensure that infrastructure serving areas where middle housing is allowed, including any undeveloped or underdeveloped areas as defined in OAR 660-046-0320(8), is appropriately designed and sized to serve the land uses allowed by the City's comprehensive plan and land use regulations, including middle housing uses.

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

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

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

transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Chapter 639, Section 3(5) of Oregon Laws 2019 provides that “[w]hen a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendment significantly affects an existing or planned transportation facility.”

The Metro Plan Amendment is a legislative change to the City’s comprehensive plan that adjusts the residential density ranges in order to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings. Pursuant to Chapter 639, Section 3(5) of Oregon Laws 2019, the City is not required to consider whether the amendment significantly affects an existing or planned transportation facility. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

Goal 13 provides guidance on the management of land and land uses to maximize the conservation of energy. Goal 13 provides implementation direction focused on lot sizes, building heights, density of housing, compatibility, and availability of light, wind, and air. Goal 13 encourages, among other things, an increase in density along high-capacity transportation corridors. To the extent this goal is relevant to the Metro Plan Amendment, the amendment allows for increased density of middle housing, including middle housing located along transportation corridors. That additional middle housing density is consistent with Goal 13’s encouragement of density along high-capacity transportation corridors. For all these reasons, the Metro Plan Amendment is consistent with Statewide Planning Goal 13.

Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The Metro Plan Amendment does not affect the City’s provisions regarding the transition of land from rural to urban uses. Therefore, the amendment is consistent with Statewide Planning Goal 14.

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

The Metro Plan Amendment does not contain any changes to the City's Willamette River Greenway regulations or to the Greenway policies in the Metro Plan; therefore, Statewide Planning Goal 15 does not apply.

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

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

EC 9.7735(2) The proposed amendment does not make the Metro Plan internally inconsistent.

The Metro Plan Amendment exempts middle housing from the maximum densities in the density ranges in policy A.9 and allows the City to establish maximum density requirements that apply to middle housing within the City as long as the middle housing density requirements comply with state law. The text amendment also clarifies that whenever an adopted refinement plan policy conflicts with the amended policy A.9, the policy A.9 controls.

The amendment to Policy A.9 adds the following provision:

The maximum residential densities established in this policy A.9, do not apply to the following housing types located within the City of Eugene: duplexes, triplexes, quadplexes, cottage clusters, and townhouses. A maximum residential density established by a refinement plan policy (whether through a limit on the number of dwelling units per acre, a minimum lot size requirement, a limit on total number of dwelling units in an area, or by any other similar regulation that has the effect of limiting density), may not be applied to the development of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. The City of Eugene may incorporate maximum residential density requirements applicable to duplexes, triplexes, quadplexes, cottage clusters, and townhouses into the Eugene Code (including limits on the number of dwelling units per acre and minimum lot size requirements), as long as those requirements comply with Oregon state law. If an adopted refinement plan policy is inconsistent with this policy, this policy will prevail.

The change to this policy is necessary to ensure compliance with state law and to facilitate the proposed concurrent land use code amendment.

ORS 197.758(2) requires cities to allow a duplex on any lot in which a single-detached dwelling is permitted. It also requires that cities allow all middle housing types in areas zoned for residential use that allow for the development of detached single-detached dwellings. This requirement necessitates that policy A.9 be amended to ensure compliance with the state law. As an example, Eugene's code currently permits a single-detached dwelling on lot that is 4,500 square feet in the R-1 zone (which implements the low-density residential designation). Under the new

state law, the same lot must also be permitted a duplex, which would result in a density of over 19 dwelling units per gross acre. Similarly, state law (OAR 660-046-0220(2)) requires that a triplex be permitted on a lot that is 5,000 square feet and a fourplex on a lot that is 7,000 square feet, both of which exceed the maximum densities in the Metro Plan's current density ranges.

The Metro Plan Amendment exempts middle housing from the maximum densities established in the Metro Plan for low, medium, and high density residential designations. This amendment makes policy A.9 consistent with state law requirements and provides flexibility to amend the land use code as provided in the concurrently adopted Middle Housing Code Amendments. As demonstrated by the findings regarding consistency of the Middle Housing Code Amendments with the Metro Plan, with the amendment of policy A.9 to remove maximum density limits for middle housing types, both the Middle Housing Code Amendments and the Metro Plan Amendment are consistent with applicable Metro Plan policies.

Given this analysis and as amended, the Metro Plan is not made internally inconsistent by this amendment.

EC 9.7735(3) When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.

The Envision Eugene Comprehensive Plan does not contain any policies relevant to the Metro Plan Amendment.

OAR 660-046-0030

The following findings demonstrate compliance with the requirements of OAR 660-046-0030(2) *(in bold italics)*.

OAR 660-046-0030(2): In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges;

Eugene Code section 7.725 provides for an exemption from City-imposed system development charges (SDCs) for rental housing provided to persons with an income at or below 60 percent of the area median income and for housing for home ownership for persons with an income at or below 80 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

In addition, the City's Transportation SDC methodology, adopted by Resolution No. 5254, provides for the following transportation SDC reductions:

- A 30% reduction for new residential-only buildings, additions to existing residential-only buildings, or changes of use of existing buildings to residential-only uses, which are located in the Downtown Plan boundary and which are designed with a minimum of 20 residential dwelling units per net acre;

- A 15% reduction for townhouses with frontage on “key corridors” as identified in Envision Eugene and which provide pedestrian corridors from the development to the key corridor right-of-way;
- A 10% reduction for townhouse located in Nodal Development areas;
- A 10% reduction for a townhouse development located wholly or partially within a quarter mile of the centerline of a Frequent Transit Network identified in the Transportation SDC Project Plan, unless a physical condition (e.g. a water body or intervening development) precludes direct pedestrian access between the development and the Frequent Transit Network;
- A 5% reduction for a townhouse development located wholly or partially within a half mile of the centerline of a Frequent Transit Network identified in the Transportation SDC Project Plan, unless a physical condition (e.g. a water body or intervening development) precludes direct pedestrian access between the development and the Frequent Transit Network; and
- An additional 10% reduction for a development that qualifies for any of the transportation SDC reductions listed above and has a signed Transportation Demand Management Agreement with the City pursuant to EC 9.8030(10) and reduces the number of parking spaces otherwise required by the Eugene Code.

The City’s consideration and adoption of SDC reductions and/or exemptions applicable to certain types of middle housing demonstrate compliance with this requirement.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and

Pursuant to ORS 307.515 to ORS 307.523, the City has adopted a Low-Income Rental Housing Property Tax Exemption program, codified in sections 2.937 through 2.940 of the Eugene Code. In addition, pursuant to ORS 307.540 to ORS 307.548, the City has adopted a Nonprofit Corporation Low Income Housing tax exemption, codified in sections 2.910 to 2.922 of the Eugene Code.

The City’s consideration and adoption of property tax exemptions applicable to certain types of middle housing demonstrates compliance with this requirement.

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195.

Pursuant to ORS 320.192 and ORS 320.195, the City has adopted a Construction Excise Tax, codified at EC 3.730 through 3.748.

The City’s consideration and adoption of a construction excise tax demonstrates compliance with this requirement.

Additionally, the City has created the Housing Implementation Pipeline (HIP) a 5-year internal work plan to coordinate current and future resources, goals, and priorities with a systems-thinking approach to housing across the full spectrum, from people experiencing homelessness to overall housing supply. The HIP is intended to lower the cost of housing, and more specifically, to prioritize, fund, and implement actions that will have an impact on the cost of housing. The HIP sets out the City’s internal cross-departmental workplan related to housing

over the next five years. It creates a policy framework connecting funding sources and actions, while clearly showing how actions meet goals identified across the housing continuum. The HIP incorporates the City's existing tools and goals; and identifies opportunities to create new goals and explore implementation of new tools, including tools that will enable the City to work towards achieving housing affordability.

As the findings above demonstrate, the City has complied with the requirements of OAR 660-046-0030(2).

EXHIBIT B. Excerpts of Middle Housing Code Amendments

9.0500 Definitions.

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

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

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

Table 9.2740 Residential Zone Land Uses and Permit Requirements

Residential

Dwellings. (All dwellings ~~shall meet minimum and maximum density requirements in accordance with Table 9.2750~~ are subject to the Residential Zone Development Standards at EC 9.2750 unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)

9.2741 Special Use Limitations for Table 9.2740.

* * *

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

(4) *Middle Housing Special Use Limitations.*

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

1. A duplex shall be permitted on:

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

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

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

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

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

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

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

* * *

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

Maximum Lot Coverage (17), (18)

All Lots, except where specifically addressed below * * *	50% of Lot
Lots with Duplexes, Triplexes, or Fourplexes	75% of Lot

Table 9.2760 Residential Zone Lot Standards

Lot Area Minimum (1)

Lots, except ~~Rowhouse~~ Townhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Cottage Cluster Lots, ~~Duplex Division Lots~~ and Middle Housing Lots
4,500 square feet

Duplex Lots (3) ~~(In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)~~ 8,000 2,250 square feet

Triplex Lots (3) ~~(In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)~~
12,000 3,500 square feet

Fourplex Lots (3) ~~(In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)~~
16,000 4,500 square feet

(3) Minimum Lot Area for Middle Housing

(a) A duplex may be developed on:

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

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

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

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

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

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

EXHIBIT C1. Metro Plan Diagram – Plan Designations (West side of river)

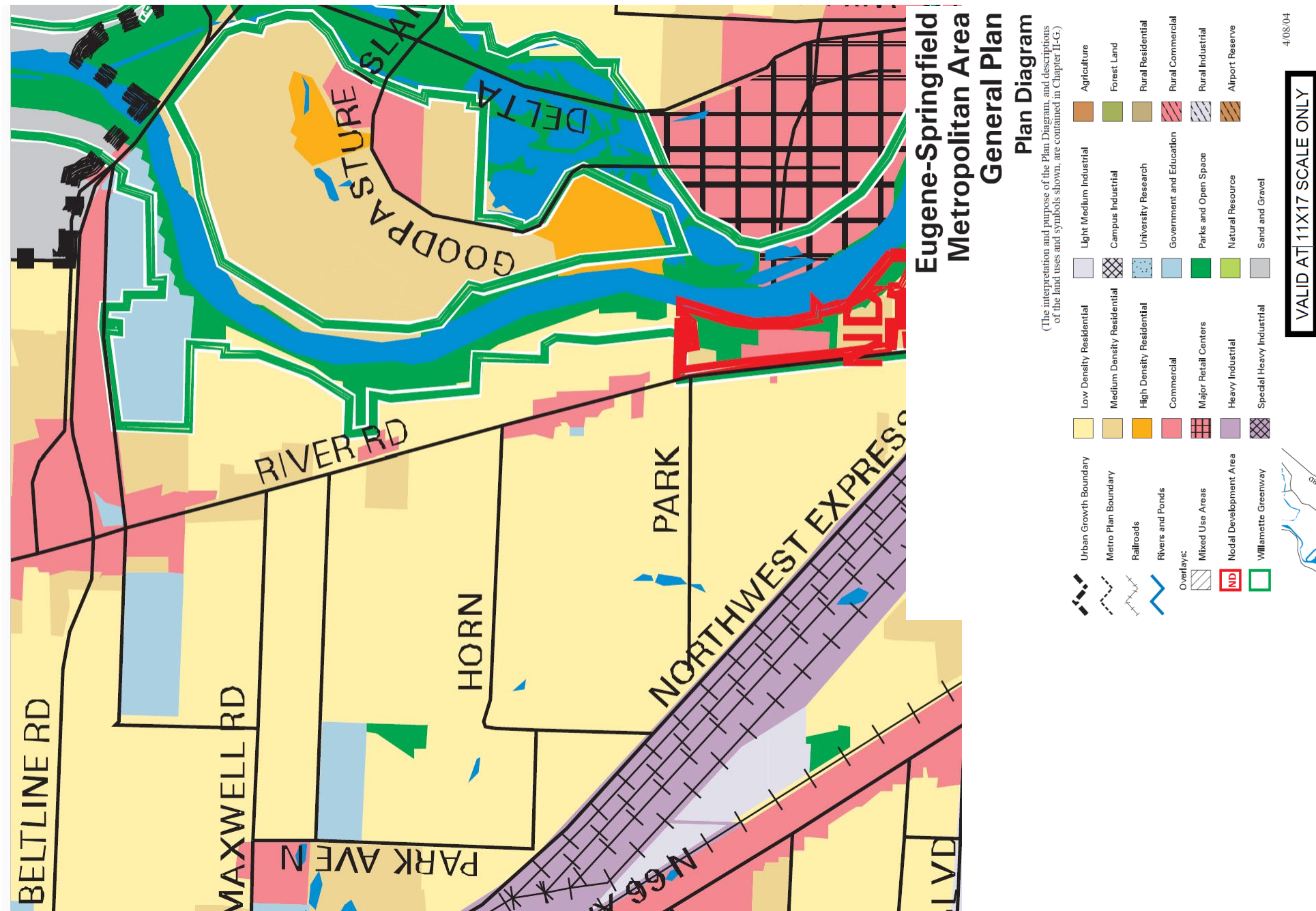


EXHIBIT C2. Willamette River Greenway (West side of river)



Willamette Greenway



Curator Account
ArcGIS Online Content

Summary

Digital representation of the Willamette River Greenway boundary, as delineated on aerial maps adopted on November 22, 1976.

[View Full Details](#)

[Download](#)

Details



Dataset
Feature Layer



As Needed
Info Updated: September 16, 2021



As Needed
Data Updated: March 20, 2021



July 9, 2018 at 12:00 AM
Published Date



1 Records
[View data table](#)

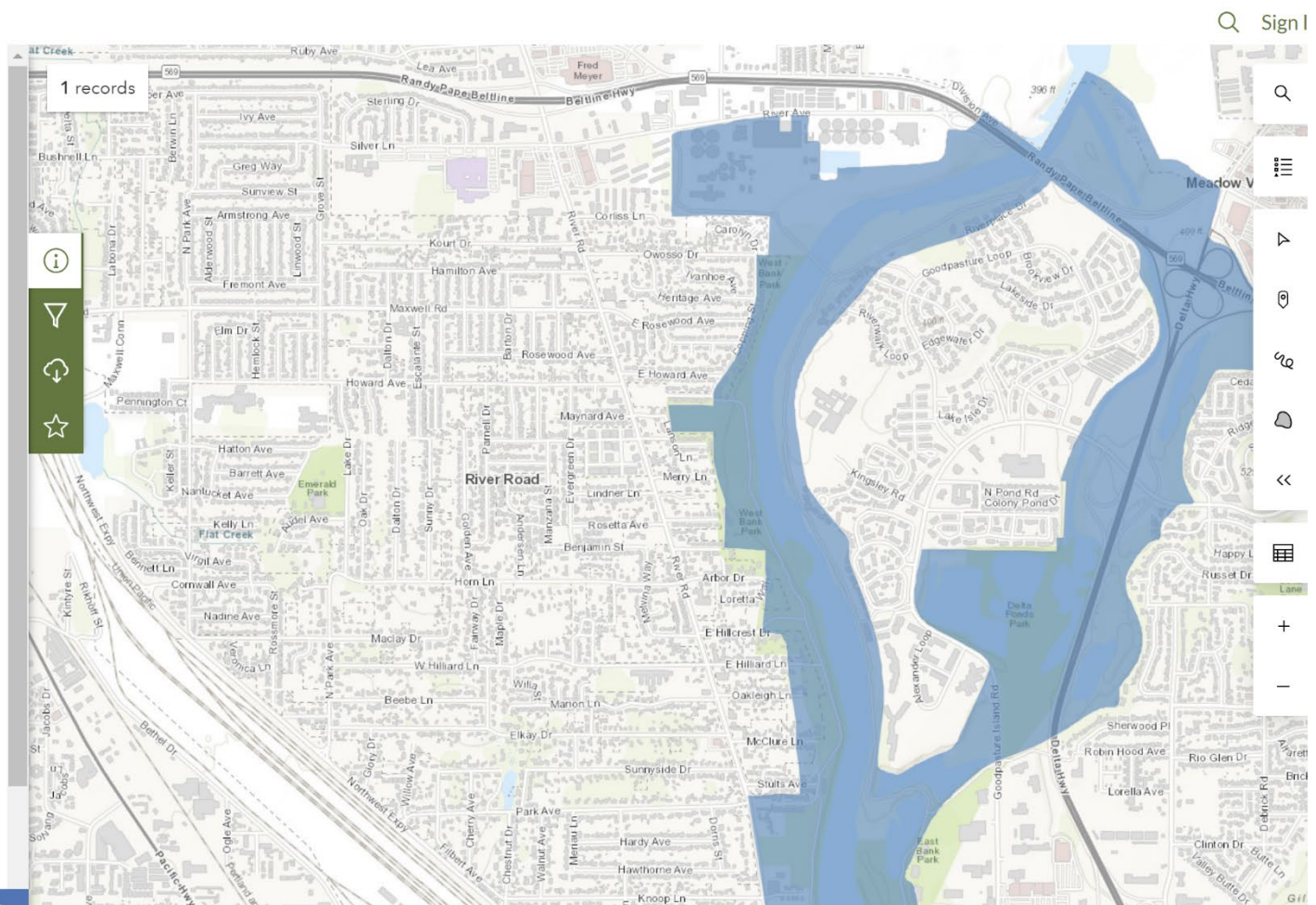


EXHIBIT C3. Willamette River Greenway (West side of river) – ZOOM

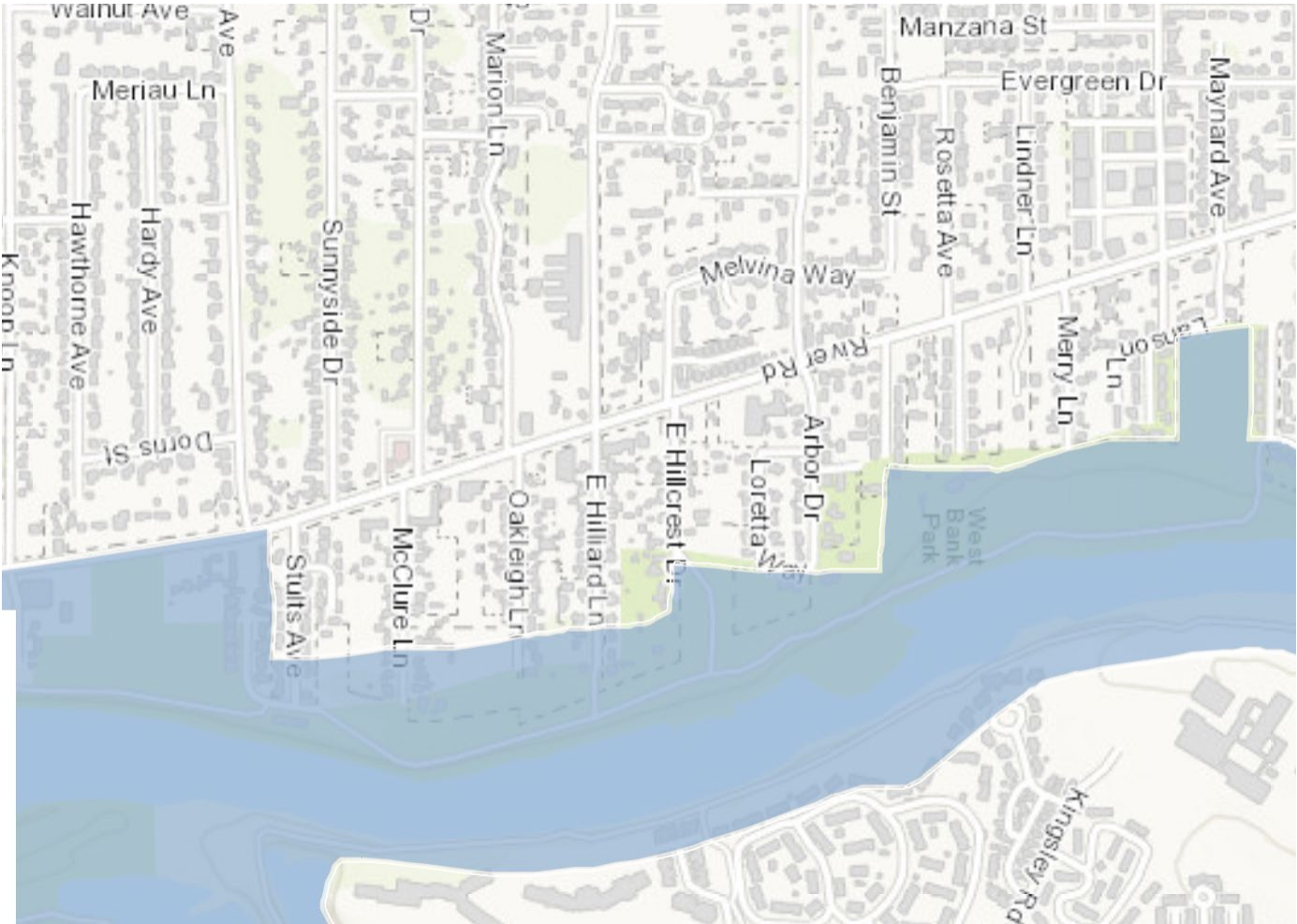


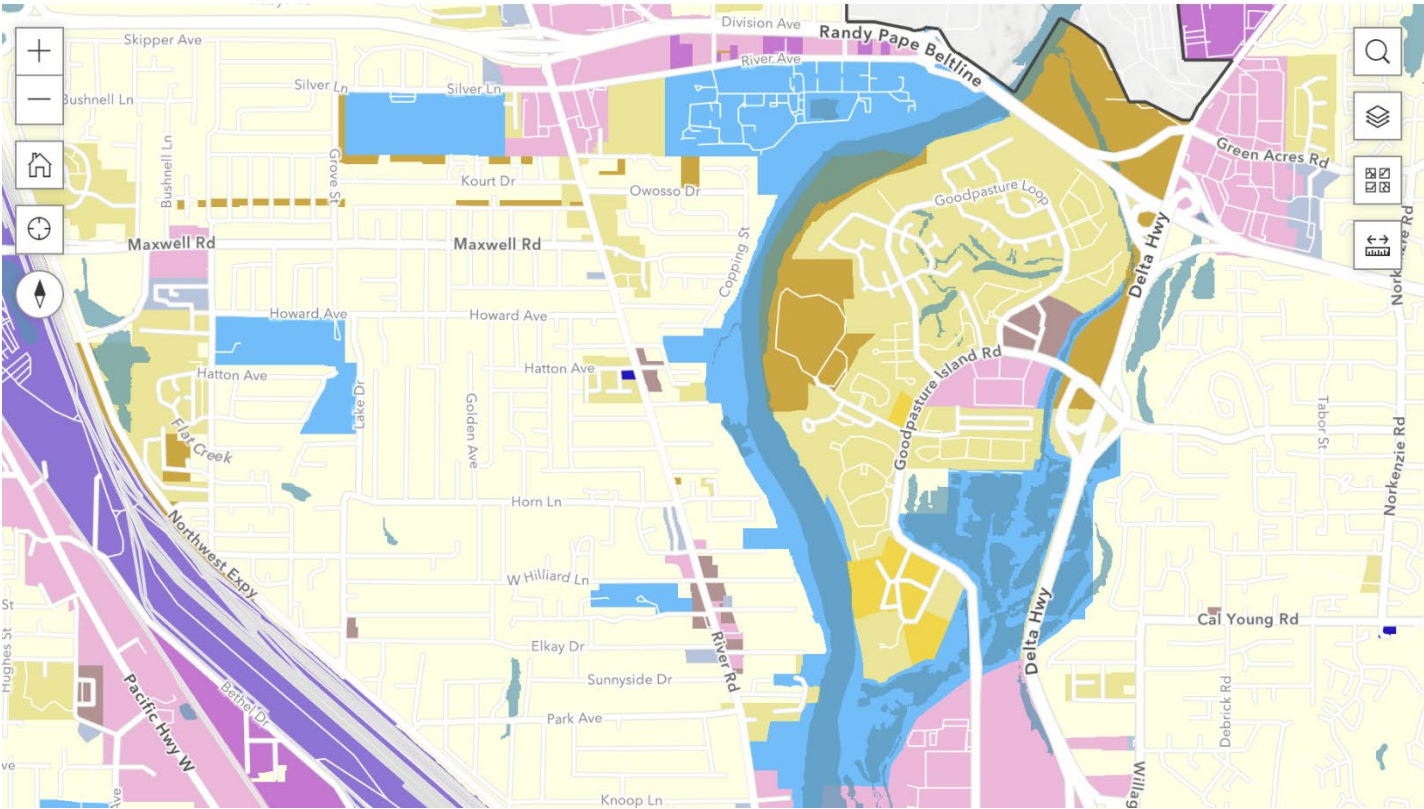
EXHIBIT C4. Base Zones (West side of river)

Eugene Zoning Map



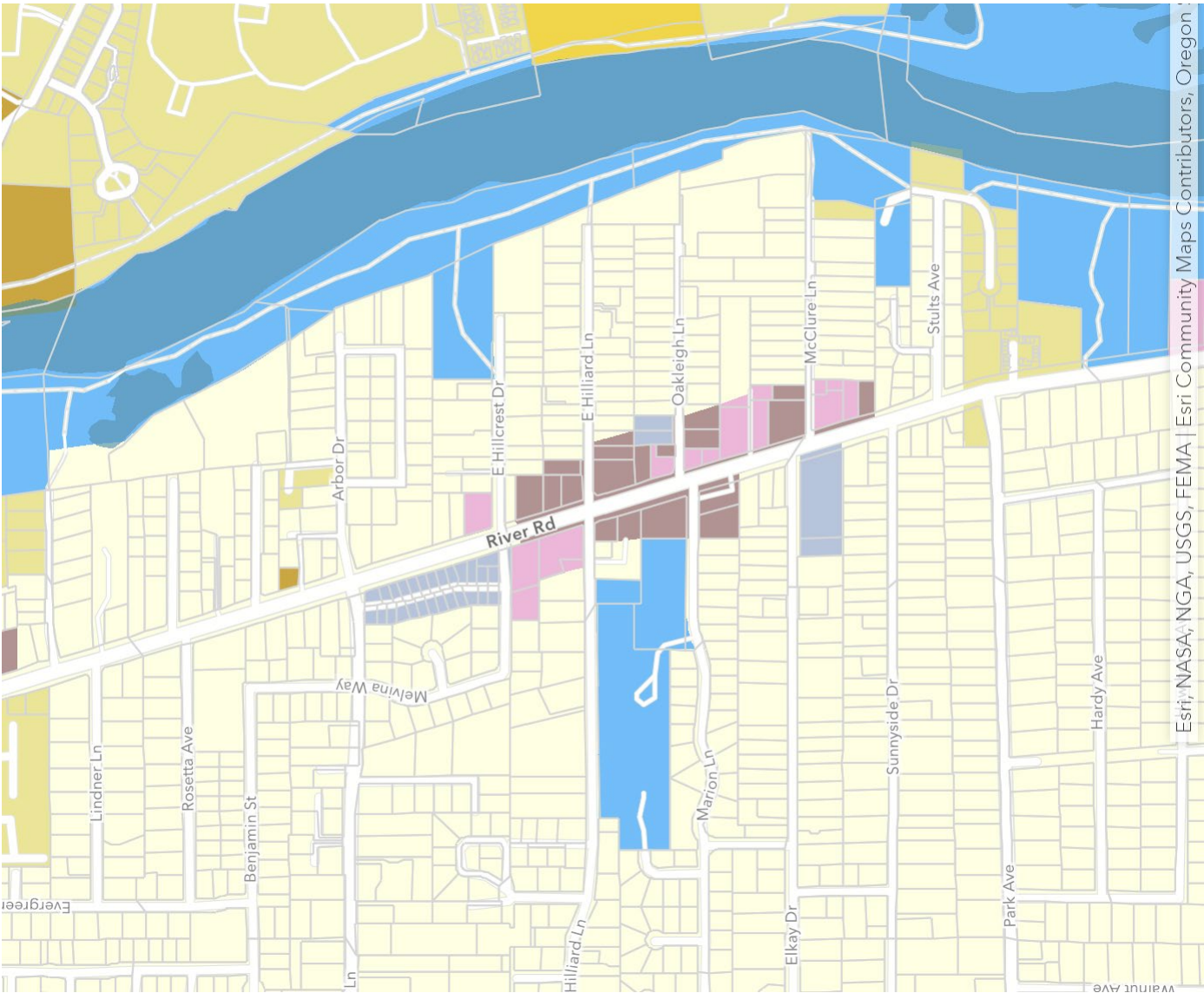
Base zones Overlay zones Special area zones Special area zone subareas Help

Land located within the Eugene Urban Growth Boundary is zoned to provide areas suitable for certain types of development. Each **base zone** provides a set of regulations governing the uses, building setbacks, height, and other development standards.



- Base Zones**
- Base Zone Code and Description
- AG | Agricultural
 - C-1 | Neighborhood Commercial
 - C-2 | Community Commercial
 - C-3 | Major Commercial
 - GO | General Office
 - PL | Public Land
 - E-1 | Campus Employment
 - E-2 | Mixed Use Employment
 - I-2 | Light-Medium Industrial
 - I-3 | Heavy Industrial
 - R-1 | Low-Density Residential
 - R-2 | Medium-Density Residential
 - R-3 | Limited High-Density Residential
 - R-4 | High-Density Residential
 - NR | Natural Resource

EXHIBIT C5. Willamette River Greenway (West side of river) – ZOOM



Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, Oregon

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on November 7, 2022, I filed the original and one copy of the **JOINT PETITION** with the Land Use Board of Appeals, at the following address, by causing the same to be deposited in the U.S. Mail at Eugene, Oregon enclosed in a sealed envelope with First Class, Certified postage prepaid: Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283.

I also certify that I served the foregoing **JOINT PETITION** on November 7, 2022, by mailing to the following parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid and addressed as follows:

Bill Kloos
Law Office of Bill Kloos PC
375W 4th Ave., Suite 204
Eugene, OR 97401

Al Johnson
2162 Lathen Way
Eugene, OR 97408

Charles W. Woodward IV
44 W. 35th Ave.
Eugene, OR 97405

Andrew Mulkey
1000 Friends of Oregon
133 SW 2nd Ave., Suite 201
Portland, OR 97204

Eliza Kashinsky
190 W. 15th Ave.
Eugene, OR 97401

Lauren A. Sommers
Eugene City Attorney's Office
101 W. 10th Ave. Suite 203
Eugene, OR 97401



Paul T. Conte
Intervenor-Petitioner